

# Ordinary Meeting of Council

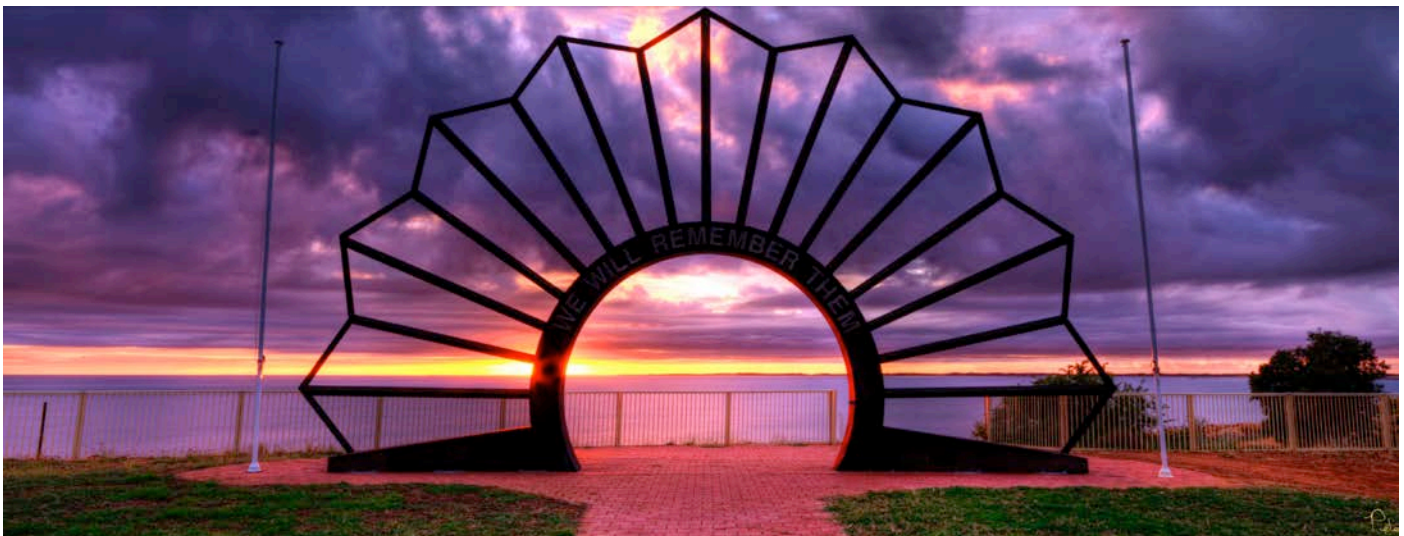
Onslow



## Minutes

18 May 2021

Onslow Multi-Purpose Centre  
Cnr McGrath Rd & Hooley Ave  
Onslow  
1.00pm



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

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# Our Vision

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



## STRATEGIC DIRECTIONS

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



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





**SHIRE OF ASHBURTON  
MINUTES**

**Multi-Purpose Centre,  
Cr Hooley and McGrath Ave, Onslow**

**18 May 2021**

**1:00pm**

**CONFIRMED MINUTES - ORDINARY MEETING OF COUNCIL 18  
MAY 2021**

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



**Mr Kenn Donohoe**  
**Chief Executive Officer**

Date: 18.05.2021

These minutes were confirmed by Council as a true and correct record of proceedings of the Ordinary Meeting of Council on the 18 May 2021.

Presiding Member:



Date:

15/06/2021

**DISCLAIMER**

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

**AGENDA - ORDINARY MEETING OF COUNCIL  
18 MAY 2021**

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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 all their elders past, present and emerging.

**2. ANNOUNCEMENT OF VISITORS**

The Presiding Member welcomed members of the public to the gallery.

**3. ATTENDANCE**

**3.1 PRESENT**

<b>Elected Members:</b>	Cr K White Cr D Diver Cr M Lynch Cr L Rumble Cr J Richardson Cr R De Pledge	Shire President (Presiding Member) Onslow Ward Deputy Shire President, Tom Price Ward Tom Price Ward Paraburdoo Ward Tablelands Ward Ashburton Ward
<b>Staff:</b>	Mr K Donohoe Ms C McGurk Mr A Majid Mr M Khosravi Mr N Cain Mrs D Hurstfield Mrs D Walkington Mr M Connop Ms T Dayman Ms N Jeffery	Chief Executive Officer Director Projects and Procurement Director People and Place Director Infrastructure Services Director Corporate Services Manager Governance Acting Governance Officer ICT Administrator Manager Finance and Administration Executive Assistant – Corporate Services
<b>Guests:</b>	Nil	
<b>Members of Public:</b>	There were 19 members of the public in attendance at the commencement of the meeting.	
<b>Members of Media:</b>	Nil	

**3.2 APOLOGIES**

Nil

**3.3 APPROVED LEAVE OF ABSENCE**

Cr M Gallanagh                      Pannawonica Ward  
Cr D Dias                                Paraburdoo War

**4. QUESTION TIME**

**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**4.2 PUBLIC QUESTION TIME**

Public question time commenced at 1:02pm.

**Ashley Berardini**

Following up the playground petition that was submitted on the Council meeting on the 20 April 2021. Has there been any action/plan going forward? What is the playground maintenance and replacement policies here in Tom Price? Has any decision been made surrounding fencing off nature's park? I look forward to hearing from you.

Response

The Shire President advised this is addressed in Item 13.1 – Report on Petition for Playground Upgrades.

**Dawn McAullay**

When is the work to revitalise the Streetscape of Second Avenue to commence, primarily:

- a) The Wool Ramp – a structure of historical significance that over the years has held thousands of bales of wool on it is now in a very dilapidated state.
- b) The Median Strips – an important part of having a comfortable pedestrian environment down the centre of Second Avenue.
- c) In the past we had colourful shrubs, and Sturt's Desert Pea to brighten the streets. When the Hall burnt down in Jan 2013, the retic to that part of town was turned off. It was three months before the supply resumed and the shrubs were desiccated.
- d) The Centenary Tree – planted in 1983 in the medium strip opposite lot 43, has a small white fence around it and a plaque tells the story of its planting. The tree is stunted through neglect. (I was told a 60c drip feeder could have saved it a lot of its stress).
- e) The junction of 2nd Avenue and 3rd Street – where the train railway line used to run has bitumen in need of repairs.

Response

The Chief Executive Officer as Mr McAullay was not present answer to be provided in writing.

**Hayley Brett**

- a) In reference to media statements about the Water Tank Project artwork being 'too indigenous', can Council please provide an accurate reflection of what was included in the artwork specifically people, buildings, artefacts, animals and in addition a ratio of each segment along with a ratio of each segment along with a ration of indigenous versus nonindigenous representation.
- b) Visit Ashburton, The Water Feature, Paparazzi Dogs, Water Park, Mozzies are just a few examples of the lack of community consultation within the Shire of Ashburton. Council, does the Shire of Ashburton have a current Community Consultation Plan or Policy, if not why and can you commit to implementing one for ongoing and upcoming projects to ensure transparency and represent the interests of the electors, rate payers, and residents of the district?

Response

The Chief Executive Officer responded as follows:

- a) Item was to be submitted today but a report is likely to be presented at the next Ordinary Meeting of Council. The matter was confidential due to contractual obligations.
- b) Council Policy ADM08 Community Engagement Policy is available on the Shire of Ashburton web site.

**Adam Conwell**

- a) Is there currently an established timeline for the completion of the water tank art project and what is it?
- b) Is the Shire looking for a replacement artist to complete the water tank art project, via a tender/application process?

Response

The Chief Executive Officer responded as follows:

- a) An item was to be presented today. Due to contractual constraints is likely to be presented at the next Ordinary Meeting of Council for direction.
- b) The proposal, which was to be presented today, is to consider a replacement artist to be procured as part of community consultation and after consideration of the petition presented today.

**Anneliese Pescod**

- a) Can the Shire please provide the scope of works that was given to Guido Van Helton?
- b) What is the significance that the \$125,000 Paparazzi Dogs to this region and its history?

Response

The Chief Executive Officer responded as follows:

- a) Yes, the scope is available as per of the tender process.
- b) The art piece was purchased as part of the Council's budget consideration and not scoped as a historical item.

**Kelli Dunlop**

- a) Council, please can you explain how the Shire is monitoring mosquito numbers in Onslow without the relevant staff or sentinel chickens?
- b) Council, aside from the "Fight the Bite" campaign, can you please describe what measures are being put in place to protect our community from mosquito-borne viruses, such as Ross River Virus and Murray River Encephalitis, both of which have been reported in the region recently?

Response

The Director People and Place responded as follows:

- a) Mosquito traps were placed to a certain mosquito number. All retention basins and ponds treated with product that has residual effect. There has been a large increase in sandflies.
- b) No confirmed cases of mosquito borne virus have been forwarded to the Shire of Ashburton and currently waiting on pending secondary test results.



**Olga Goerke**

Can the Council explain what exactly means that the artwork design presented by Mr Guido Van Helten was “too indigenous” and not an accurate reflection of Onslow’s history?

Response

The Chief Executive Officer responded stating the design concept was to reflect all the history of Onslow and did not meet the original briefing negotiations and suggestions thereafter.

**Kaiden Matera**

- a) Can Council please explain why the Onslow Water Tanks Project was not put out for public consultation at all?
- b) Can Council please explain its comments around the Onslow Tanks being “too indigenous”?

Response

The Chief Executive Officer responded as follows:

- a) The scope was considered by Council following a process from 2019 regarding design.
- b) The design did not meet the scope from 2019 and negotiations were not finalised. Council wanted to include additional themes from a historical perspective which were not accepted by the artist and comments were made in relation to scale of artwork.

**Natalie Stevens**

What is the plan, if any, to get the Water Park up and running again?

Response

The Director Projects and Procurement responded stating the tender is out, and will have new ramps, pumps, and splash back to be at the park. It is a major undertaking to have the Water Spray Park meet Health Department requirements.

**Suzanne Wilson**

- a) Does the Shire of Ashburton have a reconciliation Action Plan? It is not on the Shire’s web site. Given you have had since 2006 to action this why isn’t there even a draft notice to be seen on the website?
- b) If the community is not listened to and a new artist is commissioned for the Water Tank Project who will fund the project considering the expense already incurred and how will it be justified to electors, ratepayers and residents that were not given an option to consider the original artists artwork?

Response

The Chief Executive Officer responded as follows:

- a) Looking to budget for Reconciliation Plan with consultant to prepare a plan. Recommendation for community reference group.
- b) In relation to costs incurred this is part of contractual process and as such unable to discuss. If new artist is engaged a new scope will be through Request for Quote / Tender process.

Public question time concluded at 1:13pm.

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**6. DECLARATION BY MEMBERS**

Nil

**6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA**

All Councillors noted they had given due consideration to all matters contained in the Agenda.

**6.2 DECLARATIONS OF INTEREST**

The following declarations were made:

<b>Item Number/ Name</b>	<b>Type of Interest</b>	<b>Nature/Extent of Interest</b>
11.2 STAFF ACCOMMODATION STRATEGY 2020 - 2030		
Cr K White	Proximity	The nature of my interest is I own two properties, Lot 420, and Lot 327 on Third Avenue Onslow. The extent of my interest is proximity.
Cr M Lynch	Indirect Financial	The nature of my interest is I am an employee and tenant of Rio Tinto. The extent of my interest is I am paid a salary by Pilbara Iron.
Chief Executive Officer, Mr K Donohoe	Financial	The nature of my interest - employee whose contract of employment has housing provided as part of that contract. The extent of my interest – Rental subsidies are provided for rental properties in Onslow and Tom Price.

<b>Item Number/ Name</b>	<b>Type of Interest</b>	<b>Nature/Extent of Interest</b>
11.3 MINING ACT 1978 TENEMENT REFERRALS – 1 FEBRUARY 2021 – 31 MARCH 2021		
Cr L Rumble	Financial	The nature of my interest is I am a Shareholder with Rio Tinto, the dividends I get from the shares I pay tax on. These shares form part of my retirement fund. I do not believe I have any greater benefit from owning these shares than any other elected member of Council. The extent of my interest is I have shares in greater value than \$10,000.
Cr D Diver	Indirect Financial	The nature of my interest is I am employed by Rio Tinto. The extent of my interest is I receive a salary, I also receive subsidised utilities (water /power) and rent as part of my salary package.

Cr R De Pledge	Indirect Financial	The nature of my interest is I have shares in FMG. The extent of my interest is that I have shares to the value of more than \$10,000
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Item Number/ Name	Type of Interest	Nature/Extent of Interest
11.4 MINING ACT 1978 TENEMENT REFERRALS – 1 – 30 APRIL 2021		
Cr L Rumble	Financial	The nature of my interest is I am rate payer and elected member of council and semi-retired. I have financial interest based around that I own shares in my port folder that are Rio Tinto re-vestment plan, which I started purchasing in 1987 and continue to this current day. The extent of my interest is I have shares in greater value than \$10,000.
Cr D Diver	Indirect Financial	The nature of my interest is I am employed by Rio Tinto. The extent of my interest is I receive a salary, I also receive subsidised utilities (water /power) and rent as part of my salary package.

Item Number/ Name	Type of Interest	Nature/Extent of Interest
11.5 LAND ASSET ASSESSMENT		
Cr L Rumble	Financial	The nature of my interest is I am a Shareholder with Rio Tinto, the dividends I get from the shares I pay tax on. These shares form part of my retirement fund. I do not believe I have any greater benefit from owning these shares than any other elected member of Council. The extent of my interest is I have shares in greater value than \$10,000.
Cr K White	Proximity	The nature of my interest is I own two properties, Lot 420, and Lot 327 on Third Avenue Onslow. The extent of my interest is proximity.

Item Number/ Name	Type of Interest	Nature/Extent of Interest
18.1	CONFIDENTIAL ITEM AWARD OF INFRASTRUCTURE PLAN	RFQ – COMMUNITY LIFESTYLE AND
Cr D Diver	Financial	The nature of my interest is I am employed by Rio Tinto. The extent of my interest is I receive a salary, I also receive subsidised utilities (water /power) and rent as part of my salary package.
Cr M Lynch	Indirect Financial	The nature of my interest is I am an employee and tenant of Rio Tinto. The extent of my interest is I am paid a salary by Pilbara Iron.

### Correspondence regarding Declarations of Interest

Provided by Tim Fraser, Executive Director – Local Government

*Dear Mr Cain*

*I refer to your correspondence dated 12 May 2021, requesting for approval under section 5.69(3)(a) of the Local Government Act 1995 (the Act) to allow disclosing councillors to participate and vote on the agenda items 11.2, 11.3, 11.4, 11.5 and 18.1 at the Shire of Ashburton's Ordinary Council Meeting of 18 May 2021.*

*I advise that, in accordance with authority delegated by the Minister for Local Government, I have approved your application, under section 5.69(3)(a) of the Act for Cr Rory De Pledge to fully participate in the discussion and decision making relating to the following item at the Shire's Ordinary Council Meeting of 18 May 2021:*

#### **11.3 MINING ACT 1978 TENEMENT REFERRALS – 1 FEBRUARY 2021 – 31 MARCH 2021**

*The Department notes that at least one (1) of the disclosing councillors are required to achieve a quorum. Accordingly, approval to participate has been provided to the councillor with the lowest level of declared interest, being Cr De Pledge.*

*The approval is subject to the following conditions:*

- 1. The approval is only valid for the 18 May 2021 Ordinary Council Meeting when agenda item 11.3 is considered;*
- 2. The abovementioned Councillor must declare the nature and extent of their interests at then abovementioned meeting when the matter is considered, together with the approval provided;*
- 3. The CEO is to provide a copy of the Department's letter of approval to the abovementioned Councillor;*
- 4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;*
- 5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions of this approval; and*
- 6. The approval granted is based solely on the interests disclosed by the abovementioned Councillor, made in accordance with the application.*

Unfortunately, the Shire's application for participation of disclosing councillors in the other Agenda items has not been approved. Under section 5.69(3)(a) of the Act, an approval may be granted if there is an insufficient number of members to achieve a quorum. I understand that with six (6) councillors attending the meeting, a quorum of four (4) is required.

With the remaining four (4) councillors who have not disclosed an interest in items 11.4 and 18.1 and five (5) councillors who have not disclosed an interest in items 11.2 and 11.5, it appears that the Shire already has a quorum to deal with these matters appropriately.

Should you require further information in relation to this matter, please contact Carmen Chia, Legislation Officer via the details provided above.

Tim Fraser

EXECUTIVE DIRECTOR – LOCAL GOVERNMENT

**7. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS WITHOUT DISCUSSION**

Nil

**8. PETITIONS / DEPUTATIONS / PRESENTATIONS**

**8.1 PETITIONS**

**Petition submission received for re-instatement of Guido Van Helten**

*Without necessarily supporting the contents, Cr White tabled a petition to Council containing the signatures of 220 people believed to be 'residents/electors' of the district stating the following:*

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

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

*The reasons for the request are:*

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

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

- *Lost opportunity for reconciliation with our indigenous people and culture;*
- *Lost tourism and economic opportunities;*
- *Financial implications to project stakeholders, Water Corporation sponsored \$50,000 and Regional Arts WA \$30,000; And what, if any decision and feedback these Stakeholders had in the approval process.*
- *The Shire of Ashburton recently purchased Public Sculptures (Paparazzi Dogs) to the value of \$125,000. There was no public record indicating Council*



*approved the purchase of the sculptures. The item appeared in March Monthly Financial Report (page 27). The public sculptures have no relevance to the history and culture of Onslow. The sculptures do not meet the Shires own Strategic Community Plan (unlike the Water Tank Public Art Project), and the community were not consulted on public sculpture project.*

**Note:** The *Shire of Ashburton Local Law Standing Orders* require that only Electors can petition Council. The Shire has not confirmed as to whether all signatories are “electors” The petition was accepted by the Shire President and the Chief Executive Officer requested to prepare a report for the June 2021 Ordinary Meeting of Council.

**8.2 DEPUTATIONS**

Nil

**8.3 PRESENTATIONS**

Cameron McGurk, from Ashburton Anglers, presented the Council with a Sponsor Recognition Certificate for the Shire of Ashburton’s contribution to the Beadon Bay Bash.

**9. CONFIRMATION OF MINUTES**

**9.0.1 UNCONFIRMED MINUTES ORDINARY MEETING OF COUNCIL HELD ON 20 APRIL 2021**

**Council Decision**

**MINUTE: 69/2021**

**MOVED: Cr D Diver**

**SECONDED: Cr M Lynch**

**That the Unconfirmed Minutes of the Ordinary Meeting of Council held 20 April 2021 (ATTACHMENT 9.0.1) be confirmed as a true and accurate record.**

**CARRIED: 6/0**

**9.1 RECEIPT OF COMMITTEE AND OTHER MINUTES**

**9.1.1 UNCONFIRMED MINUTES SPECIAL MEETING OF COUNCIL HELD ON 20 APRIL 2021**

**Council Decision**

**MINUTE: 70/2021**

**MOVED: Cr L Rumble**

**SECONDED: Cr J Richardson**

**That the Minutes of the Special Meeting of Council held 29 April 2021 in the Council Chambers, Onslow (ATTACHMENT 9.1.1) be received.**

**CARRIED: 6/0**

**9.1.2 MINUTES PILBARA COUNTRY ZONE APRIL 2021**

**Council Decision**

**MINUTE: 71/2021**

**MOVED: Cr D Diver**

**SECONDED: Cr M Lynch**

**That the Minutes of the Pilbara Country Zone held 27 April 2021 (ATTACHMENT 9.1.2) be received.**

**CARRIED: 6/0**

**9.2 RECEIPT OF COMMITTEE MINUTES – ‘EN BLOC’**  
Nil

**9.3 RECOMMENDATIONS OF COMMITTEE AND OTHER MEETINGS**  
Nil

**10.1 AGENDA ITEMS ADOPTED ‘EN BLOC’**  
Nil

**11. OFFICE OF THE CEO REPORTS**  
**11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS STATUS REPORT FOR APRIL 2021**

<b>FILE REFERENCE:</b>	GV04
<b>AUTHOR'S NAME AND POSITION:</b>	Danielle Hurstfield Manager Governance
<b>AUTHORISING OFFICER AND POSITION:</b>	Kenn Donohoe Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	7 April 2021
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 11.1 (MINUTE: 46/2021) Ordinary Meeting of Council 20 April 2021

**Summary**

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

**Background**

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

**Comment**

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

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

**ATTACHMENT 11.1A**

**Consultation**

Executive Leadership Team

**Statutory Environment**

Section 2.7 of the Local Government Act 1995 states:

*"Role of council*

- (1) *The council —*
  - (a) *governs the local government's affairs; and*
  - (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the council is to —*

- (a) oversee the allocation of the local government's finances and resources; and  
 (b) determine the local government's policies.”

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

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

### Financial Implications

There are no known financial implications for this matter.

### Strategic Implications

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

- Goal 05 Inspiring Governance  
 Objective 4 Exemplary team and work environment

### Risk Management

Risk has been assessed based on the Officers Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Compliance	Unlikely (2)	Insignificant (1)	Low (2)	No noticeable regulatory or statutory impact	Accept Officer Recommendation.

The following Risk Matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is low due to the financial value of the project and the risk to the Shire's reputation. Monthly reporting to Council assists with monitoring actions being undertaken.

**Policy Implications**

There are no known policy implications for this matter.

**Voting Requirement**

Simple Majority Required.

**Officers Recommendation and Council Decision**

**MINUTE: 72/2021**

**MOVED: Cr M Lynch**

**SECONDED: Cr R De Pledge**

**That with respect to the Council Decisions Status Reports" for the month of April 2021, Council receive the report as per ATTACHMENT 11.1A**

**CARRIED: 6/0**



## 11.2 STAFF ACCOMMODATION STRATEGY 2020 - 2030

### **Declaration of Interest**

*Prior to consideration of this Agenda Item:*

*Cr M Lynch declared an Indirect Financial Interest.*

*Cr K White declared a Proximity Interest.*

*CEO K Donohoe declared a Financial Interest.*

*See item 6.2 for details of the declared interest.*

*Cr M Lynch, Cr K White and CEO K Donohoe left the meeting at 1:20pm. Cr D Diver assumed the Chair.*

<b>FILE REFERENCE:</b>	PE06
<b>AUTHOR'S NAME AND POSITION:</b>	Janelle Fell Manager Land and Asset Compliance
<b>AUTHORISING OFFICER AND POSITION:</b>	Kenn Donohoe Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	1 April 2021
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial, proximity or impartiality interests in the proposal.  The authorising officer (CEO) declares a financial interest in this item as a salaried officer that utilises Shire provided accommodation.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.2 (Minute No. 727/2019) Ordinary Meeting of Council 17 December 2019

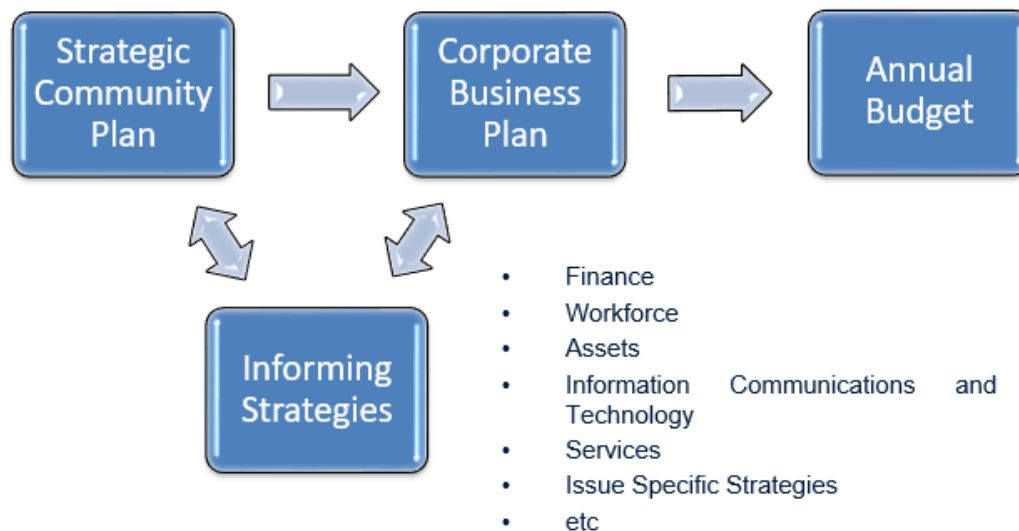
### **Summary**

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

### **Background**

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

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



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

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

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

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

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

### Comment

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

further exacerbating the housing provisions. Recruitment of staff continues to be impacted by limited or inadequate housing stock.

Quality accommodation when recruiting is important.

Three key demand drivers influence future staff accommodation growth:

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

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

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

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

2. Accommodation for current vacant positions  
21.5 FTE's were advertised at the time of compiling the Staff Growth Forecast report. Assuming a ratio of 100:115, 19 accommodation units would be required to fill the vacancies.
3. Accommodation for staff growth or changes in the percentage of housed staff.

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

## **CONFIDENTIAL ATTACHMENT 11.2A**

Four main demand drivers for accommodation were identified:

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

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

- Invest in a system that will improve the efficiency and effectiveness of the Capital Works and Maintenance Programs
- Strengthen property management policies and procedures to provide fairness, equity and accountability
- Ensure housing refurbishments and new builds consider climate responsive design that better

- suits lifestyle needs, is comfortable to live, and achieves greater cost efficiencies
- Leverage Shire investment to support broader economic activity and improve lifestyle and amenity outcomes

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

### Property Management

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

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

3. Prepare a Property Refurbishment Framework to guide and inform all future Capital Upgrades, for aging properties in Onslow, Tom Price and Paraburdoo.
4. Prepare and implement a Preventative Maintenance Program for all properties owned by the Shire, including new builds.
5. Prepare a Maintenance Budget that gives due consideration to all assets, including:
  - existing assets to be maintained
    - new builds / newer properties
    - existing assets to be upgraded or refurbished ('minimum maintenance') and
    - existing assets identified for inclusion in special maintenance programs and initiatives (such as Landscaping, Insulation etc.)

### Lease Agreements

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

### Acquisitions/Rental Replacement

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

These Corporate Polies are further explored by town:

### Tom Price & Paraburdoo

#### *Guiding Principles*

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

#### *Strategic Opportunities*

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

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

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

#### *Actions*

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



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

### Onslow

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

#### *Guiding Principles*

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

#### *Strategic Opportunities*

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

#### *Actions*

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

Listed on the June 2019 Local Government Heritage Inventory with the management recommendation stating, 'encouragement should be given to the retention and

conservation of the place' and 'photographically record prior to major development or demolition'.

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

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

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

## **ATTACHMENT 11.2B**

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

## **ATTACHMENT 11.2C**

### **Consultation**

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

### **Statutory Environment**

*Local Government Act 1995*  
Section 5.56. Planning for the future

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

### Financial Implications

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

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

### Strategic Implications

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

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

### Risk Management

Risk has been assessed based on the Officers Recommendation.

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

The following Risk Matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is high however, will be managed through internal processes and procedures.

### Policy Implications

ENG13 Asset Management Policy

### Voting Requirement

Simple Majority Required

### Officer Recommendation and Council Decision

**MINUTE: 73/2021**

**MOVED: Cr L Rumble**

**SECONDED: Cr R De Pledge**

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

- 1. Adopt the Staff Accommodation Strategy 2020 – 2030 ATTACHMENT 11.2A.**
- 2. Request the Chief Executive Officer to prepare development plans and construction business cases for:**
  - a) Watson Drive, Onslow and lots in Tom Price;**
  - b) 2, 3 x 2 grouped dwellings at 76 Marrinup Way, Tom Price; and**
  - c) Upgrades / refurbishment of 797 Kulai Street, Tom Price and 1104A Jabberup Place, Tom Price.**
- 3. Consider the allocation of \$3,000,000 in the 2021-2022 annual budget.**

**CARRIED: 4/0**

*Important note – Council sought and received, prior to the meeting as well as on the day of the meeting, advice regarding the meeting quorum requirements necessary to make a decision on this item from the Department of Local Government, Sport and Cultural Industries. Subsequent legal advice confirmed the necessary quorum to make a decision on this item is five (5) elected members, and not four (4) as advised by the Department. Additionally, the legal advice recommends Council ratify at the next Council meeting the ultra-vires decision for this item where a quorum did not actually exist.*

*Cr M Lynch, Cr K White and CEO K Donohoe returned to the meeting at 1:23pm. Cr K White assumed the Chair.*

**11.3 MINING ACT 1978 TENEMENT REFERRALS – 1 FEBRUARY 2021 – 31 MARCH 2021**

**Declaration of Interest**

*Prior to consideration of this Agenda Item:*

*Cr L Rumble declared a Financial Interest.*

*Cr D Diver declared an Indirect Financial Interest.*

*Cr R De Pledge declared an Indirect Financial Interest.*

*See item 6.2 for details of the declared interest.*

*Cr L Rumble and Cr D Diver left the meeting at 1:26pm. Cr R De Pledge was permitted to remain, as per Ministerial approval, to ensure Council could consider this item.*

<b>FILE REFERENCE:</b>	ED01
<b>AUTHOR'S NAME AND POSITION:</b>	Janelle Fell Manager Land and Asset Compliance
<b>AUTHORISING OFFICER AND POSITION:</b>	Kenn Donohoe Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	31 March 2021
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 12.4 (Minute No. 9/2021) Ordinary Meeting of Council 16 February 2021

**Summary**

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

**Background**

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

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

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

**Comment**

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

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

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

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

## ATTACHMENT 11.3A

### Exploration Licences

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

Exploration Licence notifications received include:

<b>Company</b>	<b>Application No.</b>	<b>Block/s (~80km<sup>2</sup>)</b>	<b>Locality</b>
FMG Pilbara Pty Ltd	E 08/3338	85 BL	Uaroo 1
Avira Resources Ltd	E 08/3329	26 BL	Gregory
Rio Tinto Exploration Pty Limited	E 08/3335	39 BL	Cheela Plains
	E 47/4497	20 BL	Cheela Plains
	E 47/4502	69 BL	Toweranna Well
	E 47/4510	70 BL	Lefroy Well
	E 47/4515	62 BL	Quarrina
	E 47/4513	47 BL	Peawanah
Mallina Exploration Pty Ltd	E 47/4504	46 BL	Munni Creek
Forge Resources Swan Pty Ltd	E 47/4503	54 BL	Peawah
	E 47/4506	96 BL	
	E 47/4507	132 BL	
One Eight Two Capital Investments Pty Ltd	E 47/4508	47 BL	Coolawanyah
	E 47/4511	62 BL	
	E 47/4514	49 BL	
	E 47/4516	70 BL	

## Mining Leases

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

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

Mining Lease notifications received are:

<b>Company</b>	<b>Application No.</b>	<b>Hectares</b>	<b>Locality</b>	<b>Mineral</b>
FMG Pilbara Pty Ltd	M 47/1613	1,005.00000	Gamajee	Iron Ore

## Miscellaneous Licences

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

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

Miscellaneous Licence notifications received are:



Company	Application No.	Hectares	Locality	Purpose/s
Pilbara Energy Company Pty Ltd (FMG)	L 08/239	630.00000	Uaroo	<ul style="list-style-type: none"> <li>• A bore</li> <li>• A bore field</li> <li>• A communications facility</li> <li>• A pipeline</li> <li>• A power generation and transmission facility</li> <li>• A power line</li> <li>• A pump station</li> <li>• A water management facility</li> <li>• A workshop and storage facility</li> <li>• Taking water</li> </ul>
	L 08/241 L 08/242 L 08/243 L 08/244	268.00000 634.00000 74.00000 95.00000	Uaroo Nanutarra	<ul style="list-style-type: none"> <li>• A bore</li> <li>• A bore field</li> <li>• A communications facility</li> <li>• A pipeline</li> <li>• A power generation and transmission facility</li> <li>• A power line</li> <li>• A pump station</li> <li>• A road</li> <li>• A water management facility</li> <li>• A workshop and storage facility</li> <li>• Taking water</li> </ul>
Orion Equities Limited	L 47/980	62.60000	Paulsens	<ul style="list-style-type: none"> <li>• A bore</li> <li>• A bore field</li> <li>• A communications facility</li> <li>• A drainage channel</li> <li>• A minesite administration facility</li> <li>• A pipeline</li> <li>• A road</li> <li>• A search for groundwater</li> <li>• A storage or transportation facility for minerals or mineral concentrate</li> <li>• A water management facility</li> <li>• A workshop and storage facility</li> <li>• Taking water</li> </ul>
	L 47/981	465.04000	Paulsens	<ul style="list-style-type: none"> <li>• A bore</li> <li>• A bore field</li> <li>• A communications facility</li> <li>• A conveyor system</li> <li>• A drainage channel</li> </ul>

Company	Application No.	Hectares	Locality	Purpose/s
				<ul style="list-style-type: none"> <li>• A minesite accommodation facility</li> <li>• A minesite administration facility</li> <li>• A pipeline</li> <li>• A power generation and transmission facility</li> <li>• A pump station</li> <li>• A road</li> <li>• A search for groundwater</li> <li>• A storage or transportation facility for minerals or mineral concentrate</li> <li>• A water management facility</li> <li>• A workshop and storage facility</li> <li>• Taking water</li> </ul>
CV Extractives Pty Ltd	L 45/610	22.00000	Forrest / Mulga Downs	<ul style="list-style-type: none"> <li>• A road</li> </ul>
A.C.N 629 923 753 Pty Ltd (Mineral Resources)	L 08/231 L 08/232	4,893.57000 1,597.88000	Red Hill	<ul style="list-style-type: none"> <li>• A bore</li> <li>• A bore field</li> <li>• A bridge</li> <li>• A communications facility</li> <li>• A drainage channel</li> <li>• A pipeline</li> <li>• A power generation and transmission facility</li> <li>• A power line</li> <li>• A pump station</li> <li>• A road</li> <li>• A search for groundwater</li> <li>• A tunnel</li> <li>• A water management facility</li> <li>• Taking water</li> </ul>
Pilbara Energy (Generation) Pty Ltd	L 08/246 L 08/245 L 08/240 L 08/238 L 08/235 L 08/236 L 08/237	2,207.00000 2,330.00000 4,798.00000 2,275.00000 4,109.00000 2,068.00000	Uaroo B2 Uaroo C1 Uaroo C2 Uaroo C3 Uaroo C4 Uaroo C5 Uaroo C6	<ul style="list-style-type: none"> <li>• A bore</li> <li>• A bore field</li> <li>• A communications facility</li> <li>• A pipeline</li> <li>• A power generation and transmission facility</li> <li>• A power line</li> <li>• A pump station</li> <li>• A road</li> <li>• A water management facility</li> <li>• A workshop and storage facility</li> </ul>

Company	Application No.	Hectares	Locality	Purpose/s
				<ul style="list-style-type: none"> <li>• Taking water</li> </ul>
AMCI (IO) Pty Ltd Aquila Steel Pty Ltd	L 08/247	392.09000	Kens Bore	<ul style="list-style-type: none"> <li>• A bore</li> <li>• A bore field</li> <li>• A bridge</li> <li>• A communications facility</li> <li>• A drainage channel</li> <li>• A pipeline</li> <li>• A power generation and transmission facility</li> <li>• A power line</li> <li>• A pump station</li> <li>• A road</li> <li>• A search for groundwater</li> <li>• A tunnel</li> <li>• A water management facility</li> <li>• Taking water</li> </ul>
Red Hill Iron Limited	L 08/248 L 08/249	440.00000 690.00000	Yarraloola Red Hill	<ul style="list-style-type: none"> <li>• A road</li> <li>• A pipeline</li> <li>• A power line</li> <li>• A storage or transportation facility for minerals or mineral concentrate</li> </ul>

### Prospecting Licences

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

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

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

Company	Application No.	Hectares	Locality
A.C.N. 629 923 753 Pty Ltd (Mineral Resources)	P 08/799	59.79000 HA	Ashburton

Miscellaneous Licences 08/248, 08/249, 08/231 and 08/232 and Prospecting Licence 08/799 encroach or utilise the Shire controlled and managed Red Hill Road. Applicants A.C.N. 629 923 753 Pty Ltd and Red Hill Iron Limited's proposals appear to be consistent with the Shire of Ashburton's strategic aims and objectives however, the Shire should be satisfied of the Public Road's use and maintenance while retaining unrestricted public access and safety of the roads.

An Agreement for the design, construction, and maintenance of Red Hill Road to include the following requirements (but not limited to) will be required:

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

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

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

### **Consultation**

Executive Leadership Team

### **Statutory Environment**

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

#### *Mining Regulations 1981*

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

### **Financial Implications**

There are no known financial implications for this matter

### **Strategic Implications**

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

Goal 02      Economic Prosperity  
Objective 1    Strong local economies

Goal 04      Quality Services and Infrastructure  
Objective 1    Quality public infrastructure

## Risk Management

Risk has been assessed based on the Officers Recommendation.

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

The following Risk Matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is high due to potential litigation associated with unsafe roads. User agreements for maintenance or contribution to maintenance costs will see the roads maintained in a safe, trafficable state.

### Policy Implications

Town Planning Scheme No. 7

LPP – Transient Workforce Accommodation

### Voting Requirement

Simple Majority Required

**Officers Recommendation and Council Decision**

**MINUTE: 74/2021**

**MOVED: Cr M Lynch**

**SECONDED: Cr J Richardson**

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

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

**CARRIED: 4/0**

*Important note – Council sought and received, prior to the meeting as well as on the day of the meeting, advice regarding the meeting quorum requirements necessary to make a decision on this item from the Department of Local Government, Sport and Cultural Industries. Subsequent legal advice confirmed the necessary quorum to make a decision on this item is five (5) elected members, and not four (4) as advised by the Department. Additionally, the legal advice recommends Council ratify at the next Council meeting the ultra-vires decision for this item where a quorum did not actually exist.*

## 11.4 MINING ACT 1978 TENEMENT REFERRALS – 1 APRIL 2021 – 30 APRIL 2021

### **Declaration of Interest**

*Prior to consideration of this Agenda Item:*

*Cr D Diver declared an Indirect Financial Interest.*

*Cr L Rumble declared a Financial Interest.*

*See item 6.2 for details of the declared interest.*

*Cr D Diver and Cr L Rumble had already left the meeting.*

<b>FILE REFERENCE:</b>	ED01
<b>AUTHOR'S NAME AND POSITION:</b>	Janelle Fell Manager Land & Asset Compliance
<b>AUTHORISING OFFICER AND POSITION:</b>	Kenn Donohoe Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	3 May 2021
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 12.4 (Minute No. 9/2021) – Ordinary Meeting of Council 16 February 2021

### **Summary**

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

### **Background**

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

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

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

### **Comment**

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

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

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

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

#### ATTACHMENT 11.4A

#### Exploration Licences

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

Exploration Licence notifications received include:

<b>Company</b>	<b>Application No.</b>	<b>Block/s (~80km<sup>2</sup>)</b>	<b>Locality</b>
Central Pilbara North Iron Ore Pty Ltd	E 47/4524	69	Howlett Creek
One Eight Two Capital Investments Pty Ltd	E 47/4521	69	Peawah
Forge Resources Swan Pty Ltd	E 47/4520	69	Peawah
Rio Tinto Exploration Pty Limited	E 47/4523	9	Barrowanna Hill

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



## Mining Leases

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

- Open-cut operations;
- Underground operations;
- Quarrying operations;
- Dredging operations;
- Harvesting operations;
- Scraping operations;
- Leaching operations;
- Tailing treatment operations;
- Construction activities incidental or conducive to mining operations, including the construction of plant, tailing storage facilities and overburden dumps.

Mining Lease notifications received are:

<b>Company</b>	<b>Application No.</b>	<b>Hectares</b>	<b>Locality</b>	<b>Mineral</b>
Zanthus Resources Pty Ltd	M 08/533	582 Ha	Robe Mesa	Aggregate Building Stone Copper Diamond Dolomite Gold Gravel Gypsum Iron Ore Lead Limestone Manganese Mineral Sands Nickel Platinoids Rock Sand Tantalum Zinc

## General Purpose Leases

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

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

A general purpose lease is in place until:

- It is surrendered or is forfeited; or
- The date of surrender, forfeiture, or expiry of the mining lease (or any renewal thereof) in relation to which it was granted or 21 years from the date deemed pursuant to section 79 to be the date on which the term of the general purpose lease commenced or, if any other

date of commencement is specified in the general purpose lease, the specified date, whichever is the longer period; or

- In any other case, for a period of 21 years or until it is sooner surrendered or forfeited.

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

General Purpose Lease notifications received are:

Company	Application No.	Hectares	Locality	Purpose/s
Yangibana Pty Ltd	G 08/95	132 Ha	Onslow South	<ul style="list-style-type: none"> <li>• A storage or transportation facility for minerals or mineral concentrate</li> <li>• Admin buildings</li> <li>• Communications facility</li> </ul>
	G 08/96	107 Ha	Onslow South	<ul style="list-style-type: none"> <li>• Evaporation pond</li> <li>• Gas pipeline</li> <li>• Monitoring bores</li> <li>• Power generation</li> <li>• Power lines</li> <li>• Process plant and associated infrastructure</li> <li>• Roads and carpark</li> </ul>
	G 08/97	100 Ha	Onslow South	<ul style="list-style-type: none"> <li>• Tailings storage facility</li> <li>• Topsoil stockpile</li> <li>• Water bore</li> <li>• Water management infrastructure</li> <li>• Water pipeline</li> <li>• Workshop</li> </ul>

#### Miscellaneous Licences

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

- A road;
- A tramway;
- An aerial rope way;
- A pipeline;
- A powerline;
- A conveyor system;
- A tunnel;
- A bridge;
- Taking water;
- A search for groundwater;
- Hydraulic reclamation and transport of tailings;

- An aerodrome;
- A meteorological station;
- A Sulphur dioxide monitoring station;
- A communications facility;
- A drainage channel;
- A pump station;
- A minesite accommodation facility;
- A bore;
- A bore field;
- A water management facility;
- A power generation and transmission facility;
- A storage or transportation facility for minerals or mineral concentrate;
- A minesite administration facility;
- A workshop and storage facility;
- A jetty.

Miscellaneous Licence notifications received are:

Company	Application No.	Hectares	Locality	Purpose/s
Orion Equities Limited	L 47/983	184.98 Ha	Paulsens	<ul style="list-style-type: none"> <li>• A bore</li> <li>• A bore field</li> <li>• A communications facility</li> <li>• A pipeline</li> <li>• A road</li> <li>• A search for groundwater</li> <li>• A storage or transportation facility for minerals or mineral concentrate</li> <li>• Taking water</li> </ul>
Maiden Iron Pty Ltd	L 47/982	188 Ha	The Three Sisters	<ul style="list-style-type: none"> <li>• A road</li> </ul>

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

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

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

### Consultation

Chief Executive Officer  
Executive Leadership Team

### Statutory Environment

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

#### *Mining Regulations 1981*

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

### Financial Implications

There are no known financial implications for this matter.

### Strategic Implications

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

Goal 02 – Economic Prosperity  
Objective 1 – Strong Local Economies

Goal 4 – Quality Services and Infrastructure  
Objective 1 – Quality Public Infrastructure

### Risk Management

Risk has been assessed based on the Officers Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Damage to natural environment – social performance responsibilities to the community at large	Rare (1)	Moderate (3)	Low (3)	Natural Environment (3) – contained, reversible impact managed by external agencies	Correspondence to all Applicants advising Shire’s required considerations
Financial impact to assets	Major (4)	Possible (3)	High (12)	Damage to road or liability for unsafe road	Where asset implications are identified, user agreements will be initiated

(Pannawonica – Millstream Road)					
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The following Risk Matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is "High" due to potential litigation associated with unsafe roads. User agreements for maintenance or contribution to maintenance costs will see the roads maintained in a safe, trafficable state.

#### Policy Implications

Town Planning Scheme No. 7  
LPP – Transient Workforce Accommodation

#### Voting Requirement

Simple Majority Required

#### Officers Recommendation and Council Decision

**MINUTE: 75/2021**

**MOVED: Cr M Lynch**

**SECONDED: Cr J Richardson**

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

- 1. Acknowledge the contents of this report;**
- 2. Advise Central Pilbara North Iron Ore Pty Ltd, One Eight Two Capital Investments Pty Ltd and Forge Resources Swan Pty Ltd that an Agreement for use of Pannawonica – Millstream Road in relation to Miscellaneous Licences E 47/4524, E 47/4521 and E 47/4520; and**
- 3. Negotiate terms of agreement for use of Pannawonica – Millstream Road with Central Pilbara North Iron Ore Pty Ltd, One Eight Two Capital Investments Pty Ltd and Forge Resources Swan Pty Ltd in relation to Miscellaneous Licences E 47/4524, E 47/4521 and E 47/4520.**

**CARRIED: 4/0**

*Important note – Council sought and received, prior to the meeting as well as on the day of the meeting, advice regarding the meeting quorum requirements necessary to make a decision on this item from the Department of Local Government, Sport and Cultural Industries. Subsequent legal advice confirmed the necessary quorum to make a decision on this item is five (5) elected*

*members, and not four (4) as advised by the Department. Additionally, the legal advice recommends Council ratify at the next Council meeting the ultra-vires decision for this item where a quorum did not actually exist.*

Cr D Diver returned to the meeting at 1:32pm.

## 11.5 LAND ASSET ASSESSMENT

### **Declaration of Interest**

*Prior to consideration of this Agenda Item:*

*Cr L Rumble declared an Indirect Financial Interest.*

*Cr K White declared a Financial Interest.*

*See item 6.2 for details of the declared interest.*

*Cr L Rumble had already left the meeting. Cr K White left the meeting at 1:33pm. Cr D Diver assumed the Chair.*

<b>FILE REFERENCE:</b>	LP01
<b>AUTHOR'S NAME AND POSITION:</b>	Janelle Fell Manager Land & Asset Compliance
<b>AUTHORISING OFFICER AND POSITION:</b>	Kenn Donohoe Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	5 May 2021
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial, proximity or impartiality interests in the proposal.  The authorising officer (CEO) declares a financial interest in this item as a salaried officer that utilises Shire provided accommodation.
<b>PREVIOUS MEETING REFERENCE:</b>	Nil

### **Summary**

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

### **Background**

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

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

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

- Informing site particulars.
- Impact of local planning scheme.
- Commercial opportunities.

- Site constraints.
- Servicing requirements.

NS Group's methodology included:

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

### **Comment**

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

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

Of these assets, approximately:

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

Each property is detailed in the LAA report with zoning, land area, current use, known agreements, potential alternate use, environmental constraints, Heritage constraints, other constraints, fair value (at 30 June 2020) and an overall recommendation. The intent of the recommendation is to consider current and future community/social benefit, tourism and economic potential, and environmental value. Each recommendation presents and opportunity however, actual implementation may vary depending on internal resources and external conditions.



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

The assets have been classified into:

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

	Commercial	Commercial Development	Community Facility	Heritage Site	Industrial	Industrial Development	Infrastructure Reserve	POS (Developed)	POS (Undeveloped)	Residential Development	Rural	Staff Housing	Tourism Development
Onslow	5	5	12	24	3	5	12	7	-	11	7	12	4
Tom Price	3	4	22	-	2	2	23	12	14	10	3	24	1
Paraburdoo	5	-	5	-	1	-	6	6	3	2	-	10	-
Mount Sheila	-	-	-	-	-	-	1	-	-	-	1	-	-
<b>TOTAL</b>	<b>13</b>	<b>9</b>	<b>39</b>	<b>24</b>	<b>6</b>	<b>7</b>	<b>42</b>	<b>25</b>	<b>17</b>	<b>23</b>	<b>11</b>	<b>48</b>	<b>5</b>

## ATTACHMENT 11.5A

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

Lot	Street Name	Town	Brief Description	Classification	Shire Comment
3504	Second Avenue	Onslow	Irregular shaped, vacant site, with street frontage to the head of Second Avenue only	Tourism Development	Creation of Reserve under Shire management to allow access to Lot 381 and Reserve 32702 "Recreation"
341	Second Avenue	Onslow	Vacant, regular shaped, corner site, with secondary frontage to Third Street	Commercial Development	Acquisition completed
342	Second Avenue	Onslow	Vacant, regular shaped site	Commercial Development	Acquisition completed
381	Third Avenue	Onslow	Vacant, rectangular shaped site, with street frontage to	Tourism Development	Settlement Date 17 May 2021

Lot	Street Name	Town	Brief Description	Classification	Shire Comment
			the head of Third Avenue only		
395	Third Avenue	Onslow	Regular shaped site, improved with office / workshop buildings used as an ambulance depot	Residential Development	Transfer of Title progressing with DPLH
N/A	Third Avenue	Onslow	Triangular shaped vacant site, extending between Third Avenue and Second Avenue, at their north western end	Tourism Development	Public road, potential change of use
247	Poinciana Street	Tom Price	Slightly irregular shaped site, having frontages to both Poinciana Street and Mine Road, improved with an older style office building	Commercial Development	Planned acquisition for Tom Price Admin Office expansion
292	Poinsettia Street	Tom Price	Triangular shaped, vacant site, located at the end of Poinsettia Street	Public Open Space (Undeveloped)	Creation of Reserve progressing with DPLH with Purpose to be "Staff Housing" or similar

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

## CONFIDENTIAL ATTACHMENT – 11.5B

### Consultation

Executive Leadership Team  
Planning Team

### Statutory Environment

*Local Government Act 1995*

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

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

*Land Administration Act 1997*

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

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

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

Reserve tenure is usually applied to land that:

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

### Financial Implications

Costs incurred to date include:

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

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

### Strategic Implications

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

Goal 05 Inspiring Governance

Objective 1 Effective planning for the future

### Risk Management

Risk has been assessed based on the Officers Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Compliance	Rare (1)	Insignificant (1)	Low (1)	No noticeable regulatory or statutory impact	Adopt Officers Recommendation

The following Risk Matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is "Low" and will be monitored through internal processes and procedures.

### Policy Implications

ENG13 Asset Management Policy

### Voting Requirement

Simple Majority Required

### Council Decision

**MINUTE: 76/2021**

**MOVED: Cr M Lynch**

**SECONDED: Cr J Richardson**

**That with respect to the Land Asset Assessment, Council receives the Land Asset Assessment.**

**CARRIED: 4/0**

*Important note – Council sought and received, prior to the meeting as well as on the day of the meeting, advice regarding the meeting quorum requirements necessary to make a decision on this item from the Department of Local Government, Sport and Cultural Industries. Subsequent legal advice confirmed the necessary quorum to make a decision on this item is five (5) elected members, and not four (4) as advised by the Department. Additionally, the legal advice recommends Council ratify at the next Council meeting the ultra-vires decision for this item where a quorum did not actually exist.*

Cr L Rumble and Cr K White returned to the meeting at 1:36pm. Cr K White assumed the Chair.

## 12. CORPORATE SERVICES REPORTS

### 12.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID

<b>FILE REFERENCE:</b>	FM03
<b>AUTHOR'S NAME AND POSITION:</b>	Taryn Dayman Manger Finance and Administration
<b>AUTHORISING OFFICER AND POSITION:</b>	Nathan Cain Director Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	3 May 2021
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

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

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

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

#### Background

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

1. Prepare financial reports covering prescribed information and present these to Council for acceptance; and
2. Prepare a schedule of payments made from the municipal fund and the trust fund and present this to Council for confirmation.

#### Comment

##### Financial Reporting

Shire officers have prepared the statement of financial activity and the schedule of accounts paid in accordance with legislative requirements.

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

### CONFIDENTIAL ATTACHMENT 12.1A

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

- Statement of Financial Activity for the period ending 30 April 2021.

- Capital Expense Report outlining the progress of capital initiatives as of 5 May 2021.
- 2020-2021 Budget Amendments Register as of 30 April 2021.

## ATTACHMENT 12.1B

### Consultation

Executive Leadership Team  
Middle Management Team  
Finance Team

### Statutory Environment

*Local Government Act 1995*  
*Section 6.4 (Financial report)*

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

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

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

*Local Government (Financial Management) Regulations 1996*

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

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

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

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

### Financial Implications

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

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

### Strategic Implications

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

Goal 05 Inspiring Governance

Objective 4 Exemplary team and work environment

### Risk Management

Risk has been assessed based on the Officers Recommendation.

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

The following risk matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is low due to the financial controls in place and the regularity of review of the information contained within these reports.

### **Policy Implications**

#### *FIN06 Significant Accounting Policy*

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

#### *ELM10 Financial Sustainability Policy*

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

### **Voting Requirement**

Simple Majority Required

**Officer Recommendation and Council Decision**

**MINUTE: 77/2021**

**MOVED: Cr M Lynch**

**SECONDED: Cr D Diver**

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

- 1. In accordance with the *Local Government (Financial Management) Regulations 1996 regulation 13*, confirms the Schedule of Accounts Paid for April 2021 totaling \$5,963,747.15 CONFIDENTIAL ATTACHMENT 12.1A; and**
- 2. In accordance with the *Local Government (Financial Management) Regulations 1996 regulation 34*, accepts the Statement of Financial Activity, and associated reports, for April 2021 ATTACHMENT 12.1B.**

**CARRIED: 6/0**



## 12.2 FINANCE AND COSTING REVIEW – APRIL 2021

<b>FILE REFERENCE:</b>	GV04
<b>AUTHOR'S NAME AND POSITION:</b>	Taryn Dayman Manger Finance and Administration
<b>AUTHORISING OFFICER AND POSITION:</b>	Nathan Cain Director Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	3 May 2021
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

### Summary

In October, January, and April each year Shire officers undertake a detailed analysis and review of the financial position of the Shire, which exceeds the requirements of the *Local Government Act 1995* and is in addition to the ongoing review and Council amendment of Shire accounts.

The purpose of this report is to present the outcomes of the Finance and Costing Review conducted recently, which has been incorporated in a review of the Annual Budget.

Council is requested to endorse the outcomes identified in the recent Finance and Costing Review, including proposed annual budget amendments.

### Background

The *Local Government Act 1995* requires Council to oversee the allocation of the Shire's finances and resources.

The implementation of regular reviews of the finances of the Shire, and subsequent amendments, meets this obligation.

Shire officers undertake a detailed review and analysis of the financial position of the Shire three times throughout the year, which exceeds the requirements under the *Local Government Act 1995* and is in addition to the ongoing review and Council amendments of Shire accounts.

### Comment

Shire officers have recently conducted an in-depth review of the Shire's financial position in the form of a Finance and Costing Review.

The review has identified likely variances to the current revised version of the annual budget and proposes several modifications.

The review and outcomes are provided for Council's consideration and endorsement and are attached.

**ATTACHMENT 12.2A**

No budget amendments have been proposed (as defined by the *Local Government Act 1995* section 6.8), although there are account modifications.

### Consultation

Executive Leadership Team  
Middle Management Team  
Finance Team

### Statutory Environment

*Local Government Act 1995*

*Section 2.7 (Role of council)*

Council is to govern the Shire's affairs and is responsible for the performance of the Shire's functions. This includes overseeing the allocation of the Shire's finances and resources and determining Shire policies.

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

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

### Financial Implications

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

### Strategic Implications

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

Goal 05 Inspiring Governance

Objective 4 Exemplary team and work environment

### Risk Management

Risk has been assessed based on the Officers Recommendation.

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

The following risk matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is low due to the financial controls in place and the regularity of review of the information contained within these reports.

### Policy Implications

*FIN06 Significant Accounting Policy*

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

*ELM10 Financial Sustainability Policy*

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

### Voting Requirement

Absolute Majority Required

### Officers Recommendation and Council Decision

**MINUTE: 78/2021**

**MOVED: Cr D Diver**

**SECONDED: Cr R De Pledge**

**That with regards to the Finance and Costing Review – April 2021 Council, in accordance with the Local Government Act 1995 section 2.7 and as per Attachment 12.2A:**

- a) Accepts the Finance and Costing Review – April 2021; and**
- b) Endorses the proposed modifications to the revised annual budget.**

**CARRIED BY ABSOLUTE MAJORITY: 6/0**

## 12.3 IMPOSITION OF FEES AND CHARGES, EFFECTIVE 1 JULY 2021

<b>FILE REFERENCE:</b>	FM28
<b>AUTHOR'S NAME AND POSITION:</b>	Nathan Cain Director Corporate Services
<b>AUTHORISING OFFICER AND POSITION:</b>	Nathan Cain Director Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	7 May 2021
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Nil

### Summary

Council is required each year, and from time-to-time, to consider the imposition of fees or charges for any goods or services it provides or may provide.

Shire officers have assessed the goods and services currently provided, and those which may potentially be provided in the next financial year and have recommended the amount of relevant fees or charges to be imposed.

Council is requested, with regards to the Fees and Charges effective 1 July 2021, to impose the fees and charges for the provision of the goods and services, as attached.

### Background

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

The adoption of the Annual Budget is generally the mechanism by which Council accepts and imposes fees and charges, however several Councils set new fees and charges earlier so they may be advertised, and the community advised in advance of any changes.

This item allows for the early adoption of proposed fees and charges for the 2021-2022 financial year, effective 1 July 2021.

### Comment

Shire officers have undertaken an analysis on the proposed fees and charges to be imposed.

Officers, in reviewing and proposing the applicable fees and charges, have taken into consideration legislative requirements regarding setting the level of fees and charges.

The proposed schedule of fees and charges are contained within the Appendices.

**ATTACHMENT 12.3A**

### Consultation

Shire officers  
 Other local governments  
 Elected member workshop(s)

### Statutory Environment

*Local Government Act 1995*

*Section 6.16 – Imposition of fees and charges*

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

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

*Section 6.17 – Setting level of fees and charges*

In determining the amount of a fee or charge for a service or for goods Council needs to take into consideration:

- a) The cost to provide the service or goods;
- b) The importance of the service or goods to the community; and
- c) The price at which the service or goods could be provided by an alternative provider.

### Financial Implications

Fees and charges constitute approximately 11% of the operating funds required to undertake the activities of the Shire.

If adopted, and due to the fees and charges being determined outside the annual budget adoption, local public notice is required. There will be minor associated advertising expenses.

### Strategic Implications

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

Goal 05 Inspiring governance  
 Objective 1 Effective planning for the future

### Risk Management

Risk has been assessed based on the Officers Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council does not impose the fees and charges, as presented.	Unlikely (2)	Ranging  Insignificant (1)  To  Moderate (3)	Ranging  Low (2)  To  Moderate (6)	Financial  Less than \$10,000  To  \$100,000 - \$1m	Provide quality information and undertake suitable research to ensure fees and charges are suitable and acceptable.

The following Risk Matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is low to moderate risk. The revenue generated from fees and charges is approximately 11% of operating revenue, with any deviation in the amount charged representing a range of risk, depending on the fee / charge and the size of the deviation.

#### Policy Implications

Nil

#### Voting Requirement

Absolute Majority Required

#### Council Recommendation and Council Decision

MINUTE: 79/2021

MOVED: Cr L Rumble

SECONDED: Cr M Lynch

That with respect to the imposition of fees and charges Council, in accordance with the *Local Government Act 1995 section 6.16*, imposes the fees and charges, as per ATTACHMENT 12.3A effective 1 July 2021.

CARRIED BY ABSOLUTE MAJORITY: 6/0

### 13. PEOPLE AND PLACE REPORTS

#### 13.1 REPORT ON PETITION FOR PLAYGROUND UPGRADES

<b>FILE REFERENCE:</b>	GV04
<b>AUTHOR'S NAME AND POSITION:</b>	Adam Majid Director People and Place
<b>AUTHORISING OFFICER AND POSITION:</b>	Kenn Donohoe Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Petition Received
<b>DATE REPORT WRITTEN:</b>	6 May 2021
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	8.1 Petitions – Ordinary Council Meeting, 20 April 2021

#### **Summary**

Council received a Petition at its meeting held on 20 April 2021 in relation to playground upgrades in Tom Price.

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 20 April 2021, a petition was submitted and received by the Shire President.

The petition was submitted with a total of 243 signatures. The Governance team reviewed the signatories in accordance with the relevant criteria and confirmed 118 valid signatures.

The petition itself requests Council to consider matters in relation to playground upgrades in Tom Price only. Generally, the items raised in the petition are as follows:

- Adequate shelter over all outdoor play spaces
- Enclosing the nature park with fencing
- Playground equipment for children with special needs
- A play area in Area W
- Water playground
- Approaching mining companies for funding

Other issues raised were regarding the maintenance of existing shelters, why the water feature in the Town Centre is not in use and maintenance concerns with the nature park.

#### **Comment**

In considering the items raised in the petition, consultation was undertaken with the relevant departments being Projects and Procurement and Infrastructure Services.

Generally, the petition items are requesting new assets (shelter, fencing, new equipment etc.) to be installed of which there is currently no allocation in existing budgets to consider such items. From an officer's perspective, the most appropriate way for Council to consider such items is through the ongoing Long Term Financial Planning (LTFP) process which forms part of the integrated planning framework.

Meeting the needs of our communities is a priority, it is therefore further identified that the Shire will be undertaking its full review and development of a new Strategic Community Plan over the next six or more months.

Matters raised within the petition can be captured as part of the community consultation and therefore further enhances the possibility of these projects being realised as part of subsequent LTFP.

With respect to the issues raised concerning the non-functioning or maintenance issues associated with the town centre water feature and nature park, these matters require further investigation by the relevant department.

From an overall recreation planning perspective, the Chief Executive Officer has been working with Council with regards to the Community Lifestyle and Infrastructure Plan (CLIP) concept. CLIP considers the need to undertake an overall recreation strategy for Tom Price which can include both active and passive recreation. It is possible for the scope of the recreation component of CLIP to consider an assessment of current and future playground needs.

Finally, Council is aware that ongoing consultation is undertaken with local mining companies with respect to supporting new infrastructure and assets in addition to upgrading existing infrastructure and assets. This is also the emphasis of CLIP.

### **Consultation**

Manager Governance  
Director Corporate Services  
Director Infrastructure Services  
Director Projects and Procurement

### **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

At present, there are currently no budget allocations for any of the proposals requested as part of the petition.

Council has the ability, through its LTFP, to make allocations in response to the petition should it so desire.

## Strategic Implications

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

Goal 04 – Quality Services and Infrastructure

Objective 01 – Quality public infrastructure

Goal 05 – Inspiring Governance

Objective 01 – Effective Planning for the Future

## Risk Management

Risk has been assessed based on the Officers Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
<b>Reputation</b> Continued lobbying by not following up with the parties on the petition or incorporating the requests as part of future planning.	Likely (4)	Insignificant (1)	Low (4)	Unsubstantiated, localised low impact on community trust.	Continue to consider items raised as part of LTFP and Strategic Community Plan.

The following Risk Matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is Low (4) due to localised community perceptions.

## Policy Implications

There are no known policy implications for this matter.

**Voting Requirement**

Simple Majority Required.

**Council Recommendation and Council Decision**

**MINUTE: 80/2021**

**MOVED: Cr M Lynch**

**SECONDED: Cr D Diver**

**That with respect to the Petition regarding playground upgrades in Tom Price, Council:**

- 1. Consider the matters raised in the Petition as part of its ongoing deliberations on its Long Term Financial Plan to ensure the ongoing needs of community are met; and**
- 2. Continue to support the development of the Community Lifestyle and Infrastructure Plan for the development of enhanced recreation opportunities within Tom Price.**

**CARRIED: 6/0**

## 14. INFRASTRUCTURE SERVICES REPORTS

### 14.1 PILBARA 2050 REGIONAL CYCLING STRATEGY

<b>FILE REFERENCE:</b>	TT13
<b>AUTHOR'S NAME AND POSITION:</b>	Prashant Patil Manager Assets & Programming
<b>AUTHORISING OFFICER AND POSITION:</b>	Maz Khosravi Director Infrastructure Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	04 May 2021
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

The purpose of this report is to seek Council's endorsement of the aspirational Pilbara 2050 Cycling Strategy which has been collaboratively developed with all four Pilbara Local Governments and forms a part of the Western Australia Bike Network plan 2014-2031.

#### Background

Cycling is a convenient, healthy, and sustainable form of transport for short journeys and is regarded in many towns as a significant component of an integrated transport system.

Bike-friendly communities enjoy a range of social, environmental, and economic benefits. Bike riding has not only been proven to reduce traffic congestion, improve air quality and provide significant benefits, but also helps to create more vibrant and welcoming communities.

Economically, cycling can help families save money and facilitate new forms of industry such as cycle tourism and skills development. Socially, cycling gives people access to more places, enabling greater participation in learning, cultural and recreational activities. Therefore, in keeping with the Shire's strategic goal to create more connected, active, and engaging communities; increasing cycling initiatives will yield significant benefits in improving the quality of life of local residents across the Shire.

#### Comment

The *Pilbara 2050 Regional Cycling Strategy* that has been developed by the Department of Transport (DoT) in collaboration with the Shire of Ashburton, Shire of East Pilbara, City of Karratha and Town of Port Hedland.

#### ATTACHMENT 14.1A

This strategy reflects a shared vision and builds on ongoing work by each local government to deliver local cycling infrastructure and initiatives.

- DoT engaged Cardno as the delivery contractor and visited all key centres across the Pilbara region to undertake initial scoping in June 2019. A comprehensive review of relevant government and non-government policies and strategies was undertaken, alongside

reviews of existing cycling networks, data analysis, and stakeholder meetings to discuss and identify opportunities for cycling across the region.

- Outputs from the scoping work culminated in the production of information sheets and preliminary 2050 network maps for the project, which were used as part of the community consultation in late 2019. In addition to on-line feedback, in-person sessions were held on 19 October 2019 in Onslow and on 21 October 2019 in Tom Price. The Community and Stakeholder Consultation Outcomes report was finalised in May 2020.

**ATTACHMENT 14.1B**  
**ATTACHMENT 14.1C**

- The final strategy includes six central themes for cycling across the region, with key opportunities identified for each that highlight the potential for bike riding in and around the Pilbara region. Case studies are used to illustrate where similar outcomes have been achieved elsewhere. The themes include:
  - Connecting communities.
  - Developing unique cycle tourism experiences.
  - Encouraging healthy, active, and safe communities.
  - Supporting youth cycling.
  - Supporting Aboriginal cycling participation.
  - Fostering connections between industry and towns.
- The strategy contributes to the overall development of a long-term cycle network for Western Australia.

**ATTACHMENT 14.1D**

### **Statutory Environment**

There are no known statutory impediments relating to this initiative.

Under the *Local Government Act 1995 and Local Government (Administration) Regulations*, the Shire has a responsibility to plan for the future; specifically:

*19DA. Corporate business plans, requirements for (Act s. 5.56)*

- (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.

General provisions relating to the Road Traffic Act 1974 and the Traffic Code 2020 regulate the use of roads by all road users, including cyclists.

### **Risk Management**

Risk has been assessed based on Officers Recommendation and the assessment detailed overpage.

Risk	Risk Likelihood	Risk Consequences	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls Treatment proposed)
<b>Financial Impact</b>	Unlikely (2)	Minor (2)	Low (4)	Budget impact	Endorsement of the Pilbara 2050 Cycling Strategy does not commit Council nor State Government agencies to deliver all, or any part, of the Pilbara 2050 Cycling Strategy within a particular timeframe - nor does endorsement commit any party(s) to fund any specific route or initiative within the Pilbara 2050 Cycling Strategy. Scheduling works over multiple years will assist with further reducing this risk
<b>Reputational</b>	Unlikely (2)	Moderate (3)	Moderate (6)	Substantiated, public embarrassment, moderate impact on community trust or moderate media profile.	Formal endorsement of the strategy will substantially mitigate this risk.

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".

### **Financial Implications**

Funding for the cycling tracks is allocated through the Western Australian Bicycle Network (WABN) Grants program, Regional Bicycle Network (RBN) stream which is run annually. Cycle routes within the endorsed LGAs strategy will be eligible for grants.

Endorsement of the Pilbara 2050 Cycling Strategy does not commit Council nor State Government agencies to deliver all, or any part, of the Pilbara 2050 Cycling Strategy within a particular timeframe - nor does endorsement commit any party(s) to fund any specific route or initiative within the Pilbara 2050 Cycling Strategy.

Council endorsement confirms support for local and State Government agencies to work together in delivering the aspirational Pilbara 2050 Cycling Strategy over the longer term.

### **Strategic Implications**

This request aligns with the provision of safe pedestrian and cyclist connectivity between town centers, schools, and other facilities within town under the Shire of Ashburton 10 Year Strategic Community Plan 2017-2027

Goal 01 Vibrant and Active Communities.

Objective 1 Connected, caring and engaged communities.

Goal 04 Quality Services and Infrastructure.

Objective 1 Quality public infrastructure.

Objective 2 Accessible and safe towns.

Objective 3 Well planned towns.

### **Voting Requirement**

Simple Majority Required

### **Council Recommendation and Council Decision**

**MINUTE: 81/2021**

**MOVED: Cr L Rumble**

**SECONDED: Cr M Lynch**

**That with respect to the Pilbara 2050 Regional Cycling Strategy Council endorse the aspirational Pilbara 2050 Regional Cycling Strategy as per ATTACHMENT 14.1A.**

**CARRIED: 6/0**

**14.2 ACCEPTANCE OF TENDER EXEMPT PROCUREMENT PROCESS FOR REQUEST FOR TENDER RFT 03.21 FLOOD DAMAGE REPAIRS AND GRAVEL RE-SHEETING WORKS - ASHBURTON DOWNS AND ASHBURTON DOWNS-MEEKATHARRA ROADS**

<b>FILE REFERENCE:</b>	CM03.21
<b>AUTHOR'S NAME AND POSITION:</b>	Prashant Patil-Manager and Chris Hurstfield Assets and Programming / Manager Roads and Operations
<b>AUTHORISING OFFICER AND POSITION:</b>	Maz Khosravi Director Infrastructure Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	3 May 2021
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The authors and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 12.4 (Minute No. 38/2021) Ordinary Meeting of Council 16 March 2021.

A request for Tender was recently issued for Flood Damage Repairs and Gravel Re-sheeting Works – Ashburton Downs and Ashburton Downs-Meekatharra Roads (RFT 03.21) with Council resolving not to accept any tender and authorising the Chief Executive Officer to undertake a “tender exempt” procurement process.

The tender exempt procurement process closed Wednesday 14 April 2021 with submissions now having been fully assessed.

Council is requested, with regards to the tender exempt procurement process for Request for Tender RFT 03.21 Flood Damage Repairs and Gravel Re-sheeting Works – Ashburton Downs and Ashburton Downs-Meekatharra Roads, to accept the tender submitted by AK Evans, subject to satisfactory contract negotiations, and amend the scope of works for the Gravel Re-sheeting.

**Background**

Damage to Ashburton Downs-Meekatharra Road and Ashburton Downs Road from Tropical Cyclone Damien (AGRN899) resulted in the need to seek tenders to reinstate specific segments of these roads, in general terms –

- Minor clearing,
- Reconstruct road formation,
- Gravel sheeting,
- Maintenance grading,
- Reshape / form table drains and offshoot drains,
- Repairs and reconstruction of various floodway's including concrete, cement stabilised, unsealed, and sealed floodway's including rock protection as required,
- Source gravel from borrow pits including clearing, topsoil stripping, removal of overburden, pushing up and stockpiling gravel and associated rehabilitation,
- Construction and maintenance of turkey's nests associated with nominated water bore sources, and
- Various works to obtain water from water bores, natural sources, and any other source for road construction purposes.

Additionally, Ashburton Downs Road required a reform and re-sheet of approximately 21 kilometres, which included –

- Cut-to-fill to achieve a typical 4% crown approximately 11m wide formation to suit typical details provided,
- Prepare the existing surface to form the subgrade surface which is to be to the shape and width as detailed,
- Form table drains and / or clean out and deepen existing table drains to match new formation as required. Table drains should be approx. 150mm below the subgrade hinge point and be trapezoid in shape,
- Transport new cattle grid to drawn from existing stock to the Contractor from the Shire's depot in Tom Price to the work site,
- Remove and appropriately dispose of existing cattle grid,
- Install new cattle grid at SLK 16.59 including cement stabilisation (3% by wt.) of the 150mm thick gravel sheeting layer 50m either side of the new cattle grid,
- Make all allowances for reinstating the fencing either side of the new cattle grid to the satisfaction of the Principal,
- Supply, place, compact and trim gravel sheeting layer 150mm compacted thickness 9m wide, and
- Supply and install guideposts.

Request for Tender RFT 03.21 Flood Damage Repairs and Gravel Re-sheeting Works – Ashburton Downs and Ashburton Downs-Meekatharra Roads was advertised in *The West Australian* on Wednesday 3 February 2021, via the Shire's e-tendering portal (Tenderlink), on social media and on local noticeboards.

The tender submission period closed Wednesday 3 March 2020.

One (1) Tender was received in response to RFT 03.21, and this submission was conforming. The evaluation panel assessed the submission and recommended that the submission not be accepted, as it was not considered to represent value for money.

At the March Ordinary Council Meeting, Council resolved to decline the Tender for RFT 03.21 and to authorise the CEO to undertake a tender exempt procurement process.

### **Comment**

A tender exempt process was subsequently initiated in compliance with legislation.

Invitations were sent to –

- AK Evans Group,
- All Roads Pty Ltd,
- Youngs Earthmoving,
- Shire of Mount Marshall, and
- Shire of Manjimup.

The invitation submission period closed Wednesday 14 April 2021.

The Scope of works, as described in the invitation, is as follows:

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



Reinstatement of specific segments of Ashburton Downs Meekatharra Road and Ashburton Downs Road to a standard equivalent to the pre-disaster standard and condition of the road as determined by the Principal. The scope of works is as per the Shire's approved AGRN899 flood damage reinstatement defect schedule.

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

Reform and Re-sheet SLK 0.10 - 21.21. The tender specification allows for the length of road requiring re-sheeting to be adjusted to fit the available budget. A formal process authorising an amendment to the scope of works and the carry-over of RRG funds with the Regional Road Group and MRWA has been initiated. Initial discussion with members of the RRG Technical Group and the RRG Secretariat (MRWA) in progress.

The Shire of Mt Marshall has advised that they are already behind in their own works program and would be unable to assist. The Shire of Manjimup advised that the scope of works (which, at the time, also included Twitchen and Old Onslow Roads) was more than their capabilities in terms of equipment, camp accommodation and remote area operations. However, ongoing discussions with the Shire of Manjimup indicate some interest in completing the re-sheeting work on Towera-Lyndon Road (with SoA providing some support). Towera-Lyndon is a more modest project in terms of scope and cost.

Submissions were received from AK Evans Group and All Roads Pty Ltd. The assessment of the submissions was formally undertaken by a panel which included the following personnel:

- a) Manager Roads and Operations;
- b) Manager Assets and Programming; and
- c) Rural Road Coordinator.

An evaluation of submissions was undertaken and conducted in accordance with the advertised evaluation specifications and with the following weightings:

<b>Qualitative Selection Criteria</b>	<b>Weighting</b>
Relevant Experience	25%
Key Personnel	15%
Tenderers Resources	10%
Demonstrated Understanding	10%
Quality Management	20%
Risk	10%
Local Supplier Details	10%

**CONFIDENTIAL ATTACHMENT 14.2A**

Price is a non-weighted criterion, although still forms an important part of the overall assessment. Once the submissions were assessed in accordance with the selection criteria, the evaluation panel further assessed the submissions in terms of cost affordability, qualitative ranking, and risk, to arrive at a consensus the preferred tenderer represents value for money.

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

- 1. AK Evans Group
- 2. All Roads Pty Ltd

It is recommended Council accepts the submission from AK Evans Group and enters a contract to undertake the works, subject to satisfactory contract negotiations.

## Consultation

Tender Assessment Panel  
Senior Procurement Officer

Probity Advisor (Probity Report forms part of Confidential Attachment 14.2)

**CONFIDENTIAL ATTACHMENT 14.2B**

## Statutory Environment

*Local Government Act 1995*

*Section 3.57 – Tenders for providing goods or services*

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

*Local Government (Functions and General) Regulations 1996*

*Regulation 11 – Tenders for providing goods or services*

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

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

## Financial Implications

The 2020-2021 annual budget includes the following allocations:

- |  |             |
|--|-------------|
| • Ashburton Downs-Meekatharra Road (TC Damien)     | \$1,300,000 |
| • Ashburton Downs Road (TC Damien)                 | \$ 258,000  |
| • Road Renewals – Ashburton Downs Meekatharra Road | \$ 759,310  |

The Tropical Cyclone Damien flood damage repair works are fully funded by the Department of Fire and Emergency Services, including costs of site superintendent services.

The Ashburton Downs Road Renewal project is Regional Road Group funded for the proposed reduced scope of works.

### Value for Money Considerations

Regarding Separable Portion B, it should be noted these works appear to have been estimated on a per kilometre rate during the preparation of the 2019-2020 Annual Budget (which is now two, and closer to three, budgets ago).

There is no reasonable evidence to suggest how the budget figure was arrived at. This is one of the reasons for including provisions in the Tender Specification which allow for the removal of sections of work.

Advice from experienced consultants suggest a rate of up to \$40,000 per kilometre for re-sheeting projects in the Wheatbelt. The rate is closer to \$80,000 per kilometre for re-sheeting works in the Pilbara, provided there is a good subgrade available. Per kilometre rates more than \$80,000 per kilometre in the Pilbara region are not uncommon, especially on roads with a poor subgrade.

In this case, the road surface is worn, weathered, and has lost its shape. As a result, the tendered price, with a variable subgrade, is considered to represent value for money.

## Strategic Implications

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

Goal 04 – Quality Services and Infrastructure

Objective 01 – Quality Public Infrastructure.

### Risk Management

Risk has been assessed based on the Officers Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Potential for contract dispute resulting in project delays, non-delivery of works and litigation	Possible (3)	Major (4)	High (12)	Financial Impact  \$1 million To \$5 million	Controls as follows: <ul style="list-style-type: none"> <li>• Comprehensive Technical Specification.</li> <li>• Mandatory on-site briefing during tender process.</li> <li>• Full time Superintendent on-site with contractor.</li> <li>• Contractor responsible for verifying materials and water sources.</li> <li>• Proper reference checking of preferred tenderer.</li> <li>• Complete contract documentation from project commencement.</li> <li>• Flood damage works (Portion A) to be undertaken as Schedule of Rates.</li> <li>• Ashburton Downs Meekatharra Rd re-sheeting works to be undertaken as Fixed Lump Sum.</li> </ul>

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
The finished product is not completed to a high standard	Possible (3)	Major (4)	High (12)	Reputation  Substantiated, public embarrassment, widespread high impact on community trust, high media profile, third party actions	Detailed contract specifications for all aspects of the works including material placement, compaction, and testing. Full time Superintendent on site with the contractor. Quality Assurance systems required.
Lack of trust in the Shire to deliver capital road projects considering project issues which occurred on major projects during 2020.	Possible (3)	Major (4)	High (12)	Reputation  Substantiated, public embarrassment, widespread high impact on community trust, high media profile, third party actions	Stricter controls in terms of tendering, contract management and administration as outlined below.
Project runs over time with potential cost and reputation impacts.	Possible (3)	Moderate (3)	Moderate (9)	Project Time  Exceeds deadline by 15% of project timeline	Project works during dry season. Full time Superintendent. Documentation to support the engagement of a suitably experienced and competent contractor.

The following Risk Matrix has been applied

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is Moderate to High due to the financial value of the project, the risk to the Shire's reputation and experience with contract issues from 2020.

However, following the implementation of risk mitigation strategies, as indicated above, the risk has been reduced from "High" to "Medium". That is, the residual risk, following controls and treatments, is assessed as "Medium".

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

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

### **Policy Implications**

#### *FIN12 – Purchasing Policy*

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

### **Voting Requirement**

Simple Majority Required

**Officers Recommendation and Council Decision**

**MINUTE: 82/2021**

**MOVED: Cr D Diver**

**SECONDED: Cr R De Pledge**

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

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

**CARRIED: 6/0**

### 14.3 ACCEPTANCE OF RFT 06.21 TOM PRICE VISITOR INFORMATION BAY

<b>FILE REFERENCE:</b>	CMQ24.20
<b>AUTHOR'S NAME AND POSITION:</b>	Tracey Rogers Project Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Maz Khosravi Director Infrastructure Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	5 March 2021
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda item 15.1 (Minute No.179/2020) Ordinary Meeting of Council 10 November 2020

#### **Summary**

A Request for Tender was issued for Tom Price Visitor Information Bay (RFT 06.21) in March 2021.

The submission period closed April 2021, with submissions now having been fully assessed.

Council is requested, with regards to Request for Tender RFT 06.21 Tom Price Visitor Information Bay, to accept the tender submitted by Byblos Constructions and amend the budget accordingly.

#### **Background**

The groundwork to deliver quality visitor information bays in Paraburdoo and Tom Price started in 2016.

With the Paraburdoo facility being completed in 2017, works to build the Visitor Information Bay at the endorsed location in Tom Price have been planned, designed, and tendered.

#### **Comment**

Request for Tender RFT 06.21 for Tom Price Visitor Information Bay was advertised via the Shire's e-tendering portal (Tenderlink) and undertaken via social media and on local noticeboards.

#### **ATTACHMENT 14.3A**

The tender submission period closed 16 April 2021.

One conforming tender was received for the project (Byblos Constructions).

The evaluation panel has assessed the submission as value for money, however the current budget is insufficient to deliver the project.

#### **CONFIDENTIAL ATTACHMENT 14.3B**

Byblos Constructions completed the Visitor Information Bay works at Paraburdoo to a high standard and have proven to be a reliable local contractor over several years.

The preferred tenderer has submitted a tender price (less provisional items) of \$795,400. If the provisional items are included (refer below), the submitted tender price is \$838,315.

The current budget for Tom Price Tourist Information Bay - Upgrade is \$690,361. Some expense has already been incurred for drafting of plans etc. with additional funding of \$140,000 required to deliver the project (less the provisional items).

Additional funds have been identified from completed infrastructure projects which could be utilised for the project.

This report recommends a budget variation to ensure the Tom Price Visitor Information Bay - Upgrade can be delivered in a timely manner, and to a high standard.

Shire officers note the following:

- Doradeen Road Drainage Improvements (completed in February 2021)  
This project has a current budget allocation of \$200,000 and was completed for \$141,336. This represents available funds of \$58,664.
- Kerbs and Gutter Renewals (completed in February 2021)  
This project has a current budget allocation of \$220,000 and was completed for \$124,244. This represents available funds of \$95,756.

Should the above available funds be redirected to the delivery of the project then this will be sufficient to complete the project, less provisional items.

During the planning process, related works were identified at other locations which were considered as beneficial to be completed at the same time. Specifically, there is an aging information shelter with outdated information adjacent to the Shell Service Station. It would make sense to remove this shelter as part of the new Visitor Information Bay project. Additionally, the Visitor Information Bay adjacent to the Karijini turn-off, which is in close proximity to this project, is considered part of the overall visitor experience when travelling in an around the Tom Price area. That Visitor Information Bay is in need of refurbishment; it would make sense to do that at the same time if funds were available. These additional works were included in the tender as “provisional items” to be carried out if the budget permitted. Specifically, the provisional works involve:

- Removal of the small information bay shelter adjacent to the Shell Service Station and installation of a new shelter and table setting.
- Renewal of roof sheeting and painting / refurbishment of the existing structure at the Visitor Information Shelter located near the Karijini Drive / Tom Price Road intersection.

There is no current budget allocation to undertake these provisional works. There are two options for consideration in respect of the provisional items:

- Option 1 - Remove these provisional items from the delivery of the RFT. This will not impact the overall scope for the delivery of the Visitor Information Bay. A budget request could be submitted to carry out these upgrades for consideration in the 2021-2022 annual budget.
- Option 2 - Identify additional funds and complete the provisional works as part of the Visitor Information Bay project.



Shire officers have identified additional savings from the delivery of PRWMF (Pilbara Regional Waste Management Facility) Main Works (current savings of \$330,000) which could possibly be allocated towards these additional “provisional items”.

The resolution has been drafted on the assumption Council proceeds with Option 2 and complete all the works, which include the provisional works.

### **Consultation**

Executive Management Team  
Senior Procurement Officer

### **Statutory Environment**

*Local Government Act 1995*

*Section 3.57 – Tenders for providing goods or services*

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

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

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

### **Financial Implications**

The current budget for Tom Price Tourist Information Bay - Upgrade is \$690,361, with approximately \$140,000 required to proceed with the preferred tenderer, allowing for a suitable contingency.

Additionally, further funding of approximately \$43,000 is required to complete additional works identified by Shire officers as being beneficial to complete as part of the recent tender, for which there is no Council resolution to complete or include.

Funding opportunities, through current annual budget variations, have been identified to be able to complete all works as outlined in the body of this Agenda Item.

### **Strategic Implications**

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

Goal 02 – Economic Prosperity

Objective 03 – Well-managed tourism

Goal 04 – Quality Services and Infrastructure

Objective 01 – Quality public infrastructure

Goal 04 – Quality Services and Infrastructure

Objective 02 – Accessible and safe towns

### **Risk Management**

Risk has been assessed based on the Officers Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Insufficient funding to complete the works to a high standard.	Likely (4)	Moderate (3)	High (12)	Financial Impact \$100,000 to \$1 million	Provide Council with options to make available sufficient funds to accept the tender, and all provisional items.
Insufficient funding to complete the works to a high standard.	Possible (3)	Moderate (3)	Moderate (9)	Reputation Substantiated public embarrassment, moderate impact on community trust or moderate media profile	Provide Council with options to make available sufficient funds to accept the tender, and all provisional items.
Insufficient funding to complete the works to a high standard.	Possible (3)	Major (4)	High (12)	Project Time Exceeds deadline by 20% of project timeline	Provide Council with options to make available sufficient funds to accept the tender, and all provisional items.

The following Risk Matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is Moderate to High due to the financial implications and potential for delays in delivery of the project.

## **Policy Implications**

### *FIN12 – Purchasing Policy*

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

## **Voting Requirement**

Absolute Majority Required

## **Officers Recommendation and Council Decision**

**MINUTE: 83/2021**

**MOVED: Cr D Diver**

**SECONDED: Cr M Lynch**

**That with respect to acceptance of RFT 06.21 Tom Price Visitor Information Bay Council:**

- 1. In accordance with Local Government Act 1995 section 3.57:
  - a. Accepts the tender provided by Byblos Constructions; and**
  - b. Authorises the Chief Executive Officer to negotiate and engross the contract, with or without minor variation, with Byblos Constructions based on their submitted and acceptable tender.****
  
- 2. Amends the 2020-2021 Annual Budget as follows:
  - a. Doradeen Road Drainage Improvements reduce budget allocation by \$58,664**
  - b. Kerb and Gutter Renewal Program reduce budget allocation by \$81,336**
  - c. PRWMF (Pilbara Regional Waste Management Facility) Main Works reduce budget allocation by \$42,915**
  - d. Tom Price Tourist Information Bay Upgrade - increase budget allocation by \$140,000**
  - e. Shell Service Station - Tom Price Information Bay Upgrade - increase budget allocation by \$36,595.**
  - f. Karijini Drive / Tom Price Road Intersection Information Bay Renewal - increase budget allocation by \$6,320.****

**CARRIED BY ABSOLUTE MAJORITY: 6/0**

**15. PROJECTS AND PROCUREMENT REPORTS**

**15.1 ONE TREE COMMUNITY SERVICES: 2021 ONSLOW WELLNESS PACKAGE & SPONSORSHIP**

<b>FILE REFERENCE:</b>	CP18
<b>AUTHOR'S NAME AND POSITION:</b>	Chantelle McGurk Director Projects & Procurement
<b>AUTHORISING OFFICER AND POSITION:</b>	Kenn Donohoe Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	6 April 2021
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

One Tree Community Services Incorporated (One Tree) lease a 484 square metre portion of the Onslow Multi-Purpose Centre, for the provision of childcare services.

To address the long wait list for childcare services, a redesign of the current facility, with expansion into the current gymnasium area to better meet the needs of the community, is supported by Council and funded by Chevron through the Community Development Fund. As a result of the redevelopment and expansion of the childcare services, further staff will be required so the centre can operate to its full capacity.

Chevron Australia Pty Ltd have lead in developing an Onslow Wellness Package for One Tree Community Services employees in partnership with BHP, Onslow Salt and the Onslow Chamber of Commerce and Industry. The Shire has been invited to support the incentive by providing in kind support to the package by providing 10 One Tree staff Pool Season passes and 12 month gym memberships.

Council are requested to support use of the Onslow Wellness Package for 12 months by way of signing the Onslow Wellness Package.

**Background**

To address the long wait list for childcare services in Onslow, a redesign of the current facility, with expansion into the current gymnasium area to better meet the community's needs, was supported by Council and funded by Chevron through the Community Development Fund. Redevelopment will see the area increase from 176 sqm to approximately 318 sqm by expanding into the current

gym area. The expansion will see the centre increase capacity numbers at the day care centre from 19 children to 49 children.

The construction is almost nearing completion with the estimated completion due early May, then the centre will go through licensing requirements for operations.

The rent payable is \$12,600 plus GST per annum, subject to annual CPI reviews.

### **Comment**

The support package aims to further grow and sustain the Onslow One Tree Children's Services so the organisation can best service the childcare needs for the community of Onslow.

A key issue for the Onslow community is access to childcare due to a nation-wide skills shortage exacerbated by the COVID-19 pandemic and hard border controls by the WA State Government. Other issues impacting the ability of One Tree to attract and retain daycare staff are:

- Housing affordability.
- Lack of qualifications.
- Disparity in wages between the early childhood and resource sectors.
- High cost of living in a remote location.

This situation is directly impacting the attraction of staff to Onslow and the ability of many residential spouses being able to work due to childcare responsibilities. The Centre's current operating hours also require extending to better accommodate those working longer shifts in Onslow.

It has been identified that One Tree, to staff the service to its full capacity and extend hours of operations to better suit the Onslow working community, would require a minimum of an additional 5 staff, doubling the Centre's workforce to 10.

As a not-for-profit organisation, One Tree is limited in its ability to provide additional wages and benefits without impacting the financial viability of the service. To improve staffing levels and ensure the long-term viability of the service, One Tree requires funding support from industry, allowing additional benefits which would attract and retain staff.

The Shire already provides support to One Tree through subsidised rent covering some operational costs including utility and weekend cleaning.

Sponsorship funds have already been secured by Chevron Australia Pty Ltd, BHP and Onslow Salt and administered through the Onslow Chamber of Commerce and Industry, as outlined in the table below.

SUPPORT	DETAILS	ORGANISATION S	COST BREAKDOWN	TOTAL
Staff Living Allowance	Funding support to further incentivise employment as an Onslow childcare educator	Joint funding	In addition to One Tree \$2/hr remote living allowance	\$156,000/ yr
Relocation Support	Relocation support, as required	Joint funding	\$10,000 (Up to 6 people - One Tree covers \$3k of moving costs) ~ \$7,000 x < 6 people	<\$42,000
PER-ONS Flights Benefit	Allowance of \$1,200 per educator for return flights to Perth per year	Joint funding	10 staff members	\$12,000
	Offered as a reimbursement arrangement for RPT seats			
Total 2021 Joint Funding			< \$210,000 (plus GST, if any)	

**Shire of Ashburton in-kind support is to be managed directly between One Tree and the Shire of Ashburton.**

SUPPORT	DETAILS	ORGANISATION	TOTAL
Wellness Package for One Tree employees	Pool Season Pass \$173.00 Gym 12 month pass \$529.50	SOA	Total per person \$702.50 10 positions - \$7,025.00
Subsidised Commercial Rent	Subsidised Commercial Rent	SOA	Already provided
Operation Support	Coverage of utilities and weekend cleaning cost	SOA	Already provided
<b>Additional in-kind support</b>			
Spouse Support	Spouse to be connected with OCCl and support will be offered to connect with any potential employment opportunities – including support with preparation of resume if needed.	OCCI	In Kind

### Consultation

Chief Executive Officer  
Manager Land & Asset Compliance

### Statutory Environment

Section 6.12 (1) (c) of the *Local Government Act 1995* states that Council may write off money that is owed to the Local Government by Absolute Majority.

### Financial Implications

Fees for the 10 x Annual Pool Passes and 12 Month Gym Memberships for 10 One Tree staff as part of the Sponsorship package and the Shire's contribution would be \$7,025.00 per annum.

New operational GL to be created under Director of Projects and Procurement for 2021/22 with a budget allocation of \$7,100.00.

### Strategic Implications

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

Goal 01 Vibrant and Active Communities.  
Objective 2 Sustainable services, clubs, associations, and facilities.

Goal 05 Inspiring Governance.  
Objective 2 Community Ownership.

### Risk Management

Risk has been assessed based on the Officers Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
<b>Interruption to Service</b> No childcare service without the provision of a Shire facility	Almost Certain (5)	Extreme (5)	Extreme (25)	Prolonged interruption of services > 1 month	Adopt Officer Recommendation to ensure no interruption to business

The following Risk Matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is "High" due the potential interruption to childcare services. Monitoring by the Executive Management Team will be ongoing during project planning and delivery.

### Policy Implications

REC08 Community Donations, Grants and Funding, makes provision for \$500 Small Assistance Donation to clubs and groups. As the Fees and Charges waiver requested is over \$500 the request is presented to Council for consideration.

### Voting Requirement

Absolute Majority Required

**Officer Recommendation and Council Decision**

**MINUTE: 84/2021**

**MOVED: Cr M Lynch      SECONDED: Cr R De Pledge**

**That with respect to Waiver of Fees and Charges Associated with 10 x Annual Season Pool Passes and Gym memberships, Council:**

**Endorse the One Tree Community Services: 2021 Onslow Wellness Package/program;**

**Authorise the CEO or CEO's nominated Director to accept the 2021 Onslow Wellness Package.**

**Considers an allocation of \$7,025 One Tree Sponsorship Program for inclusion in the 2021/22 budget.**

**Approve the waiver of the fees and charges for annual season pool pass and gym membership for One Tree Staff, estimated to be approximately \$7,025.**

**CARRIED BY ABSOLUTE MAJORITY: 6/0**



16. **COUNCILLOR AGENDA ITEMS / NOTICES OF MOTIONS**  
Nil
17. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**  
Nil
18. **CONFIDENTIAL MATTERS**
- 18.1 **CONFIDENTIAL ITEM AWARD OF RFQ – COMMUNITY LIFESTYLE AND INFRASTRUCTURE PLAN**

**Declaration of Interest**

*Prior to consideration of this Agenda Item:*

*Cr M Lynch declared an Indirect Financial Interest.*

*Cr D Diver declared a Financial Interest.*

*See item 6.2 for details of the declared interest.*

*This item required an Absolute Majority decision. The declarations by Cr M Lynch and Cr D Diver meant there were insufficient Councillors to consider this item at this meeting.*

**19. NEXT MEETING**

The Shire President advised the next Ordinary Meeting of Council will be held on 15 June 2021, at the Ashburton Hall, Paraburdoo, commencing at 1.00 pm.

**20. CLOSURE OF MEETING**

The Shire President closed the meeting at 1:50pm.