



Published Minutes

Ordinary Council Meeting

Tuesday, 14 November 2023

Date:	Tuesday 14 November 2023
Time:	1:00pm
Location:	Ashburton Hall, Ashburton Avenue, Paraboradoo
Distribution Date:	Wednesday 15 November 2023



**Shire of Ashburton
Ordinary Council Meeting**

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

K Donohoe
Chief Executive Officer
15 November 2023

These minutes were confirmed by Council as a true and accurate record of proceedings at the Ordinary Council Meeting held on Tuesday, 14 November 2023.

Presiding Member

Date

12/12/23

Disclaimer

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

Contents

1 Declaration Of Opening5

 1.1 Acknowledgement Of Country5

2 Announcement Of Visitors5

3 Attendance.....5

 3.1 Present5

 3.2 Apologies6

 3.3 Approved Leave Of Absence6

4 Question Time6

 4.1 Response To Previous Public Questions Taken On Notice6

 4.1.1 Dust Management - Mount Stuart-Red Hill Road.....6

 4.2 Public Question Time.....7

5 Declaration By Members.....7

 5.1 Due Consideration By Councillors To The Agenda.....7

 5.2 Declaration Of Interest.....7

6 Announcements By The Presiding Member And Councillors Without Discussion7

7 Petitions / Deputations / Presentations7

 7.1 Petitions.....7

 7.2 Deputations8

 7.3 Presentations.....8

8 Applications for Leave of Absence.....8

9 En Bloc Council Resolutions8

 9.1 Agenda Items Adopted En Bloc.....8

10 Confirmation Of Minutes.....9

 10.1 Confirmation Of Council Minutes9

 10.1.1 Minutes Of The Ordinary Council Meeting Held On 10 October 20239

 10.1.2 Minutes Of The Special Council Meeting Held On 25 October 20239

 10.2 Receipt Of Committee And Other Minutes.....10

 10.2.1 Minutes Of The Inland Local Emergency Management Committee Meeting Held On 17 October 202310

 10.2.2 Minutes Of The Alliance Board Meeting Held On 29 September 202310

11 Recommendations From Committee10

12 Office of the Chief Executive Officer Reports.....11

 12.1 Section 175 Liquor Control Act, Restricted Area Regulations Renewal - Wakathuni Community.....11

12.2	Beadon Creek Boat Harbour - Request to Western Australian Planning Commission to prepare Structure Plan	15
13	Corporate Services Reports	24
13.1	Monthly Schedule of Accounts Paid - September 2023.....	24
13.2	Monthly Financial Statements - September 2023	28
13.3	Gross Rental Valuation (GRV) Rating Of Transient Workforce Accommodation	31
13.4	Wittenoom Memorial Request.....	36
13.5	Adoption - Public Places and Local Government Property Amendment Local Law 2023.....	41
13.6	Budget Amendments - November 2023.....	47
14	Infrastructure Services Reports.....	51
14.1	RoadWise Council Invitation	51
14.2	Request for Tender 16.23 - Pilbara Regional Waste Management Facility - Evaporation and Drying Pad Construction.....	55
15	Community Development Reports.....	61
15.1	Onslow Streetscape Project - Project Update and Outcome of Community Engagement Activities	61
16	Councillor Agenda Items / Notices of Motion	66
17	New Business Of An Urgent Nature Introduced By Council Decision	66
18	Confidential Matters	66
18.1	Pilbara Regional Waste Management Facility - Status Update	67
19	Next Meeting.....	68
20	Closure Of Meeting	68

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

Nil

3 Attendance

3.1 Present

Elected Members:	SP A Smith Cr R De Pledge Cr M Gallanagh Cr L Rumble JP Cr A Sullivan Cr M Lynch Cr T Mladenovic	Shire President Ashburton-Tablelands Ward Pannawonica Ward Paraburdoo Ward Paraburdoo Ward Tom Price Ward Tom Price Ward
Employees:	K Donohoe I Bishop C McGurk D Kennedy R Miller R Wright B Evans J Bray L Milne J Watson A Furfaro	Chief Executive Officer Deputy Chief Executive Officer Director Community Development Director Corporate Services Director Infrastructure Services Executive Manager Land, Property and Regulatory Services Manager Waste Services Manager Governance Acting ICT Specialist Acting ICT Coordinator Governance Officer

Guests:	Nil
Members of Public:	There were no members of the public in attendance at the commencement of the meeting.
Members of media:	There were no members of the media in attendance at the commencement of the meeting.

3.2 Apologies

Cr K White Onslow Ward
 Cr B Healy Tom Price Ward

3.3 Approved Leave Of Absence

Nil

4 Question Time

4.1 Response To Previous Public Questions Taken On Notice

4.1.1 Dust Management - Mount Stuart-Red Hill Road

Deborah Avery

Submitted by email on 27 October 2023.

Question

Did the Shire make it a condition that watering was to be carried out by MRL on the Mount Stuart/Red Hill Road. Compliance is very lacking if it was a condition, and what is the Shire going to do about it.

Response

The Road User Agreement between the Shire and Mineral Resources Limited (MRL) contains the following condition in Annexure 3 – Maintenance Standards:

- Adequate dust suppression of the entire road during hauling operations; noting that this will require additional water tankers to those which are used for routine maintenance.

Following the correspondence, Shire officers scheduled a visual and video inspection of the road for 8 November 2023. An ongoing random inspection program will be implemented to audit compliance.

4.2 Public Question Time

Nil

5 Declaration By Members

5.1 Due Consideration By Councillors To The Agenda

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

5.2 Declaration Of Interest

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

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

The following declarations of interest are disclosed –

14.2 Request for Tender 16.23 - Pilbara Regional Waste Management Facility - Evaporation and Drying Pad Construction	
Name	Cr M Lynch
Nature of interest	Impartiality
Interest description	My wife, Renae Lynch, is the Senior Procurement Officer for the Shire of Ashburton. Renae confirms due process, but is not part of the decision process.

6 Announcements By The Presiding Member And Councillors Without Discussion

Nil

7 Petitions / Deputations / Presentations

7.1 Petitions

Nil

7.2 Deputations

Nil

7.3 Presentations

Nil

8 Applications for Leave of Absence

Leave of Absence

Procedural Motion

Moved Cr L Rumble JP

Seconded Cr T Mladenovic

That Council approve the request for Leave of Absence, for Cr M Gallanagh of Pannawonica Ward for the period from 12 December 2023 to 12 December 2023 inclusive.

For: A Smith, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, M Lynch and T Mladenovic

Against: Nil

Carried 7/0

9 En Bloc Council Resolutions

9.1 Agenda Items Adopted En Bloc

The following confirmation of minutes and receipt of minutes were adopted en bloc:

- 10.1.1 Minutes of the Ordinary Council Meeting Held on 10 October 2023
- 10.1.1 Minutes of the Special Council Meeting Held on 25 October 2023
- 10.2.1 Minutes of the Inland Local Government Emergency Management Committee Meeting Held on 17 October 2023
- 10.2.2 Minutes of the Alliance Board Meeting Held on 29 September 2023

10 Confirmation Of Minutes

10.1 Confirmation Of Council Minutes

10.1.1 Minutes Of The Ordinary Council Meeting Held On 10 October 2023

Council Decision **197/2023**

Moved **Cr T Mladenovic**

Seconded **Cr M Lynch**

That the Minutes of the Ordinary Council Meeting held 10 October 2023 (Item 10.1.1 Attachment 1) be confirmed as a true and accurate record , subject to the following:

- 1. Amend points 1 and 2 of Council Decision 193/2023, Item 18.2 Purchase Properties – Onslow, by replacing Lot 10 (5) Forrest Court, Onslow with Lot 11 (3) Forrest Court, Onslow; and**
- 2. Requests the Chief Executive Officer to amend the Ordinary Council Meeting agenda for 10 October 2023 accordingly.**

For: **A Smith, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, M Lynch and T Mladenovic**

Against: **Nil**

Carried 7/0

Resolved en bloc

10.1.2 Minutes Of The Special Council Meeting Held On 25 October 2023

Council Decision **198/2023**

Moved **Cr T Mladenovic**

Seconded **Cr M Lynch**

That the Minutes of the Special Council Meeting held 25 October 2023 (Item 10.1.2 Attachment 1) be confirmed as a true and accurate record.

For: **A Smith, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, M Lynch and T Mladenovic**

Against: **Nil**

Carried 7/0

Resolved en bloc

10.2 Receipt Of Committee And Other Minutes

10.2.1 Minutes Of The Inland Local Emergency Management Committee Meeting Held On 17 October 2023

Council Decision 199/2023

Moved Cr T Mladenovic

Seconded Cr M Lynch

That the Minutes of the Inland Local Emergency Management Committee Meeting held 17 October 2023 (Item 10.2.1 Attachment 1) be received.

For: A Smith, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, M Lynch and T Mladenovic

Against: Nil

Carried 7/0
Resolved en bloc

10.2.2 Minutes Of The Alliance Board Meeting Held On 29 September 2023

Council Decision 200/2023

Moved Cr T Mladenovic

Seconded Cr M Lynch

That the Minutes of the Alliance Board Meeting held 29 September 2023 (Item 10.2.2 Attachment 1) be received.

For: A Smith, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, M Lynch and T Mladenovic

Against: Nil

Carried 7/0
Resolved en bloc

11 Recommendations From Committee

Nil

12 Office of the Chief Executive Officer Reports

12.1 Section 175 Liquor Control Act, Restricted Area Regulations Renewal - Wakathuni Community

File Reference	RC11 - 23108860
Applicant or Proponent(s)	Not Applicable
Author	P Kuhne, Manager Regulatory Services
Authorising Officer	K Donohoe, Chief Executive Officer
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. Request for Comment - Restricted Area Regulations Renewal - Wakathuni

Report Purpose

Council is required to provide comment on the renewal of the Restricted Area Regulations, that apply to the Wakathuni Community.

The purpose of this report is to inform Council about the Restricted Area Regulations under Section 175 of the *Liquor Control Act 1988*, as it applies to the Wakathuni Community.

Council is requested to consider the Wakathuni Community Restricted Area Regulations and provide comment on their renewal to the Department of Local Government, Sport and Cultural Industries by 30 November 2023.

Background

In June 2018, the Shire received advice from the then Minister for Gaming and Racing that the Wakathuni Aboriginal Corporation requested the development and implementation of Restricted Area Regulations under Section 175 of the *Liquor Control Act 1988*, to make the community an alcohol-free area, based on a five-kilometre radius from the central sporting field.

The Shire's then Chief Executive Officer responded in a letter dated 2 October 2018, that the Shire had no objections to the implementation of the Regulations as long as the community was engaged and consulted on the process and if they supported the implementation of the Regulations, the Shire would also support their request.

It is noted that the Department for Local Government, Sport, and Cultural Industries facilitated engagement and consultation with the community. The Shire only provided written comment on the process.

The *Liquor Control (Wakathuni Restricted Area) Regulations 2019* commenced on 15 June 2019. These Regulations were in force until 2022, when the Shire was again requested to provide comment on an extension of the legislation. No record of a response has been located.

For Council's information the Wakathuni Community is located on the western side of the Tom Price- Paraburdoo Road about 28 kilometres south of Tom Price. The following is a location map.



The current Regulations are due to expire on 30 June 2024. The Minister for Racing and Gaming is again seeking comment from the Shire about renewing the Regulations for a further three-year period, as outlined in Attachment 1.

Comments

The *Liquor Control (Wakathuni Restricted Area) Regulations 2019* have been in place for the past five years. The Shire has not received any complaint or advice on issues with the implementation of the Regulations at Wakathuni.

There have been no negative impacts recorded on other areas of the Shire and its communities by the implementation of the Regulations.

The request to implement these Regulations were initiated by the 'Wakathuni Aboriginal Corporation' which is believed to be non-functional today. Consultation with the community and the various families that occupy the community is challenging as they identify with various Aboriginal Corporations.

The Department of Local Government, Sport and Cultural Industries is viewed as the lead on engaging and consulting with the community on these Regulations, with the Shire providing written comment only.

As there have been no adverse consequences from the implementation of these Regulations it is viewed as a matter for the community to decide and that Council would support their decision in this matter.

Consultation

No consultation has been undertaken in relation to this request for comment.

Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	1. People - We will support opportunities for the community to be safe, socially active, and connected.
Strategic Outcome	1.1 Coordinated delivery of social services and projects for the community
Strategy	3 Provide safe and welcoming centres to help address social isolation in the community.

Council Policy

Nil

Financial Implications

Current Financial Year

Nil

Future Financial Year(s)

Nil

Legislative Implications

Section 175(1a) of the *Liquor Control Act 1998* provide the powers for the Governor to make regulations (inclusive of restricted areas or other restrictions or prohibitions pertaining to liquor and other associated matters), on the recommendation of the Minister.

Risk Management

Risk has been assessed against the Shire of Ashburton Risk Management Framework.

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Reputation (social/community)	There is a risk to the Shire’s reputation by not engaging with this request and providing comment that impacts a community group within the Shire.	Rare (1)	Minor (2)	Low (1-4)	Provide comment to the Minister for Racing and Gaming on the proposed renewal of the Regulations.

Based on the inherent risk rating and risk treatments, the residual risk to the Shire is considered to be low.

Voting Requirements

Simple Majority

Officer Recommendation

That with respect to the *Liquor Control (Wakathuni Restricted Area) Regulations 2019*, Council,

1. Notes the request for comment received from the Department of Local Government, Sport and Cultural Industries on the renewal of the Regulations; and
2. Instructs the Chief Executive Officer to formally respond to the request for comment received confirming Council's support for the three-year renewal of the *Liquor Control (Wakathuni Restricted Area) Regulations*, subject to the decision of the Wakathuni Community.

Council Decision **201/2023**

Moved **Cr L Rumble JP**

Seconded **Cr A Sullivan**

That with respect to the *Liquor Control (Wakathuni Restricted Area) Regulations 2019*, Council,

1. **Notes the request for comment received from the Department of Local Government, Sport and Cultural Industries on the renewal of the Regulations; and**
2. **Instructs the Chief Executive Officer to formally respond to the request for comment received confirming Council's support for the three-year renewal of the *Liquor Control (Wakathuni Restricted Area) Regulations*, subject to the decision of the Wakathuni Community.**

For: **A Smith, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, M Lynch and T Mladenovic**

Against: **Nil**

Carried 7/0

12.2 Beadon Creek Boat Harbour - Request to Western Australian Planning Commission to prepare Structure Plan

File Reference	BEA.0561
Applicant or Proponent(s)	Not Applicable
Author	L Advisory, LK Advisory Pty Ltd
Authorising Officer	K Donohoe, Chief Executive Officer
Previous Meeting Reference	Ordinary Council Meeting 10 October 2023 - Item 12.2 – 182/2023 Ordinary Council Meeting 10 October 2023 - Item 12.3 – 183/2023 Ordinary Council Meeting 21 May 2014 - Item 14.1 – Minute 11797
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. Department of Transport Land Use Framework

Report Purpose

Council is requested to provide support to seek the Western Australian Planning Commission's (WAPC) determination that a structure plan is required for the Beadon Creek Boat Harbour and surrounding area for the purposes of orderly and proper planning, in accordance with Schedule 2 (Deemed Provisions), Part 4, Clause 15(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Background

The Beadon Creek Boat Harbour is located approximately 2.2km east of the Onslow town centre. The Boat Harbour is contained within Reserve 30711 which comprises Lots 460 and 561 Beadon Creek Road, and Lot 3054 on Plan 052026, as shown in Figure 1.



Figure 1: Location Plan

Lots 460 and 561 Beadon Creek Road total 153.1055 hectares in area, however the land on the western side of Beadon Creek amounts to only approximately 14.7 hectares. This land is used for port loading and unloading, storage, a community boating facility, laydown and general industry in the southern extent. The eastern side of the harbour is vegetated and appears generally in its natural state.

Reserve 30711 is vested to the Minister for Transport under the *Marine and Harbours Act 1981* (the Act) and managed by the Department of Transport (DoT). The Act has the purpose of providing “for the enhancement of efficient and safe shipping and effective boating and port administration through the provision of certain facilities, and for incidental and connected purposes”. The Minister for Transport has the authority to lease land within Reserve 30711.

Immediately to the west of Lot 561 is the Onslow Discovery Park which offers tourism accommodation, caravan sites and workforce accommodation. General and service industries are present along the southern side of Beadon Creek Road, also to the west of the harbour area.

Planning Framework

Local Planning Scheme No.7 (LPS7) and Local Planning Strategy (Strategy)

The Beadon Creek Boat Harbour is reserved for ‘Public Purpose: Port Facilities’ under the Shire’s LPS7 (see Figure 2). The Shire’s Strategy identifies the land component of the harbour as an Investigation Area: ‘Future Industry / Mixed Business’, with the eastern side shown as ‘Landscape’ (see Figure 3).



Figure 2: Extract of Local Planning Scheme No. 7 Map



Figure 3: Extract of Local Planning Strategy - Plan 2: Onslow Townsite Strategy Plan

Under LPS7, development is exempt from the need for development approval within the Public Purpose: Port Facilities Reserve in the following (summarised) circumstances:

1. Where the development is a 'public work' which, in this case, will relate mainly to harbour and port activity, and is undertaken by a 'public authority', in accordance with Section 6 of the *Planning and Development Act 2005*; and/or
2. Where the development is consistent with the purpose of the Reserve as per cl. 5.3.1(k) of LPS7.

LPS7 does not define the purpose of the Reserve, requiring the local government to exercise 'common sense' judgement on whether land use and development is consistent with the purpose of the Public Purpose: Port Facilities Reserve. The absence of a stated purpose for the Reserve has led to uncertainty and debate in determining what development is exempt from the development approval.

Development approval is required in most other circumstances within the Public Purpose: Port Facilities Reserve, notably for development proposed by third parties that may otherwise be considered a 'public work' (including that proposed by a Lessee), and for development not consistent with the purpose of the Reserve. Development proposals are assessed under the provisions of LPS7.

The Strategy provides the long-term planning directions for the Shire. The Beadon Creek Boat Harbour is recognised as being of strategic importance and the Strategy provides the following actions for future planning of this area:

- Investigating the harbour operations side of the Lot 561 for future industry/mixed business and landscape for land on the eastern side of Beadon Creek; and
- Consider the Investigation Area for 'Industrial Development' zoning to enable the preparation of a structure plan to guide development and staging.

Draft Local Planning Scheme No.8 (LPS8) and Amendment No.1 to Local Planning Strategy (Amendment No.1)

Council adopted LPS8 and Amendment No.1 to the Strategy on 10 October 2023 for the purpose of advertising (Items 12.2 and 12.3). Extracts from the maps of both documents are shown in Figure 4 and Figure 5.

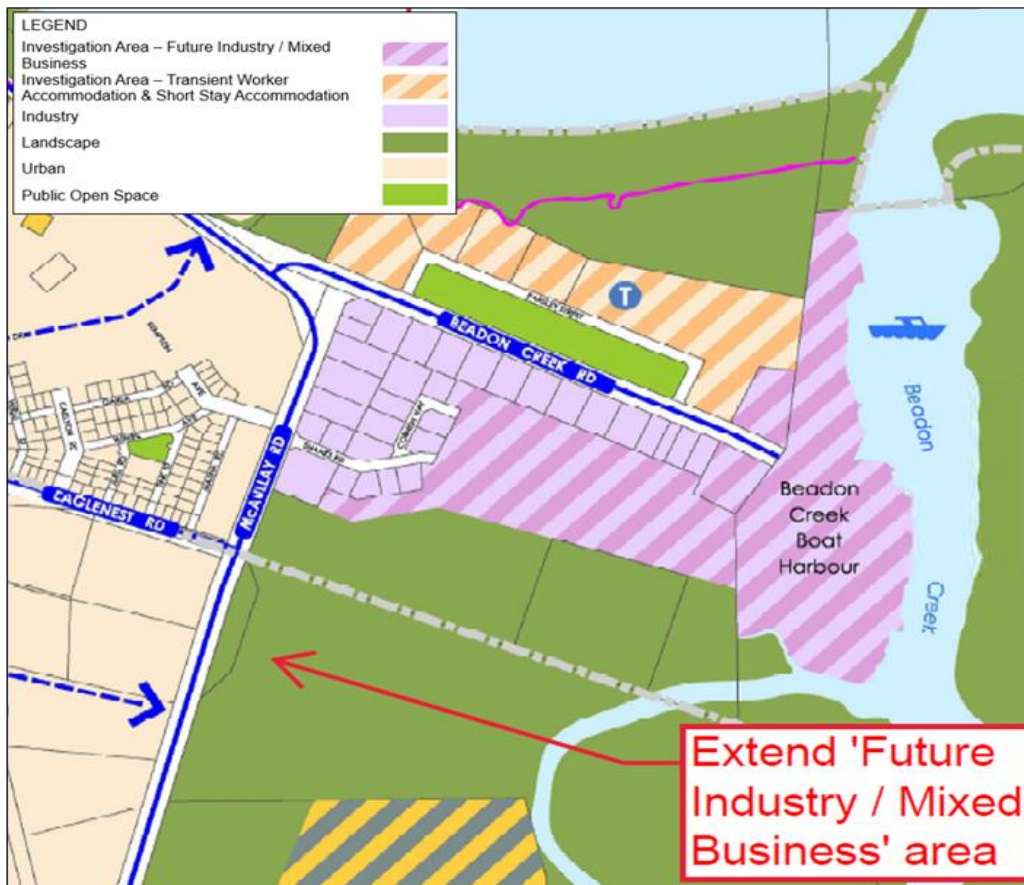


Figure 4: Extract of Amendment No. 1 to Local Planning Strategy - Plan 2: Onslow Townsite Strategy Plan

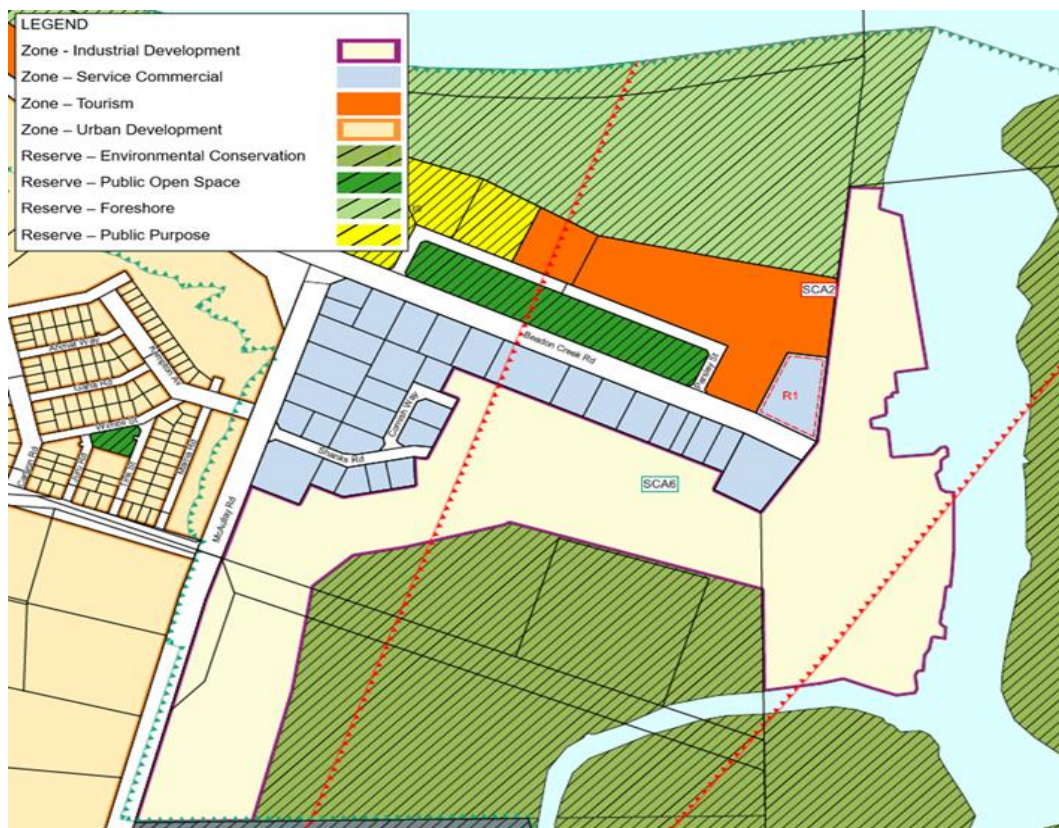


Figure 5: Extract of draft Local Planning Scheme No. 8 Map

Both LPS8 and Amendment No.1 recognise a need to undertake coordinated planning for the Beadon Creek Boat Harbour and potential expansion of the Onslow industrial area. LPS8 proposes an 'Industrial Development' zone for the area, which includes the objectives:

- To designate land for future industrial development; and
- To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme.

Beadon Creek Boat Harbour Land Use Framework (2014)

In 2014, consultants GHD on behalf of the DoT prepared the Beadon Creek Boat Harbour Land Use Framework (LUF) for the Beadon Creek Port (refer to Attachment 1). The LUF includes the following principles for the development of the Beadon Creek Port:

- Provide for the development of a recreation precinct as a legacy for future generations;
- Provide public access to the boat harbour that is safe and efficient;
- Enable port activities to operate without impacting public enjoyment;
- Establishing land uses compatible with adjoining activities; and
- Enabling staged development of public and restricted access areas within the boat harbour.

Although DoT have accepted the LUF, it does not have any formal status as a planning document as it hasn't been endorsed by the WAPC or adopted by Council under LPS7.

Comments

There is a need to prepare a clear and statutorily robust planning framework for the Beadon Creek Boat Harbour and surrounding land for the following reasons:

1. To define, articulate and incorporate the strategic objectives of the Shire and DoT for Beadon Creek Boat Harbour, including a review of the Land Use Framework prepared in 2014;
2. To distinguish Beadon Creek Boat Harbour's purpose from the resource and bulk handling facilities at the Port of Ashburton;
3. To address existing and potential land use conflicts between sensitive land uses, port operations and general industry by establishing a zoning and land use permissibility framework;
4. To investigate and identify servicing, geotechnical and environmental factors to enable an expansion of the Onslow industrial area;
5. To coordinate new and upgraded servicing and infrastructure requirements, including the provision of new roads, water, power, sewerage and telecommunications;
6. To identify and protect environmental values;
7. To address the complexities associated with coastal hazards, such as sea level rise and flood inundation, and the flight path height limitations of the Onslow Airport.

The most appropriate planning mechanism to address the factors above is a 'structure plan' which can be prepared by a local government and endorsed by the WAPC. In accordance with clause 15 of the Deemed Provisions, a structure plan can be prepared under three circumstances:

1. Where the area is zoned under a Scheme for urban or industrial development and is identified as requiring a structure plan.
2. Where a State planning policy requires a structure plan for the area; or
3. Where the WAPC considers that a structure plan for the area is required for the purposes of orderly and proper planning.

Option 2 does not apply in this instance, and Option 1 will not take effect until LPS8 is gazetted, which is likely to be at least 18-24 months away. In order to begin structure planning for the area, it is recommended that Council initiate Option 3 by formally requesting the WAPC to determine that a structure plan is required for the Beadon Creek Boat Harbour area, as delineated by the proposed Industrial Development zone of LPS8.

Next Steps

If the WAPC determines that a structure plan is required, then development can only be approved (where that development is not exempt from approval) once the decision-maker is satisfied that the development or subdivision is consistent with the principles of orderly and proper planning, and will not prejudice the overall development potential of the area.

A structure plan can be prepared by the local government, landowner, or an agent of a landowner. It is proposed that the Shire, as the local government, prepare the structure plan.

A further report will be presented to Council following the WAPC’s consideration of the Shire’s request which will detail the next steps to prepare the structure plan. A structure plan must be prepared in a manner and form approved by the WAPC, including any technical studies and reports as necessary. Whilst a local government can prepare, advertise and adopt the structure plan, final approval rests with the WAPC.

Consultation

Elected Members
 Executive Leadership Team
 Department of Transport

Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	2. Place - We will provide sustainable, purposeful, and valued built and natural environment opportunities for the community.
Strategic Outcome	2.6 Land use opportunities to benefit current and future communities
Strategy	2 Incorporate appropriate planning controls for land use planning and development.

Council Policy

Nil

Financial Implications

Current Financial Year

If the WAPC determines that a structure plan is required, it is proposed that the Shire prepare the structure plan. Depending on the precise requirements of the WAPC, particularly the range of technical studies required to support the structure plan, it is expected that the preparation of a structure plan of this scale will cost in the order of \$200,000 to \$300,000.

A further report will be presented to Council outlining these costs and budgetary considerations following the WAPC’s consideration of the Shire’s request.

Future Financial Year(s)

To be confirmed as part of the Council report outlining costs and budgetary considerations following the WAPC’s consideration of the Shire’s request.

Legislative Implications

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 15 of the Deemed Provisions outlines the circumstances where a structure plan can be prepared:

1. Where the area is zoned under a Scheme for urban or industrial development and is identified as requiring a structure plan;
2. Where a State planning policy requires a structure plan for the area; or
3. Where the WAPC considers that a structure plan for the area is required for the purposes of orderly and proper planning.

This report specifically relates to Option 3.

Risk Management

Risk has been assessed against the Shire of Ashburton Risk Management Framework.

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Reputation (social/community)	The planning framework for Beadon Creek Boat Harbour doesn't represent the strategic direction of the Shire leading to adverse planning outcomes.	Possible (3)	Moderate (3)	Moderate (5-9)	Accept the officer's recommendation.

Based on the inherent risk rating and risk treatments, the residual risk to the Shire is considered to be medium.

Voting Requirements

Simple Majority

Officer Recommendation

That with respect to planning for the Beadon Creek Boat Harbour, Council,

1. Acknowledges and agrees that a structure plan is necessary to coordinate and plan for the future use and development of the Beadon Creek Boat Harbour and expansion of the Onslow industrial area.
2. Authorises the Chief Executive Officer to write to the Western Australian Planning Commission requesting that the Commission determine that a structure plan is required for the Beadon Creek Boat Harbour and surrounding area as delineated by the ‘Industrial Development’ zone of draft Local Planning Scheme No.8, in accordance with clause 15(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
3. Notes that a further report will be presented to Council on the outcome of Council’s request detailed in point 2.

Council Decision	202/2023
Moved	Cr T Mladenovic
Seconded	Cr M Lynch

That with respect to planning for the Beadon Creek Boat Harbour, Council,

- 1. Acknowledges and agrees that a structure plan is necessary to coordinate and plan for the future use and development of the Beadon Creek Boat Harbour and expansion of the Onslow industrial area.**
- 2. Authorises the Chief Executive Officer to write to the Western Australian Planning Commission requesting that the Commission determine that a structure plan is required for the Beadon Creek Boat Harbour and surrounding area as delineated by the ‘Industrial Development’ zone of draft Local Planning Scheme No.8, in accordance with clause 15(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
- 3. Notes that a further report will be presented to Council on the outcome of Council’s request detailed in point 2.**

For: A Smith, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, M Lynch and T Mladenovic

Against: Nil

Carried 7/0

13 Corporate Services Reports

13.1 Monthly Schedule of Accounts Paid - September 2023

File Reference	FM03
Applicant or Proponent(s)	Not Applicable
Author	T Dayman, Manager Finance
Authorising Officer	D Kennedy, Director Corporate Services
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. Schedule of Accounts Paid - September 2023

Report Purpose

Council is required to have produced a Schedule of Accounts Paid each month containing relevant information, as legislated.

The purpose of this report is to present the:

- Schedule of Creditor Accounts Paid for September 2023,
- Trust Fund Payments for September 2023, and
- Corporate Credit Card and Payment Card Reconciliations for September 2023.

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

Background

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

A new regulation has been added to the *Local Government (Financial Management) Regulations 1996* to increase transparency and accountability in local government, through greater oversight of incidental spending.

From 1 September 2023, local governments are required to disclose information about each transaction made on a credit cards, debit cards or other purchasing cards.

Comments

Shire officers have prepared the Monthly Schedule of Accounts Paid, in accordance with legislative requirements, and this is attached.

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

Description	Amount \$
<u>Municipal Fund</u>	
Electronic Funds Transfers	2,358,998.23
BPay	6,410.00
Superannuation / Payroll (Direct Debits)	243,980.34
Cheques	-
Credit Cards	8,351.03
Bank Fees and Charges	2,725.43
<u>Municipal Fund Total</u>	2,620,465.03
<u>Trust Fund</u>	
Electronic Funds Transfers	0.00
<u>Trust Fund Total</u>	0.00

Payment Cards

Credit Cards	8,351.03
Fuel Cards – Ampol	2,673.30
Fuel Cards – Viva	9,599.00
Fuel Cards – Wex Motorpass	622.57
Taxi Cards – Cabcharge	323.50
<u>Payment Cards Total</u>	21,569.40

Consultation

Executive Leadership Team

Finance Team

Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	4. Performance - We will lead the organisation, and create the culture, to deliver demonstrated performance excellence to the community.
Strategic Outcome	4.2 Appropriate, sustainable, and transparent management of community funds
Strategy	4 Ensure financial transactions are accurate and timely.

Council Policy

Nil

Financial Implications

Current Financial Year

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

Future Financial Year(s)

Nil

Legislative Implications

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 13A Payments by employees via purchasing cards

If a local government has authorised an employee to use a credit, debtor or other purchasing card, a list of payments made using the card must be prepared each month is to be presented to Council.

Risk Management

Risk has been assessed against the Shire of Ashburton Risk Management Framework.

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Compliance	Council does not accept the officer recommendation.	Unlikely (2)	Minor (2)	Low (1-4)	Provide Council with adequate information to make an informed decision.

Based on the inherent risk rating and risk treatments, the residual risk to the Shire is considered to be low.

Voting Requirements

Simple Majority

Officer Recommendation

That with respect to Monthly Schedule of Accounts Paid, Council, in accordance with *Local Government (Financial Management) Regulations 1996* Regulation 13, confirms the Monthly Schedule of Accounts Paid, including payment cards, for September 2023, as included at Attachment 1.

Council Decision **203/2023**

Moved **Cr L Rumble JP**

Seconded **Cr M Lynch**

That with respect to Monthly Schedule of Accounts Paid, Council, in accordance with *Local Government (Financial Management) Regulations 1996 Regulation 13*, confirms the Monthly Schedule of Accounts Paid, including payment cards, for September 2023, as included at Attachment 1.

For: **A Smith, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, M Lynch and T Mladenovic**

Against: **Nil**

Carried 7/0

13.2 Monthly Financial Statements - September 2023

File Reference	FM03
Applicant or Proponent(s)	Not Applicable
Author	T Dayman, Manager Finance
Authorising Officer	D Kennedy, Director Corporate Services
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. Monthly Financial Statements - September 2023

Report Purpose

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

The purpose of this report is to present the Statement of Financial Activity for the month ended 30 September 2023.

Council is requested to accept the Statement of Financial Activity.

Background

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

Comments

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

There are no further 2023/2024 Budget amendments recommended.

Consultation

Executive Leadership Team
 Middle Management Group
 Finance Team

Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	4. Performance - We will lead the organisation, and create the culture, to deliver demonstrated performance excellence to the community.
Strategic Outcome	4.2 Appropriate, sustainable, and transparent management of community funds
Strategy	4 Ensure financial transactions are accurate and timely.

Council Policy

Nil

Financial Implications

Current Financial Year

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

Future Financial Year(s)

Nil

Legislative Implications

Local Government Act 1995

Section 6.4 (Financial report)

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

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

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

Risk Management

Risk has been assessed against the Shire of Ashburton Risk Management Framework.

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Compliance	Material misstatement or significant error in the financial statements.	Unlikely (2)	Moderate (3)	Moderate (5-9)	Review of financial position information to be undertaken regularly and by multiple Shire officers.
Compliance	Council does not accept the officer recommendation.	Unlikely (2)	Minor (2)	Low (1-4)	Provide Council with sufficient information for decision making.

Based on the inherent risk rating and risk treatments, the residual risk to the Shire is considered to be low.

Voting Requirements

Simple Majority

Officer Recommendation

That with respect to Monthly Financial Statements, Council, in accordance with *Local Government (Financial Management) Regulations 1996* regulation 34, accepts the Statement of Financial Activity, and associated documentation, for September 2023, as included at Attachment 1.

Council Decision **204/2023**

Moved **Cr R De Pledge**

Seconded **Cr M Lynch**

That with respect to Monthly Financial Statements, Council, in accordance with *Local Government (Financial Management) Regulations 1996* regulation 34, accepts the Statement of Financial Activity, and associated documentation, for September 2023, as included at Attachment 1.

For: **A Smith, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, M Lynch and T Mladenovic**

Against: **Nil**

Carried 7/0

13.3 Gross Rental Valuation (GRV) Rating Of Transient Workforce Accommodation

File Reference	RV01
Applicant or Proponent(s)	Not Applicable
Author	D Kennedy, Director Corporate Services
Authorising Officer	D Kennedy, Director Corporate Services
Previous Meeting Reference	Ordinary Council Meeting 18 December 2018 - Item 12.2 Ordinary Council Meeting 23 April 2018 – Item 12.5
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	Nil

Report Purpose

The purpose of this report is to obtain Council endorsement to commence the process to change the basis of rating on two Transient Workforce Accommodation (TWA) developments within the Shire.

Background

Council established a Gross Rental Value (GRV) Transient Workforce Accommodation Differential Rating category in July 2019. This facilitated the conversion of 25 mining camps situated outside the Shire's townsite boundaries to be moved from an Unimproved Value (UV) basis of rating to GRV.

This ensured TWA's located within or outside townsite boundaries were rated consistently and acknowledged that TWA's had greater impact on Council assets and services relative to other properties due to the high-density number of occupants in a relatively small land parcel.

To change the basis of rating on a TWA development from UV to GRV requires an application to be made to the Minister for Local Government (Minister) and the gazettal of the specific land in question as per the guidelines issued by the Department of Local Government, Sport and Cultural Industries.

Comments

An audit of TWA's currently operating in the Shire has recently commenced. This was last completed in 2018. As TWA's are predominately on mining leases, they typically require no local government approvals to operate so there is currently no automatic alert in place to review the basis of rating or seek an adjustment to rateable value if any expansion of a TWA occurs.

Discussions are being held with the Department of Mines, Industry Regulation and Safety (DMIRS) seeking to gain access to their Tenograph mapping system which may provide the Shire with greater ability to monitor this so that rating revenue is optimised.

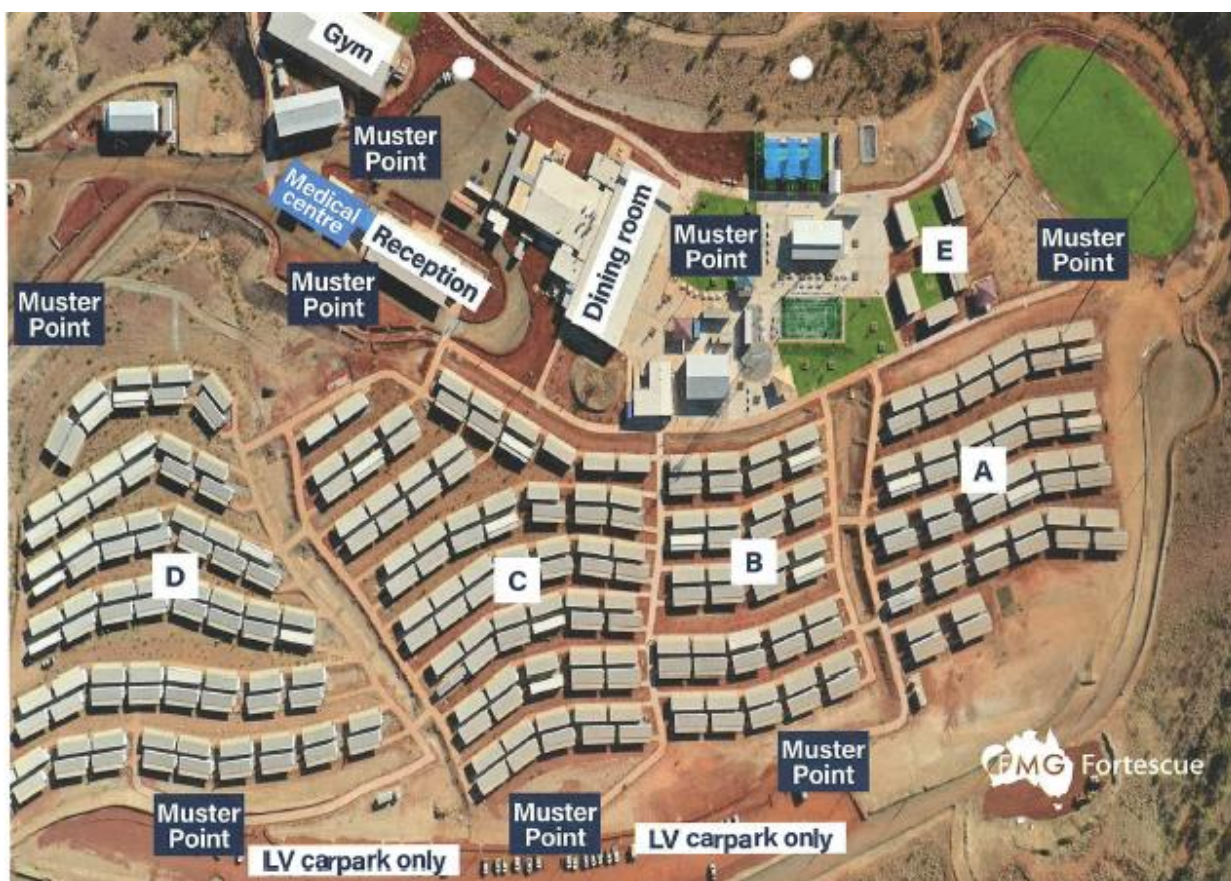
Thus far, two new TWA developments on UV rated land have been identified that require the amendment process to begin. Details are as follows:

Kartajirri Village – Fortescue Metals Group (FMG)

A large TWA facility with 1002 accommodation rooms.

The Principal Valuer from Landgate recently alerted the Shire to further development at this site which will provide a further 100 accommodation rooms and that the village had not been gazetted to GRV.

Investigation reveals that the village was issued with a Certificate of Design compliance on 6 September 2019 enabling the Shire to commence GRV rating 12 months after this, had the gazettal process been completed.



Yarri Mining Camp Village – Mineral Resources Limited (MRL)

A 300-person construction village and large road train maintenance facility being built on the outskirts of Onslow. The estimated construction value of the village was \$27m with an occupancy permit issued on 13 February 2023.

The large road train maintenance facility remains under construction and will be GRV rateable 12 months after completion.



Consultation

Prior to making a recommendation to the Minister to change the basis of rating, consultation must occur with the effected ratepayers. Both FMG and MRL will be consulted, and any submission received will be brought back to Council before obtaining Council approval to submit an application to the Minister.

Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	4. Performance - We will lead the organisation, and create the culture, to deliver demonstrated performance excellence to the community.
Strategic Outcome	4.6 Visionary community leadership with sound, diligent and accountable governance
Strategy	3 Deliver best practice governance and risk management.

Council Policy

The Application of Gross Rental Valuation to Mining, Petroleum and Resource Interests dated 1 October 2015. – move to legislation section

Financial Implications

Current Financial Year

Under normal circumstances, the Shire can back rate for up to five years, however as the Kartajirri Village is not currently gazetted for GRV rating, the back rating provisions do not apply. The application process to the Minister will seek to have the gazettal effective date back dated to the 1 July 2022 to enable rates to be levied for the current and future years.

The indicative GRV for the Kartajirri Village is \$4,500,000. Rates of \$800,000 per annum will be payable.

Future Financial Year(s)

The indicative GRV for Yarri Mining Camp Village is \$1,350,000. Rates of \$240,000 per annum will be payable. This does not include the road train maintenance facility which will become rateable 12 months after completion.

Legislative Implications

Local Government Act 1995

Section 6.29 – Valuation and rates on mining and petroleum interests.

Basis of rating is to be the unimproved value of the land unless the following applies:

Capital improvements for the purpose of section 6.29(2) of the Act means:

- (a) Accommodation, recreation and administration facilities and associated buildings; and
- (b) Maintenance workshops existing within 100 metres of facilities listed above; provided that these facilities have been in place for at least 12 months.

Department of Local Government Rating Policy: Valuation of Land – Mining under which an application is to be made for the spot rating of TWA’s and other structures located on Mining Tenements and other land outside the town boundaries.

Risk Management

Risk has been assessed against the Shire of Ashburton Risk Management Framework.

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Financial impact	Failure to identify rateable properties correctly therefore having a negative impact on revenue.	Possible (3)	Major (4)	High (10-16)	Review of TWA’s underway and investigating DMIRS mapping system to put a more reliable process in place to mitigate the risk.

Based on the inherent risk rating and risk treatments, the residual risk to the Shire is considered to be medium.

Voting Requirements

Simple Majority

Officer Recommendation

That with respect to Gross Rental Valuation (GRV) Rating on Transient Workforce Accommodation, Council,

1. Notes that the Kartajirri Village, operated by Fortescue Metals Group since September 2019, is not currently rated using the Gross Rental Valuation basis;
2. Notes that the Yarri Mining Camp Village, operated by Mineral Resources Limited since February 2023, is not currently rated using the Gross Rental Valuation basis;
3. Supports the Chief Executive Officer in commencing the gazettal process to change the method of valuation on both Transient Workforce Accommodation facilities from Unimproved Value to Gross Rental Value;
4. Requests the Chief Executive Officer, to consult with the property owners to inform them of Council’s intention to make an application to the Minister for Local Government to change the basis of rating to Gross Rental Value and provide a 6-week period for them to make a submission; and
5. Requests the Chief Executive Officer prepare a further report to Council at the conclusion of the consultation period.

Council Decision **205/2023**

Moved **Cr T Mladenovic**

Seconded **Cr R De Pledge**

That with respect to Gross Rental Valuation (GRV) Rating on Transient Workforce Accommodation, Council,

- 1. Notes that the Kartajirri Village, operated by Fortescue Metals Group since September 2019, is not currently rated using the Gross Rental Valuation basis;**
- 2. Notes that the Yarri Mining Camp Village, operated by Mineral Resources Limited since February 2023, is not currently rated using the Gross Rental Valuation basis;**
- 3. Supports the Chief Executive Officer in commencing the gazettal process to change the method of valuation on both Transient Workforce Accommodation facilities from Unimproved Value to Gross Rental Value;**
- 4. Requests the Chief Executive Officer, to consult with the property owners to inform them of Council's intention to make an application to the Minister for Local Government to change the basis of rating to Gross Rental Value and provide a 6-week period for them to make a submission; and**
- 5. Requests the Chief Executive Officer prepare a further report to Council at the conclusion of the consultation period.**

For: **A Smith, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, M Lynch and T Mladenovic**

Against: **Nil**

Carried 7/0

13.4 Wittenoom Memorial Request

File Reference	PH17
Applicant or Proponent(s)	Not Applicable
Author	J Bray, Manager Governance
Authorising Officer	D Kennedy, Director Corporate Services
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. Letter from the Standing Committee on Environment and Public Affairs - Wittenoom Memorial Petition

Report Purpose

The purpose of this report is to present the request from the Chair of the Standing Committee on Environment and Public Affairs (the Standing Committee) to establish a permanent memorial for Wittenoom victims within the Shire of Ashburton.

Background

Mining for blue asbestos began in the Tableland Road District/Shire of Tableland in the 1930s and by 1939, major mining began in Yampire Gorge, which was closed in 1943 when mining began in Wittenoom Gorge. In 1947, a company town was built and, during the 1950s, it was the Pilbara's largest town. The peak population, as recorded by the Australian census conducted on 30 June 1961, was 881. The mine was closed in 1966 due to its unprofitability, and growing health concerns from asbestos mining in the area.

In 1978, the State government began phasing down the former town of Wittenoom because of concerns over health risks from the presence of airborne asbestos fibres.

Between 1986 and 1992 houses and buildings were demolished and the school, nursing post and police station were closed, with alternative services being provided primarily from Tom Price. In 1993, the airport was officially closed.

In June 2007, the townsite was officially degazetted. The town's name was removed from official maps and road signs.

In 2008, the Department of Water and Environment Regulation (DWER) classified the Wittenoom Asbestos Management Area (WAMA) as a contaminated site under the *Contaminated Sites Act 2003*. The WAMA covers 46,840 hectares of land and includes the former Wittenoom townsite, airfield, cemetery, mining areas, Wittenoom Gorge, Yampire Gorge and Joffre Floodplain.

In September 2022, Wittenoom had no remaining residents, and demolition of the remaining structures by the State government was undertaken earlier this year.

Comments

Asbestos fibres from past mining operations in Wittenoom have resulted in people, including miners, residents, and visitors to the town, contracting asbestos related diseases.

In April 2023, Melita Markey, Chief Executive Officer of the Asbestos Diseases Society of Australia visited the Shire of Ashburton and met with elected members to discuss the possibility of a memorial being installed within the Shire.

On 9 May 2023, the Hon. Peter Foster MLC presented the following e-petition, containing 693 signatures, to Parliament on behalf of Melita Markey.

“To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled. We the undersigned...

In 2018, the Asbestos Diseases Society of Australia unveiled a small memorial plaque at Solidarity Park, West Perth. The plaque commemorates the 4,000+ West Aussies who have died from asbestos-related diseases and remembers those who were victims of Australia’s worst industrial disaster. The CSR Wittenoom Mine and Mill is the greatest example of workplace negligence in Australia, and second in the world to date. Wittenoom was a blue asbestos mining town in the Pilbara region of Western Australia. Despite health warnings as early as 1948, it continued to operate until 1966, killing thousands of workers, their families and town visitors. One of those visitors was the Minister of the Crown Mr Ernie Bridge MLA, who died from Mesothelioma which he contracted during his time dealing with the town’s closure. Today, we continue to lose many lives to the deadly asbestos dust from Wittenoom. While we are very grateful to both the CFMEU WA and Unions WA for allowing the memorial plaque in Solidarity Park, our members and friends from Wittenoom have requested a permanent memorial, not just for the workers but also for their children, families, visitors, and local Traditional Owners of the land, many of whom have since lost their lives to deadly asbestos diseases. Wittenoom has been taken off the map and cannot be accessed by road; for many this creates a situation where there is not a place of memorial to grieve lost loved ones. We therefore ask the Legislative Council to both enquire into and to support our efforts for the construction of a permanent memorial in Perth and the Pilbara in partnership with the State Government, the Shire of Ashburton, the Banjima, Yinhawangka and Nyiyaparli traditional owners, and the Asbestos Diseases Society of Australia

And your petitioners as in duty bound, will ever pray.”

On 19 October 2023, the Shire received correspondence from the Chair of the Standing Committee, asking the Shire of the possibility of establishing a permanent memorial in the Pilbara and, if so, whether it would be willing to consider taking on the responsibility for future maintenance. A response is requested to be provided by 17 November 2023.

Council Policy – Memorials on Shire Land provides for members of the public to make application to the Shire for the creation or placement of memorials on Shire land where it is in commemoration of a person, event or location of historical significance.

Memorials may be installed in the Paraburdoo Memorial Garden or Doug Talbot Park, Tom Price where they meet the specifications detailed in the policy. There is also a provision for memorial seats to be installed or trees to be planted. All memorials are installed and maintained at the expense of the applicant.

The request received does not provide sufficient information regarding who will be responsible for the construction and installation of the memorial, nor does it provide the dimensions or specifications for the memorial. For these reasons, it cannot be assessed under the policy at this time.

If it is intended that the Shire is responsible for the construction and installation of the memorial, the Shire would need to source the funds required and it would require an ongoing budget and staff resources to maintain. If the memorial were to include the names of the individuals who have lost their lives, the Shire would not have the resources to manage this project.

At this stage, without sufficient information regarding the proposed permanent memorial within the Shire, it is recommended that Council not support the request as it may be committing the Shire to substantial unbudgeted funds.

The Shire acknowledges that the families and friends of those who lost their lives due to asbestos-related diseases contracted at Wittenoom, cannot visit the former town to commemorate those passed and that there is no current memorial in the Pilbara. However, as stated in the petition, in 2018, the Asbestos Diseases Society of Australia (ADSA) unveiled a memorial plaque at Solidarity Park, West Perth. The plaque commemorates the Western Australian’s who have died from asbestos-related diseases.

Having a memorial in Perth allows for many people to visit whereas, a memorial being placed in the Pilbara would be limiting for those who would have to travel from Perth, being over 1,200km away.

Currently a ‘Lost Wittenoom’ Facebook site is being managed by the Bolitho Family as a virtual memorial. A permanent, virtual memorial would be a welcomed initiative which would allow people from all over the world to visit, learn from and mourn those lost.

It is recommended that Council instruct the Chief Executive Officer to respond to the Standing Committee requesting that the State government investigate the development of a permanent virtual Wittenoom memorial.

Consultation

Melita Markey, Chief Executive Officer of the Asbestos Diseases Society of Australia met with elected members to discuss the possibility of a memorial being installed within the Shire in April 2023.

The Executive Leadership Team was consulted during the preparation of this report.

Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	4. Performance - We will lead the organisation, and create the culture, to deliver demonstrated performance excellence to the community.
Strategic Outcome	4.6 Visionary community leadership with sound, diligent and accountable governance
Strategy	2 Provide, and lead in the development of, meaningful policies and processes to ensure sound and compliant delivery of services to the community.

Council Policy

Council Policy – Memorials on Shire Land states “The creation or placement of memorials on Shire of Ashburton (Shire) land may be permitted in commemoration of a person, event or location of historical significance.”. The request received does not provide sufficient information for it to be considered under the policy.

Financial Implications

Current Financial Year

Should a memorial be supported, funds would need to be sourced.

Future Financial Year(s)

Should a memorial be supported, ongoing funds would need to be included in the Annual Budget for the maintenance of the memorial.

Legislative Implications

Nil

Risk Management

Risk has been assessed against the Shire of Ashburton Risk Management Framework.

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Reputation (social/community)	Negative perception of the Shire for not supporting the memorial.	Possible (3)	Moderate (3)	Moderate (5-9)	Provide sufficient information in the report to inform the community and to ensure elected members make an informed decision. The Minister for Mines and Petroleum has not supported the proposal due to resourcing.

Based on the inherent risk rating and risk treatments, the residual risk to the Shire is considered to be medium.

Voting Requirements

Simple Majority

Officer Recommendation

That with respect to the Wittenoom Memorial Request, Council,

- Does not support the request for a permanent Wittenoom memorial within the Shire of Ashburton, at this time.
- Requests the Chief Executive Officer to write to the Standing Committee on Environment and Public Affairs requesting the State government investigate the development of a permanent virtual Wittenoom memorial.

Council Decision **206/2023**

Moved **Cr L Rumble JP**

Seconded **Cr T Mladenovic**

That with respect to the Wittenoom Memorial Request, Council,

- 1. Does not support the request for a permanent Wittenoom memorial within the Shire of Ashburton, at this time.**
- 2. Requests the Chief Executive Officer to write to the Standing Committee on Environment and Public Affairs requesting the State government investigate the development of a permanent virtual Wittenoom memorial.**

For: **R De Pledge, M Gallanagh, L Rumble JP, M Lynch and T Mladenovic**

Against: **A Smith and A Sullivan**

Carried 5/2

13.5 Adoption - Public Places and Local Government Property Amendment Local Law 2023

File Reference	LE51
Applicant or Proponent(s)	Not Applicable
Author	R Marlborough, Senior Governance Officer
Authorising Officer	D Kennedy, Director Corporate Services
Previous Meeting Reference	Ordinary Council Meeting 4 April 2023 – Item 12.5 – (052/2023) Ordinary Council Meeting 11 July 2023 – Item 13.5 – (129/2023)
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. Public Places and Local Government Property Amendment Local Law 2023

Report Purpose

Council is required to consider formally making the Shire of Ashburton Public Places and Local Government Property Amendment Local Law 2023 which is to amend the *Shire of Ashburton Public Places and Local Government Property Local Law 2023*.

The purpose of this report is to provide the outcome of the statutory consultation process and to formally consider making this local law.

Council is requested to make the Shire of Ashburton Public Places and Local Government Property Amendment Local Law 2023 (refer to Attachment 1), pursuant to section 3.12(4) of the *Local Government Act 1995* (the Act).

Background

On 4 April 2023, following a statutory consultation process, Council adopted the *Shire of Ashburton Public Places and Local Government Property Local Law 2023* (the Principal Local Law).

Following adoption, the Principal Local Law was forwarded to the Joint Standing Committee on Delegated Legislation (JSCDL), which is part of the normal statutory advisory process when local laws are made.

In brief, the JSCDL's function is to generally scrutinise the content of local laws (subsidiary legislation) made to ensure the content is within power, that no unintended effect on any person's existing rights or interests are impacted, to ensure effective mechanisms for reviews of administrative decisions are provided, and to ensure only matters that are appropriate for subsidiary legislation are provided.

The JSCDL subsequently raised concerns with particular clauses within the Principal Local Law. This resulted in formal undertakings being formally sought from Council, by 19 July 2023, to amend the Principal Local Law within six months.

At its meeting held 11 July 2023, Council resolved, as follows:

That with respect to the Undertaking and the proposed Shire of Ashburton Public Places and Local Government Property Amendment Local Law 2023, Council:

1. *Resolves to authorise the Shire President to formally write to the Joint Standing Committee on Delegate Legislation and confirm agreement to complete the Undertaking sought in relation to the Shire of Ashburton Public Places and Local Government Property Local Law 2023 –*
 - (a) *Within 6 months, to –*
 - *delete clause 5.5.*
 - *amend clause 5.11 to ensure that any lost property covered by the regulatory gap is dealt with appropriately, such as being handed to WA Police.*
 - *exclude cats from the operation of clause 8.2.*
 - *amend the definition of 'Liquor Control Act' in clause 1.5 to italicise the word 'Act'.*
 - *delete the reference to clause 8.4(2) in the definition of 'permissible verge treatment' in clause 1.5 and replace it with clause 7.4(2).*
 - *delete the words 'Part 37' from clause 2.2(3)(b).*
 - *amend clause 4.1 so the definition of 'portable sign' is separated from the definition of 'portable direction sign'.*
 - *amend clause 7.4(5) to delete the reference to clause 8.5 and replace it with clause 7.5.*
 - *delete the full stop after the word 'disease' in clause 8.2(2)(b).*
 - (b) *Not enforce the local law to the contrary before it is amended in accordance with undertaking 1.*
 - (c) *Ensure all consequential amendments arising from the undertaking will be made.*
 - (d) *Where the local law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking.*
2. *Supports commencing the process to make the proposed Shire of Ashburton Public Places and Local Government Property Amendment Local Law 2023, as detailed in Attachment 2, and instructs the Chief Executive Officer to,*
 - (a) *In accordance with section 3.12(3)(a) of the Local Government Act 1995, give local public notice, stating that:*
 - (i) *it proposes to make Shire of Ashburton Public Places and Local Government Property Amendment Local Law 2023 which is to contain a summary of its purpose and effect;*
 - (ii) *copies of the proposed local law may be inspected at the Shire offices; and,*
 - (iii) *submissions about the proposed local law may be made to the Shire within a period of not less than six weeks, after the notice is given;*
 - (b) *In accordance with section 3.12(3)(b) of the Local Government Act 1995, as soon as public notice is given send a copy of the proposed local law to the Minister for Local Government.*
 - (c) *In accordance with section 3.12(3)(c) of the Local Government Act 1995, supply a copy of the proposed local law to any person requesting it.*
 - (d) *Present the results of the public consultation process to Council to consider submissions received, prior to making the local law proposed.*

Following this decision, correspondence endorsed by the Shire President was sent to the Joint Standing Committee on Delegated Legalisation, confirming the undertaking sought to amend the Principal Local Law, within six months.

Comments

The proposed Shire of Ashburton Public Places and Local Government Property Amendment Local Law 2023 was advertised by way of local public notice in the Pilbara News on 19 July 2023, on the Shire's website, on various social media platforms, and on the Shire administration office and library noticeboards in order to comply with the requirements of section 3.12(3) of the Act.

A copy of the proposed local law was sent to the Minister for Local Government on 19 July 2023.

Submissions were invited until 4:30pm on 1 September 2023. No public submissions were received. The Department of Local Government, Sport and Cultural Industries (DLGSC) provided a formal response on the proposed local law on 15 September 2023 and the following minor edits were suggested:

- The edit to Schedule 2 should be the last amendment listed in clause 4, as amendments are generally listed by numerical order of the clause they amend.
- All references and cross references should be checked.

The DLGSC two comments were supported and actioned.

During the review of the Principal Local Law several other minor drafting errors and consequential operational amendments were identified as being required to ensure the operational effectiveness of the local law. These were:

1. In clause 1.1 of Schedule 1 – Determination, the date referenced was “2022” rather than “2023.”
2. In clause 3.3 and in the third column of Schedule 2 – Prescribed offences, the word “licence” was used for the approval process, rather than the word “permit”, for liquor (alcohol) matters on local government property.

In support of the undertaking to the JSCDL and to ensure the Principal Local Law is operable as intended, it is recommended that Council supports the adoption of the Shire of Ashburton Public Places and Local Government Property Amendment Local Law 2023, as detailed in Attachment 1, which includes all the minor amendments detailed above.

Consultation

Section 3.12(3) of the *Local Government Act 1995* requires a local government to give local public notice stating that it proposes to make a local law, the purpose and effect of which is summarised in the notice, for a period of not less than six weeks after it first appears. A copy of the proposed local law must be given to the Minister for Local Government.

The purpose and effect of the proposed local law is:

Purpose

To amend the *Shire of Ashburton Public Places and Local Government Property Local Law 2023* to correct minor grammatical and formatting errors, clause and schedule references, clarify the process to dispose of lost property, update inconsistencies in certain definitions, exclude cats from the application of clause 8.2 and for other minor consequential amendments.

Effect

The effect of amendments proposed will be to ensure that this local law is effective and functional, as first intended.

Consultation undertaken in respect to the proposed Local Law included:

- local public notice in the Pilbara News on 19 July 2023,
- local public notice on the Shire’s official website,
- notices on various social media platforms and on the Shire administration office and library noticeboards,
- written advice to the Minister for Local Government on 19 July 2023.

The submission period was open for a period exceeding six weeks and closed at 4:30pm on 1 September 2023.

Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	4. Performance - We will lead the organisation, and create the culture, to deliver demonstrated performance excellence to the community.
Strategic Outcome	4.6 Visionary community leadership with sound, diligent and accountable governance
Strategy	3 Deliver best practice governance and risk management.

Council Policy

Nil

Financial Implications

Current Financial Year

Costs associated with the publishing the local law in the *Government Gazette* and the final local public notices are provided for in the Annual Budget. It is estimated these final costs will be \$750.

Future Financial Year(s)

Nil

Legislative Implications

Section 3.5 of the *Local Government Act 1995* provides the head of power to make local laws.

Section 3.12 of the *Local Government Act 1995* sets out the process to be followed when making, amending, or repealing local laws.

Risk Management

Risk has been assessed against the Shire of Ashburton Risk Management Framework.

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Compliance	Not making the proposed amendment local law to comply with the undertaking will result in the Principal Local Law being disallowed.	Unlikely (2)	Insignificant (1)	Low (1-4)	Council makes the amendment local law, as recommended.

Based on the inherent risk rating and risk treatments, the residual risk to the Shire is considered to be low.

Voting Requirements

Absolute Majority

Officer Recommendation

That with respect to the proposed Shire of Ashburton Public Places and Local Government Property Amendment Local Law 2023, Council:

1. Makes the local law as detailed in Attachment 1, pursuant to section 3.12(4) of the *Local Government Act 1995*.
2. Authorises the Shire President and Chief Executive Officer to engross the local law and affix the Common Seal.
3. Instructs the Chief Executive Officer to:
 - (a) publish this local law in the *Government Gazette* in accordance with section 3.12(5) of the *Local Government Act 1995*;
 - (b) provide a copy of this local law, to the Minister for Local Government once published in the *Government Gazette*;
 - (c) give local public notice pursuant to section 1.7 of the *Local Government Act 1995* following publication in the *Government Gazette*, stating the title and purpose and effect of this local law, and that the local law is published on the Shire website and that copies may be inspected at, or obtained from the Shire’s administration offices; and
 - (d) prepare and submit to the Joint Standing Committee on Delegated Legislation, a copy of this local law, an explanatory memorandum (jointly signed by the Shire President and Chief Executive Officer) along with a checklist and any other supporting information on the local law made.

Council Decision **207/2023**

Moved **Cr M Lynch**

Seconded **Cr T Mladenovic**

That with respect to the proposed Shire of Ashburton Public Places and Local Government Property Amendment Local Law 2023, Council:

- 1. Makes the local law as detailed in Attachment 1, pursuant to section 3.12(4) of the *Local Government Act 1995*.**
- 2. Authorises the Shire President and Chief Executive Officer to engross the local law and affix the Common Seal.**
- 3. Instructs the Chief Executive Officer to:**
 - (a) publish this local law in the *Government Gazette* in accordance with section 3.12(5) of the *Local Government Act 1995*;**
 - (b) provide a copy of this local law, to the Minister for Local Government once published in the *Government Gazette*;**
 - (c) give local public notice pursuant to section 1.7 of the *Local Government Act 1995* following publication in the *Government Gazette*, stating the title and purpose and effect of this local law, and that the local law is published on the Shire website and that copies may be inspected at, or obtained from the Shire's administration offices; and**
 - (d) prepare and submit to the Joint Standing Committee on Delegated Legislation, a copy of this local law, an explanatory memorandum (jointly signed by the Shire President and Chief Executive Officer) along with a checklist and any other supporting information on the local law made.**

For: **A Smith, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, M Lynch and T Mladenovic**

Against: **Nil**

Carried By Absolute Majority 7/0

13.6 Budget Amendments - November 2023

File Reference	FM03
Applicant or Proponent(s)	Not Applicable
Author	D Kennedy, Director Corporate Services
Authorising Officer	D Kennedy, Director Corporate Services
Previous Meeting Reference	Ordinary Council Meeting 11 July 2023 - Item 13.6 – 130/2023
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. Budget Amendments November 2023

Report Purpose

Council and the Chief executive Officer are required to put in place measures to oversee the sound financial management of the Shire of Ashburton (Shire).

The purpose of this report is to present to Council a number of budget amendments following a review of the year to date budget position at the end of October 2023.

Council is requested to approve the recommended budget amendments as detailed.

Background

In previous years Shire officers have completed a Finance and Costing Review (FACR) at the end of September and presented budget amendment recommendations to Council at the October Ordinary Meeting of Council.

This year the timing of the FACR conflicted with the election caretaker period and the Officer of the Auditor General external audited conducted by RSM.

As a result, a high-level review has been conducted at the end of October 2023 after the RSM audit field work had been completed. Budget recommendations are primarily restricted to major known or anticipated changes to the budget adopted by Council at the Ordinary Council Meeting held on 11 July 2023.

In accordance with legislative requirements a further detailed budget review will be presented to Council at the March 2023 Ordinary Meeting of Council.

Comments

A list of proposed budget amendments and reasons for the amendment is attached at **Attachment 1**.

The main amendments can be summarised as follows:

Rates: Positive increase in rate income following large increase in unimproved valuations (UV) after adopting the budget.

Deferral of Projects

The 2023-24 budget contained several capital projects that were contingent on external funding and clearances. It has become evident that a number of these projects will now occur in future years and as a result, it is recommended that they be removed from the 2023-24 budget. The projects to be deferred include:

- Minna Oval Sports Pavilion
- Ocean View Caravan Park Stage 3
- Tom Price Administration Building; and
- Onslow Jetty Construction.

Pilbara Regional Waste Management Facility

The Shire has recently gone out to tender to increase the capacity of the evaporative ponds. A separate agenda item at the November 2023 Ordinary Council Meeting will consider the awarding of this tender. Additional budget of \$1,769,000 is required to allow this tender to be awarded. The budget review has identified funding from the deferral of multiple projects to facilitate this amendment.

Onslow Streetscape Preliminary Design Concept

Council endorsed this project at the July 2023 Ordinary Council meeting, however funding of \$1,500,000 was inadvertently omitted from the adopted budget. A budget amendment is required to allow this project to proceed which is linked to \$10.35 million of Community Development Funding.

Transport Plan

A new project to develop a Shire of Ashburton/ Pilbara Transport Plan has been included in the budget. There is increasing urgency for the Shire to develop a transport plan to respond to the pressures coming from the mining and pastoral industries for quality road infrastructure.

Temporary Office Refurbishment

The old Westpac building purchase has recently settled. The 2023/24 budget contained a notional figure of \$100,000 for fit out. Currently under consideration is the move of the Corporate Services Directorate to this building as part of the Tom Price Administration building renewal. If this proceeds it is estimated that an additional \$250,000 will be required to make suitable modifications.

Legal – Land and Compliance

Additional funds of \$229,000 have been allocated to this area. The Shire has several sensitive planning matters at present that may require the Shire to undertake several studies to mitigate risks in this area.

Live Streaming Equipment

Live Streaming of Council meetings becomes mandatory on 1 January 2025.

The Shire is currently purchasing a portable system with budget available from within the 2023/24 budget and upgrading meeting room audio equipment to improve teleconferencing capabilities between offices.

A separate quote has been obtained to put a permanent live streaming and professional video conferencing facility into the Onslow Council Chambers. The cost of this separate system is \$135,000 and will provide many benefits to the organisation and reduce the need to transport equipment between Council offices for each Council meeting.

Oval revitalisation

Inadvertently missed from the draft budget. Annual requirement with typically 2 – 3 ovals being done per year at an approximate cost of \$70,000 each. Proposing to do both Peter Sutherland and Clem Thompson Ovals.

Summary

For further details on miscellaneous items please refer to Attachment 1 that provides full details. The net result of all proposed budget amendments is that the budget remains balanced.

Consultation

Executive Leadership Team
Account Responsible Officers
Finance Team

Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	4. Performance - We will lead the organisation, and create the culture, to deliver demonstrated performance excellence to the community.
Strategic Outcome	4.2 Appropriate, sustainable, and transparent management of community funds
Strategy	3 Plan effectively for financial sustainability.

Council Policy

Nil

Financial ImplicationsCurrent Financial Year

The net result of all the proposed amendments to the Annual Budget is that a balanced budget position is retained.

Future Financial Year(s)

Deferral of several projects will be reconsidered during the preparation of future annual budgets and long-term financial plans.

Legislative Implications

Local Government Act 1995

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

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

Local Government (Financial Management) Regulations 1996

Regulation 33A – Review of budget

A local government is to review the Annual Budget at least once every financial year. A review, as legislated, is to occur within a specified timeframe, and incorporate several considerations to ascertain the performance of the local government operations against the adopted and/or amended budget.

Risk Management

Risk has been assessed against the Shire of Ashburton Risk Management Framework.

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Interruption to service	Potential delay in project delivery, reduction in the quality of assets provided and services delivered if the budget amendments are not adopted	Possible (3)	Major (4)	High (10-16)	Provide Council with sufficient information for informed decision making

Based on the inherent risk rating and risk treatments, the residual risk to the Shire is considered to be medium.

Voting Requirements

Absolute Majority

Officer Recommendation

That with respect to Budget Amendments – November 2023, Council in accordance with section 6.8 of the *Local Government Act 1995*, approves the budget amendments contained within Attachment 1 for inclusion in the 2023-24 Annual Budget

Council Decision **208/2023**

Moved **Cr R De Pledge**

Seconded **Cr M Lynch**

That with respect to Budget Amendments – November 2023, Council in accordance with section 6.8 of the *Local Government Act 1995*, approves the budget amendments contained within Attachment 1 for inclusion in the 2023-24 Annual Budget

For: **A Smith, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, M Lynch and T Mladenovic**

Against: **Nil**

Carried By Absolute Majority 7/0

14 Infrastructure Services Reports

14.1 RoadWise Council Invitation

File Reference	TT04
Applicant or Proponent(s)	Not Applicable
Author	R Miller, Director Infrastructure Services
Authorising Officer	R Miller, Director Infrastructure Services
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	<ol style="list-style-type: none"> 1. Letter - Invitation to register as RoadWise Council 2. Road Safety Performance Report 3. Road Safety Performance Report Supporting Documents 4. Local Crash Data - Ashburton

Report Purpose

Council is required to consider an invitation from the Western Australian Local Government Association (WALGA) to register as a RoadWise Council.

The purpose of this report is to highlight the benefits, commitment and how RoadWise can assist to support local government to incorporate best practice road safety principles to reduce road trauma on our local roads and improve road safety outcomes for our community.

Council is requested to consider the invitation and to nominate staff/elected members to be contact points and attend meetings as required with RoadWise representatives.

Background

Correspondence has been received from WALGA inviting the Shire of Ashburton (the Shire) to sign up to a new initiative and register as a RoadWise Council.

The new RoadWise Councils Framework informs the approach to WALGA's Road Safety team takes in supporting local governments in working towards delivering best practice road safety. The Framework takes into account the elements which determine the level of safety of the road transport system within the context of local governments.

To register, local governments can accept the invitation by providing a Council resolution or a written declaration of commitment to road safety and nominating at least two personnel (staff and/or elected members) to be the primary point of contact for road safety matters.

The benefits for local governments that register as RoadWise Councils include:

- use of the RoadWise logo,
- priority access to WALGA's road safety services and products,
- exclusive quarterly meetings and support from a Road Safety Advisor,
- priority access to participate in WALGA's road safety policy development,
- training, professional development forums and knowledge-sharing workshops offered by WALGA,
- access to incentives and sponsored programs, and
- participation in the new RoadWise Recognised initiative.

The RoadWise Recognised aspect of being a RoadWise Council provides formal recognition for, and enables benchmarking and monitoring of road safety management, actions and interventions.

RoadWise Recognised it will assist local governments with continuous improvement in road safety actions and outcomes through regular support, monitoring and sharing of information.

Local governments are encouraged to remain registered RoadWise Councils to ensure they have access to specialist advice and assistance in managing road safety at a local level to the best of their capacity and capability.

Comments

One of the key aspects to the new approach is that this is not a request to create a Shire RoadWise Committee but for the Shire to nominate at least 2 staff and or Councillors as the key contacts to engage with WALGA RoadWise to improve road safety for the Shire and the community.

Local government plays an important and active role in road safety, contributing to the National and State targets for reducing death and serious injuries.

Local government managed roads encounter a wide range of environments and a mix of road users making managing road safety challenging. Currently, local governments are responsible for the management and maintenance of 87% of the WA road network where almost two thirds of Western Australian's are killed, and serious injury crashes occur. Some information and statistics that will assist with road safety improvement decision making are detailed in Attachments 2, 3 and 4.

Consultation

Nil

Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	2. Place - We will provide sustainable, purposeful, and valued built and natural environment opportunities for the community.
Strategic Outcome	2.8 Safe and interconnected transport networks for the community
Strategy	1 Improve road safety and connectivity to provide a safe and efficient road network.

Council Policy

Nil

Financial Implications

Current Financial Year

There are no budget implications to register as a RoadWise Council.

Future Financial Year(s)

There are no budget implications to register as a RoadWise Council.

Legislative Implications

There is no legislation governing Council’s decision but road authorities owe all road users a duty of care and must do what is reasonable to be aware of deficiencies in the road transport system, to assess and prioritise them, and have a system for remedying them.

Risk Management

Risk has been assessed against the Shire of Ashburton Risk Management Framework.

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Reputation (social/community)	By not registering Council could be seen as not adequately engaging or seeking opportunities to reduce risk to road users to eliminate death and serious injury.	Possible (3)	Moderate (3)	Moderate (5-9)	By registering as a RoadWise Council the Shire will have access to specialist advice to assist with implementing best road safety practices that will preserve Council’s positive reputation in this area.

Based on the inherent risk rating and risk treatments, the residual risk to the Shire is considered to be low.

Voting Requirements

Simple Majority

Officer Recommendation

That with respect to the RoadWise Council Invitation, Council,

1. Accepts the invitation to become a RoadWise Council;
2. Supports the Manager Roads and Civil Projects and the Manager Townsite Maintenance as being the primary Shire point of contact to engage with Roadwise for road safety matters in the district.

Council Decision **209/2023**

Moved **Cr M Lynch**

Seconded **Cr M Gallanagh**

That with respect to the RoadWise Council Invitation, Council,

- 1. Accepts the invitation to become a RoadWise Council;**
- 2. Supports the Manager Roads and Civil Projects and the Manager Townsite Maintenance as being the primary Shire point of contact to engage with Roadwise for road safety matters in the district.**

For: **A Smith, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, M Lynch and T Mladenovic**

Against: **Nil**

Carried 7/0

Cr M Lynch disclosed an impartiality interest in Item 14.2 (detailed in Item 5.2).

14.2 Request for Tender 16.23 - Pilbara Regional Waste Management Facility - Evaporation and Drying Pad Construction

File Reference	CM16.23
Applicant or Proponent(s)	Not Applicable
Author	B Evans, Manager Waste
Authorising Officer	R Miller, Director Infrastructure Services
Previous Meeting Reference	Ordinary Council Meeting 8 November 2022 - Item 13.2 – 157/2022
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. RFT 16.23 - Evaluation and Recommendation Report - Confidential

Report Purpose

The purpose of this report is to provide Council with the Tender Evaluation and Recommendation Report for Request for Tender 16.23 – Pilbara Regional Waste Management Facility – Evaporation and Drying Pad Construction (RFT 16.23), as provided at Attachment 1.

Council is requested, based on the tender evaluation panels assessment to award the tender to Norwest Contracting being the preferred contractor for the construction of two evaporation ponds and one drying bed at the Pilbara Regional Waste Management Facility (PRWMF)

Background

In April 2022, the Shire opened a Class IV landfill and solid waste management facility “the PRWMF” at the Shire’s premises at Lot 550 and 551 on Plan 414367, being Reserve 53324, Onslow Road, Talandji.

Phase one of the PRWMF development incorporated a fully lined and licenced Class IV landfill with supporting waste infrastructure including weighbridge, construction, demolition, and green waste processing areas. A secondary stage was for the design and construction of limited liquid waste evaporation ponds and drying pads as part of providing a service for disposal of liquid and hazardous waste within the PRWMF approved footprint, with Department of Water and Environmental Regulations (DWER) license amendments and works approvals.

As part of the 2022/23 financial years adopted Capex program. This expenditure scoped the design, bills of quantities and structural drawings for three evaporation ponds and two drying beds. In addition, a works approval is in process with DWER for the commencement of the evaporation ponds and drying beds, that forms a part of the delivery of the construction tender in the 2023/24 Capex program.

Comments

RFT 16.23 was advertised on Tenderlink on Wednesday 30 August 2023 for submissions to be made by Wednesday 27 September. Due to delays in relevant tender information being available, such as; Bills of Quantities and Structural Designs, an addendum was issued for an extension to Wednesday 4 October 2023.

A mandatory PRWMF site meeting was requested on Monday 11 September and/or Tuesday 12 September 2023. All five tenderers attended the mandatory site meeting.

The assessment criteria were approved prior to the advertisement of the RFT. Each criterion was given the following weightings and included within the RFT document.

Criteria		Weighting
(a)	Relevant Experience	20%
(b)	Methodology	20%
(c)	Key Personnel	10%
(d)	Plant and Equipment	10%
(e)	Price	40%
	Total	100%

Each panel member individually assessed the tender submissions against the criteria and each criterion was given a rating scale of zero-to-ten (0-10), with zero being the lowest and 10 being the highest.

The evaluation and recommendation report, including the overall evaluation scores and rankings, is detailed in Confidential Attachment 1.

The evaluation of the submissions received against the criteria resulted in the rankings (in order of priority) as shown below.

Ranking	Tenderer
1	Norwest Sand & Gravel Pty Ltd t/a Norwest Contracting
2	Neo Civil Pty Ltd
3	Raubex Construction Pty Ltd
4	Muguriyarra Pty Ltd
5	North West Mining and Civil – NWMC Mining & Civil Pty Ltd

An independent probity auditor was involved in the process throughout both the tendering and tender assessment process.

All submissions exceed the current allocated budget. A post panel discussion reflected that there has been a change in industry pricing in this scope of work, with large concrete structure additions required within the construction, not factored in the original budget. Additionally concrete structure requirements were unforeseen, however were required to align with the works approvals for construction from DWER.

Consultation

RFT 16.23 was advertised on Tenderlink on Wednesday 30 August 2023 and closed on Wednesday 4 October 2023.

The tender assessment panel consisted of the Director Infrastructure Services, Manager Waste Services, Coordinator Waste Services and Manager Town Maintenance.

Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	2. Place - We will provide sustainable, purposeful, and valued built and natural environment opportunities for the community.
Strategic Outcome	2.4 Effective, compliant, and sustainable management of community assets and infrastructure
Strategy	4 Develop effective and attainable long-term asset management programs.

Council Policy

Council Policy – Purchasing and Procurement

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

Financial Implications

Current Financial Year

\$2,995,000 is available from within the 2023/24 Annual Budget for this project.

All five submissions exceeded the anticipated budget. The main triggers for the exceeded budget were around the industry construction increases since the estimations in 2021. A review of the tenderers prices reflects fair and equitable market prices for the scope requested.

Agenda Item 13.6 on the Agenda – Budget Amendments November 2023, has identified budget savings and reallocations to allow the budget to be increased to \$4,764,000 for this project including a contingency of \$169,000.

Future Financial Year(s)

Nil.

Legislative Implications

Section 3.57 of the *Local Government Act 1995* requires a local government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

The operation of a waste disposal facility is licensed under the *Environmental Protection Act 1986*.

Risk Management

Risk has been assessed against the Shire of Ashburton Risk Management Framework.

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Compliance	Requirement for waste management as a Class IV facility to adhere to DWER works approvals around liquid waste and sludge separation asset construction.	Possible (3)	Minor (2)	Low (1-4)	Construct initial evaporation ponds and drying bed and maintain the scope and services levels of construction for compliance and quality controls of the asset against the license requirements and work approval.
Property (plant, equipment, buildings)	Limited infrastructure and inability to provide the full fascists of a Class IV waste site.	Unlikely (2)	Minor (2)	Low (1-4)	Construct initial evaporation ponds and drying bed to capture current liquid waste volumes in the market. Budget and plan for the construction of the secondary drying bed and additional evaporation pond to facilitate the waste volumes intended from the market, to maximise revenue for the Shire.
Financial impact	No infrastructure constructed which results in an inability to accept current and projected volumes of waste from the region.	Possible (3)	Minor (2)	Low (1-4)	Construct initial evaporation ponds and drying bed to capture current liquid waste volumes in the market. Budget and plan for the construction of the secondary drying bed and additional evaporation pond to facilitate the waste volumes intended from the market, to maximise revenue for the Shire.

Based on the inherent risk rating and risk treatments, the residual risk to the Shire is considered to be low.

Voting Requirements

Simple Majority

Officer Recommendation

That with respect to Request for Tender 16.23 Pilbara Regional Waste Management Facility – Evaporation and Drying Pad Construction, Council,

- Notes that the following amendment to the 2023/2024 Annual Budget is contained within Item 13.6 on the Agenda – Budget Amendments – November 2023:

Job	Description	Current Budget	Revised Budget
X3500	Evaporation Ponds and Drying Bed	1,310,000	3,079,000
X3231	Hazardous Liquid Waste Treatment	100,000	100,000
X0179	Liquid Waste Facility	1,285,000	1,285,000
X0182	Regional Waste Management Facility	631,041	631,041
Budget Adjustment			1,769,000

- Accepts the Evaluation Panel’s Recommendation, as provided in Confidential Attachment 1 and approves the award of contract to Norwest Sand & Gravel Pty Ltd, trading as Norwest Contracting being the preferred tenderer to undertake the tendered works within Request for Tender 16.23, for a lump sum of \$4,594,188.31, excluding GST and
- Authorises the Chief Executive Officer to enter into a formal contract with Norwest Contracting for the tendered works.

Council Decision 210/2023

Moved Cr R De Pledge

Seconded Cr M Gallanagh

That with respect to Request for Tender 16.23 Pilbara Regional Waste Management Facility – Evaporation and Drying Pad Construction, Council,

- Notes that the following amendment to the 2023/2024 Annual Budget is contained within Item 13.6 on the Agenda – Budget Amendments – November 2023:**

Job	Description	Current Budget	Revised Budget
X3500	Evaporation Ponds and Drying Bed	1,310,000	3,079,000
X3231	Hazardous Liquid Waste Treatment	100,000	100,000
X0179	Liquid Waste Facility	1,285,000	1,285,000
X0182	Regional Waste Management Facility	631,041	631,041
Budget Adjustment			1,769,000

- Accepts the Evaluation Panel’s Recommendation, as provided in Confidential Attachment 1 and approves the award of contract to Norwest Sand & Gravel Pty Ltd, trading as Norwest Contracting being the preferred tenderer to undertake the tendered works within Request for Tender 16.23, for a lump sum of \$4,594,188.31, excluding GST and**
- Authorises the Chief Executive Officer to enter into a formal contract with Norwest Contracting for the tendered works.**

For: A Smith, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, M Lynch and T Mladenovic

Against: Nil

Carried 7/0

15 Community Development Reports

15.1 Onslow Streetscape Project - Project Update and Outcome of Community Engagement Activities

File Reference	LP45
Applicant or Proponent(s)	Not Applicable
Author	A Sheridan, Project Manager
Authorising Officer	C McGurk, Director Community Development
Previous Meeting Reference	Ordinary Council Meeting 11 July 2023 - Item 15.2 – 138/2023
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	<ol style="list-style-type: none"> 1. Streetscape Option 2 - Landscape Report Rev A 2. Onslow Streetscape Community Engagement Results Summary

Report Purpose

Council is required to note the outcome of the community engagement process as outlined in this report and endorse the revised concept design as a basis for proceeding to detailed design.

The purpose of this report is to summarise key outcomes from the community engagement process from 2 October 2023 to 29 October 2023 and to present the final Concept Design for endorsement by Council. The report also provides an update on current project status and project funding and proposes that the Shire proceed to detailed design and costing of the project.

Council is requested to endorse the concept design as presented in this report and to authorise the Chief Executive Officer to proceed to detailed design and costing of the project.

Background

At its meeting held 11 July 2023 (Resolution 138/2023), Council resolved in part:

“That with respect to the Onslow Streetscape Preliminary Design Concept, Council:

- 1. Endorses the Concept Design as presented in this report, as a basis for proceeding to public consultation.*
- 2. Requests the Chief Executive Officer to provide a further report to Council following the public consultation process.”*

The concept design, as presented to Council on 11 July 2023, was subsequently modified to include additional streetscape elements in the main part of Second Avenue between Simpson Street (Beadon Bay Hotel) and Third Street (Onslow Beach Resort). Those additional elements include:

- An enhanced public plaza area outside the Onslow Independent Grocers of Australia (IGA) store, including a larger shade structure and additional seating / landscaping.
- A new parklet including shade structure, seating and interpretive elements on the vacant lot adjacent to the Shire offices.
- Additional carparking on the balance of the vacant lot adjacent to the Shire offices.
- A pearl industry themed shade structure near the new carpark on the corner of Second Avenue and Third Street (adjacent to the Onslow Beach Resort).
- Enhanced treatments (eg. brick paving) for pedestrian crossing points so that they stand-out from the adjoining footpath and roadway.
- New public art features for roundabouts including for example; a Mulla Mulla sculpture, a Spanish Mackerel sculpture, a Star Finch and Green Bird Flower sculpture, together with indigenous artwork sculptures and in-lays in the footpath.

The revised concept for that section of the street (Simpson Avenue to Third Street) is provided at Attachment 1. Elected members were verbally briefed on the revised concept at the Council meeting held 12 September 2023.

Community consultation / engagement was undertaken over a three-week period between Monday 2 October 2023 and Friday 27 October 2023. Engagement boards / displays were developed for the community consultation process. The details of the displays are included in Attachment 2.

Elements of the consultation process included advertising via social media channels, posters on community notice boards, a mail out to local residents and a static display in the Council foyer from 2 October 2023 to 27 October 2023. In addition, a manned display, outside the IGA, was organised for the afternoon of Friday 6 October 2023 and the morning of Saturday 7 October 2023; project staff were on hand during that time to explain the concept further, to answer questions and to elicit feedback.

The Concept Design which was presented at the 11 July 2023 Council meeting was accompanied by the following preliminary cost estimates:

- Northern Precinct Works (First Street to new Ocean View Caravan Park) - \$4.8m
- Stage 1 Streetscape Works (First Street to Third Street) - \$10.8m
- Stage 2 Streetscape Works (Third Street to Cameron Avenue) - \$6.0m.

As a result of the revised concept design as described above, cost estimates and staging of the project have been modified as follows (note that the costs presented are preliminary estimates and are subject to further detailed work):

- Stage 1: Simpson Street (Beadon Bay Hotel) to Third Street (Onslow Beach Resort) - \$16.2m
- Stage 2: Simpson Street to new Ocean View Caravan Park - \$11.5m
- Stage 3: Third Street to Cameron Avenue (past the Museum and Onslow Beach Chalets) - \$6.7m

As part of the State Development Agreement (SDA), Chevron Australia Pty Ltd (Chevron) has made a number of contributions to the upgrade and development of facilities in Onslow to benefit the community. A total of \$10.35m in funding is available from that program to support Stage 1 of the project. A Project Implementation Plan has been prepared and submitted to the State Government in support of this project.

Comments

As outlined above, a three-week community consultation and engagement process was organised over the period from 2 October 2023 to 27 October 2023. Key elements of the consultation process include advertising via social media channels, posters on community notice boards, a mail out to local residents, a static display in the Council foyer from 2 October to 27 October 2023, and a manned display outside the Onslow IGA on the 6 and 7 October 2023.

22 responses were received to the online survey and 85 people provided feedback at the pop-up display.

The results of that process are documented in full at Attachment 2. In summary:

Overall, the feedback was positive with the majority of people supporting the proposal and agreeing that the objectives where met.

Elements that where highly supported include the additional shade, footpath width, gathering spaces and seating, reinforcement of existing trees, and the proposed public art.

Some requested confirmation that the design of the proposed roundabouts would support safe use by caravans, trailers and trucks using the main street.

Additional playful elements along the street were requested with the suggestion that this would help add to the sense of place and provide an activity for children.

Removal of parking in front of the supermarket to accommodate the new shaded gathering space was largely supported, with some raising concerns reading ease of access for deliveries and those with mobility constraints.

In response to the feedback received the concept design was revised, including the following changes:

- *Additional commentary regarding the roundabouts to confirm and explain the safe use by caravans, trailers and trucks.*
- *Footpath and plaza play elements including hopscotch and four-square markings being distributed through the streetscapes.*
- *Allowance for the inclusion of signage for the Onslow Beach Club into to civic space on the NE corner at the intersection of Second Avenue & Third Street, where the proposed landscape treatments encroach into their property boundary.*

Consultation

Council (as per the 11 July 2023 report and informal discussions on a revised concept at the 12 September 2023 Council Meeting)

Community (as detailed above)

Executive Leadership Team

Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	2. Place - We will provide sustainable, purposeful, and valued built and natural environment opportunities for the community.
Strategic Outcome	2.6 Land use opportunities to benefit current and future communities
Strategy	3 Review and implement planning frameworks and strategies to ensure appropriate development outcomes.

Council Policy

Nil

Financial Implications

Current Financial Year

Nil. Current consultant commissions have been arranged using existing consultancy budget allocations.

Future Financial Year(s)

The following future budget allocations are proposed:

- Financial Year 2024/2025 – Stage 1 - \$16.2m *
- Financial Year 2025/2026 – Stage 2 - \$11.5m **
- Financial Year 2026/2027 – Stage 3 - \$6.7m **

Total Project Cost - \$34.4m

* includes \$10.35m in funding under the State Development Agreement (SDA) with Chevron.

** timing for delivery of Stages 2 and 3 is dependent upon the available budget at the time - it may be that Stages 2 and 3 will need to be delivered over an extended timeframe.

Legislative Implications

Nil

Risk Management

Risk has been assessed against the Shire of Ashburton Risk Management Framework.

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Reputation (social/community)	Public embarrassment, moderate impact on community trust or moderate public media profile.	Possible (3)	Moderate (3)	Moderate (5-9)	Detailed project planning and ongoing project management during the delivery phase of the works.

Financial impact	Exceeds deadline by 15% or exceeds project budget by 25%.	Possible (3)	Moderate (3)	Moderate (5-9)	Continual refinement of cost estimates, comprehensive and detailed project planning and engagement of a capable and experienced contractor to deliver the works.
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Based on the inherent risk rating and risk treatments, the residual risk to the Shire is considered to be medium.

Voting Requirements

Simple Majority

Officer Recommendation

That with respect to the Onslow Streetscape Project - Project Update and Outcome of Community Engagement Activities, Council,

1. Notes the outcomes of the consultation process as detailed in this report, in particular there is broad community support for the delivery of the project as per the current Concept Design.
2. Endorses the current Concept Design as presented in this report, as a basis for proceeding to detailed design and costing of the project.

Council Decision **211/2023**

Moved **Cr L Rumble JP**

Seconded **Cr T Mladenovic**

That with respect to the Onslow Streetscape Project - Project Update and Outcome of Community Engagement Activities, Council,

- 1. Notes the outcomes of the consultation process as detailed in this report, in particular there is broad community support for the delivery of the project as per the current Concept Design.**
- 2. Endorses the current Concept Design as presented in this report, as a basis for proceeding to detailed design and costing of the project.**

For: **A Smith, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, M Lynch and T Mladenovic**

Against: **Nil**

Carried 7/0

16 Councillor Agenda Items / Notices of Motion

Nil

17 New Business Of An Urgent Nature Introduced By Council Decision

Nil

18 Confidential Matters

Procedural Motion

Moved Cr L Rumble JP

Seconded Cr A Sullivan

That Council move behind closed doors at 1:25pm, pursuant to clause 6.2 of the *Shire of Ashburton Standing Orders Local Law 2012* to consider the following confidential items.

18.1 Pilbara Regional Waste Management Facility - Status Update

Pursuant to sub section 5.23(2)(c) of the *Local Government Act 1995* which provides:

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

For: A Smith, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, M Lynch and T Mladenovic

Against: Nil

Carried 7/0

18.1 Pilbara Regional Waste Management Facility - Status Update

File Reference	WM07
Applicant or Proponent(s)	Not Applicable
Author	D Kennedy, Director Corporate Services
Authorising Officer	R Miller, Director Infrastructure Services
Previous Meeting Reference	Ordinary Council Meeting 11/07/2023 - Item 14.1 - 041/2023 Ordinary Council Meeting 14/03/2023 - Item 13.1 - 135/2023 Ordinary Council Meeting 13/12/2022 - Item 13.1 - 75/2022 Special Council Meeting 29/04/2021 - Item 7.1 - 68/2021 Ordinary Council Meeting 8 September 2020 - Item 18.2 – 155/2020 Ordinary Council Meeting 22/10/2019 - Item 15.1 - 175/2019
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. Hybrid Alliance Contract Advice - Confidential 2. Business Development Considerations - Confidential

Reason for Confidentiality

Section under the Act	<i>This matter is to be considered behind closed doors pursuant to s.5.23(2)(c) of the Local Government Act 1995 as the subject matter relates to:</i>
Sub-clause and Reason:	<i>“s.5.23(2)(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.”</i>

Report Purpose

Council is required to consider the Pilbara Regional Waste Management Report – Status Update.

The purpose of this report is to provide Council with sufficient information to make informed decisions with regards to the ongoing development of the Pilbara Regional Waste Management Facility.

Council is requested to approve the Officers recommendations as detailed in the report.

Voting Requirements

Simple Majority

Council Decision **212/2023**

Moved **Cr L Rumble JP**

Seconded **Cr M Lynch**

That with respect to Pilbara Regional Waste Management Facility – Status Update, Council, approve the recommendations 1 – 6 as detailed in the body of this report.

For: **A Smith, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, M Lynch and T Mladenovic**

Against: **Nil**

Carried 7/0

Procedural Motion

Moved **Cr T Mladenovic**

Seconded **Cr M Lynch**

That Council re-open the meeting to the public at 1:26pm.

For: **A Smith, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, M Lynch and T Mladenovic**

Against: **Nil**

Carried 7/0

19 Next Meeting

The next Ordinary Council Meeting will be held at 1:00pm on Tuesday 12 December 2023 at Council Chambers, Onslow Shire Complex, Second Avenue, Onslow.

20 Closure Of Meeting

There being no further business, the Presiding Member closed the meeting at 1:27pm.