

# Ordinary Meeting of Council

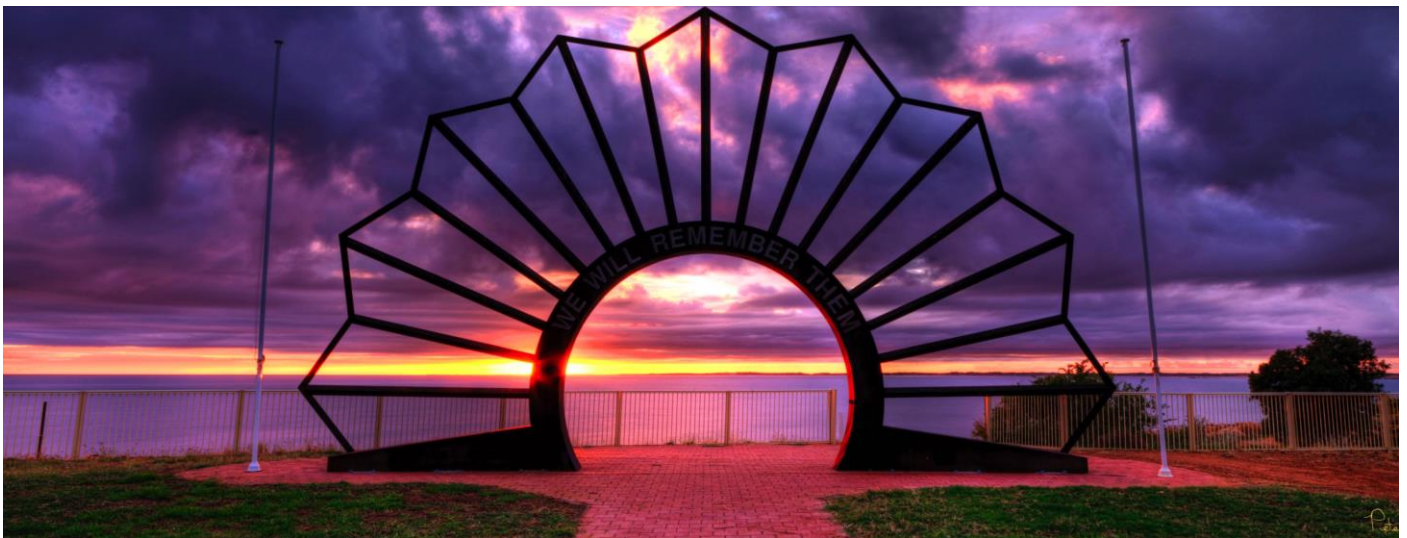
Onslow



## Agenda

13 March 2018

Council Chambers,  
Onslow Shire Complex,  
Second Avenue, Onslow  
1.00 pm



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

---

# Our Vision

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



## STRATEGIC DIRECTIONS

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



---

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





**SHIRE OF ASHBURTON  
ORDINARY MEETING OF COUNCIL**

**AGENDA**

**Council Chambers, Onslow Shire  
Complex, Second Avenue, Onslow  
13 March 2018  
1.00 pm**

# AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

## SHIRE OF ASHBURTON ORDINARY MEETING OF COUNCIL

Notice is hereby given that an Ordinary Meeting of Council of the Shire of Ashburton will be held on 13 March 2018 at the Council Chambers, Onslow Shire Complex, Second Avenue, Onslow commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.



Rob Paull  
**CHIEF EXECUTIVE OFFICER**

### **DISCLAIMER**

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

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

<b>1.</b>	<b>DECLARATION OF OPENING.....</b>	<b>5</b>
1.1	ACKNOWLEDGEMENT OF COUNTRY .....	5
<b>2.</b>	<b>ANNOUNCEMENT OF VISITORS.....</b>	<b>5</b>
<b>3.</b>	<b>ATTENDANCE .....</b>	<b>5</b>
3.1	PRESENT .....	5
3.2	APOLOGIES.....	5
3.3	APPROVED LEAVE OF ABSENCE .....	5
<b>4.</b>	<b>QUESTION TIME .....</b>	<b>6</b>
4.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....	6
4.2	PUBLIC QUESTION TIME .....	6
<b>5.</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE.....</b>	<b>6</b>
<b>6.</b>	<b>DECLARATION BY MEMBERS.....</b>	<b>6</b>
6.1	DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA .....	6
6.2	DECLARATIONS OF INTEREST .....	6
<b>7.</b>	<b>ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION</b>	<b>7</b>
<b>8.</b>	<b>PETITIONS / DEPUTATIONS / PRESENTATIONS.....</b>	<b>7</b>
8.1	PETITIONS.....	7
8.2	DEPUTATIONS .....	7
8.3	PRESENTATIONS .....	8
<b>9.</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING .....</b>	<b>8</b>
9.1	ORDINARY MEETING OF COUNCIL HELD ON 13 FEBRUARY 2018 .....	8
9.2	MINUTES OF SHIRE OF ASHBURTON AUDIT AND RISK COMMITTEE TUESDAY 13 MARCH 2018 (TO BE PRESENTED TO COUNCIL).....	8
<b>10.</b>	<b>AGENDA ITEMS ADOPTED "EN BLOC" .....</b>	<b>8</b>
10.1	'EN BLOC'.....	8
<b>11.</b>	<b>OFFICE OF THE CEO REPORTS.....</b>	<b>9</b>
11.1	PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS STATUS REPORT FOR FEBRUARY 2018 .....	9
11.2	USE OF COMMON SEAL AND ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF FEBRUARY 2018.....	11
11.3	ENG09 - ASSET MANAGEMENT POLICY REVIEW .....	13
<b>12.</b>	<b>CORPORATE SERVICES REPORTS.....</b>	<b>16</b>
12.1	MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID.....	16
<b>13.</b>	<b>STRATEGIC AND COMMUNITY DEVELOPMENT REPORTS.....</b>	<b>23</b>
13.1	REQUEST FOR LICENCE AND REDUCTION IN FEES – ONSLOW RECREATIONAL FLYING CLUB INC. ....	23
13.2	PROPOSED MODIFICATION TO THE RESTRICTED ACCESS VEHICLE (RAV) CLASSIFICATION OF SECOND AVENUE, THIRD AVENUE AND THIRD STREET, ONSLOW .....	28
13.3	ENDORSEMENT OF ONSLOW SPORTS CLUB BUSINESS CASE AND BUDGET REQUEST .....	31
<b>14.</b>	<b>DEVELOPMENT AND REGULATORY SERVICES REPORTS .....</b>	<b>34</b>
14.1	REQUEST FOR COUNCIL TO APPROVE THE TAMARIND STREET PARKING PLAN TAMARIND STREET, TOM PRICE.....	34
<b>15.</b>	<b>INFRASTRUCTURE SERVICES REPORTS .....</b>	<b>37</b>
15.1	REQUEST FOR COUNCIL TO APPOINT A COMMITTEE OF COUNCIL TO REVIEW THE ESTABLISHMENT OF A CLASS IV WASTE MANAGEMENT FACILITY AT ONSLOW.....	37
15.2	TENDER RFT 01/18 - CONCRETE KERBING AND FOOTPATH WORKS, ONSLOW WA.....	42
15.3	TENDER RFT 02/18 - SUPPLY OF ROAD CONSTRUCTION PLANT WITH OPERATORS - WANDRRA AGRN 743.....	46
<b>16.</b>	<b>COUNCILLOR AGENDA ITEMS / NOTICES OF MOTIONS.....</b>	<b>50</b>
<b>17.</b>	<b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING .....</b>	<b>50</b>
<b>18.</b>	<b>CONFIDENTIAL MATTERS.....</b>	<b>50</b>

**AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018**

18.1	CONFIDENTIAL ITEM - RECONSIDERATION OF DEVELOPMENT APPLICATION 17-37 - CONSTRUCTION OF 10 WEIRS ON THE ASHBURTON RIVER, MINDEROO STATION .....	51
<b>19.</b>	<b>NEXT MEETING .....</b>	<b>51</b>
<b>20.</b>	<b>CLOSURE OF MEETING .....</b>	<b>53</b>

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

### 1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at \_\_\_\_\_ pm.

#### 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 both past and present.

### 2. ANNOUNCEMENT OF VISITORS

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

### 3. ATTENDANCE

#### 3.1 PRESENT

<b>Elected Members:</b>	Cr K White Cr L Rumble Cr D Dias Cr P Foster Cr M Lynch Cr D Diver Cr L Thomas Cr G Dellar Cr M Gallanagh	Shire President, (Presiding Member) Onslow Ward Deputy Shire President, Paraburdoo Ward Paraburdoo Ward Tom Price Ward Tom Price Ward Tom Price Ward Tableland Ward Ashburton Ward Pannawonica Ward
<b>Staff:</b>	Mr R Paull Mr J Bingham Ms A Serer Ms L Reddell Mr B Hall Ms J Smith Mrs M Lewis Mrs H Melville Mr A Davis	Chief Executive Officer Director Corporate Services Director Strategic & Community Development Director Development & Regulatory Services Deputy Director Infrastructure Services Executive Officer CEO & Councillor Support Officer Senior Organisational Development Advisor Principal Town Planner
<b>Guests:</b>	Sam Rizzo, John Hartman, Don Scott and Warren Slater	Deputations
<b>Members of Public:</b>	There were _____ members of the public in attendance at the commencement of the meeting.	
<b>Members of Media:</b>	There were _____ members of the media in attendance at the commencement of the meeting.	

#### 3.2 APOLOGIES

#### 3.3 APPROVED LEAVE OF ABSENCE

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

### 4. QUESTION TIME

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

Nil

#### 4.2 PUBLIC QUESTION TIME

### 5. APPLICATIONS FOR LEAVE OF ABSENCE

### 6. DECLARATION BY MEMBERS

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

Councillors are requested to give due consideration to all matters contained in the Agenda presently before the meeting.

#### 6.2 DECLARATIONS OF INTEREST

##### **Councillors to Note**

A member who has an Impartiality, Proximity or Financial Interest in any matter to be discussed at a Council or Committee Meeting, that will be attended by the member, must disclose the nature of the interest:

- (a) In a written notice given to the Chief Executive Officer before the Meeting or;
- (b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- (a) Preside at the part of the Meeting, relating to the matter or;
- (b) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

#### **NOTES ON DECLARING INTERESTS (FOR YOUR GUIDANCE)**

The following notes are a basic guide for Councillors when they are considering whether they have an interest in a matter.

These notes are included in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not



## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.

3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
  - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
  - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

### Declarations of Interest provided:

Item Number/ Name	Type of Interest	Nature/Extent of Interest
<b>12.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID</b>		
Rob Paull	Indirect Financial	The nature of my interest is that my spouse is employed by Muzzy's Hardware in Tom Price. The extent of my interest is that my spouse is earning an income from Muzzy's Hardware, Tom Price.

## 7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

## 8. PETITIONS / DEPUTATIONS / PRESENTATIONS

### 8.1 PETITIONS

### 8.2 DEPUTATIONS

Sam Rizzo, John Hartman and Don Scott to speak in support of Agenda 18.1 – Confidential Item – Reconsideration of Development Application 17-37 – Construction of 10 Weirs on the Ashburton River, Minderoo Station.

Warren Slater to speak against Agenda 18.1 – Confidential Item – Reconsideration of Development Application 17-37 – Construction of 10 Weirs on the Ashburton River, Minderoo Station.

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

### 8.3 PRESENTATIONS

## 9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### 9.1 ORDINARY MEETING OF COUNCIL HELD ON 13 FEBRUARY 2018

#### **Officer Recommendation**

That the Minutes of the Ordinary Meeting of Council held on 13 February 2018 as previously circulated on 20 February 2018, be confirmed as a true and accurate record.

### 9.2 MINUTES OF SHIRE OF ASHBURTON AUDIT AND RISK COMMITTEE TUESDAY 13 MARCH 2018 (TO BE PRESENTED TO COUNCIL)

#### **Officer Recommendation**

Meeting held on Tuesday 13 March 2018 commencing at 10.00am at the Council Chambers, Onslow Shire Complex, Second Avenue, Onslow (to be presented to Council).

## 10. AGENDA ITEMS ADOPTED "EN BLOC"

### 10.1 'EN BLOC'

The following information is provided to Councillors for guidance on the use of En Bloc voting as is permissible under the Shire of Ashburton Standing Orders Local Law 2012:

*"Part 5 – Business of a meeting*

*Clause 5.6 Adoption by exception resolution:*

- (1) In this clause 'adoption by exception resolution' means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the officer recommendation as the Council resolution.*
- (2) Subject to subclause (3), the Local Government may pass an adoption by exception resolution.*
- (3) An adoption by exception resolution may not be used for a matter;*
  - (a) that requires a 75% majority or a special majority;*
  - (b) in which an interest has been disclosed;*
  - (c) that has been the subject of a petition or deputation;*
  - (d) that is a matter on which a Member wishes to make a statement; or*
  - (e) that is a matter on which a Member wishes to move a motion that is different to the recommendation."*

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

### 11. OFFICE OF THE CEO REPORTS

#### 11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS STATUS REPORT FOR FEBRUARY 2018

<b>FILE REFERENCE:</b>	GV04
<b>AUTHOR'S NAME AND POSITION:</b>	Michelle Lewis CEO & Councillor Support Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Rob Paull Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	23 February 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 10.1 (Minute No. 11477) - Ordinary Meeting of Council 10 April 2013

#### **Summary**

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

#### **Background**

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

#### **Comment**

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

This report presents a summary of the "Decision Status Reports" for Office of the CEO, Corporate Services, Infrastructure Services, Strategic & Economic Development, Community Development and Development & Regulatory Services.

**ATTACHMENT 11.1**

#### **Consultation**

Chief Executive Officer  
Executive Management Team

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

### Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

*“Role of council*

- (1) *The council —*
  - (a) *governs the local government’s affairs; and*
  - (b) *is responsible for the performance of the local government’s functions.*
  
- (2) *Without limiting subsection (1), the council is to —*
  - (a) *oversee the allocation of the local government’s finances and resources; and*
  - (b) *determine the local government’s policies.”*

The above section of the Act notwithstanding, there is no specific legal requirement to present such a report to Council or for Council to receive or consider such a report. Given it is always ‘received’, it could simply be provided to elected members via weekly or monthly updates, such as in the weekly Information Bulletin. The decision to retain the report in the Council’s monthly agenda is entirely Council’s prerogative. Staff acknowledge the critical and ongoing nature of the document, in that Council ‘speaks by resolution’.

### Financial Implications

Not Applicable

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team and Work Environment

### Risk Management

This item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be “Low” risk and can be managed by routine procedures, and is unlikely to need specific application of resources.

### Policy Implications

Not Applicable

### Voting Requirement

Simple Majority Required

### Officers Recommendation

That Council receive the “*Council Decisions Status Reports*” for the month of February 2018 as per **ATTACHMENT 11.1**.

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

### 11.2 USE OF COMMON SEAL AND ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF FEBRUARY 2018

<b>FILE REFERENCE:</b>	GV21
<b>AUTHOR'S NAME AND POSITION:</b>	Janyce Smith Executive Officer  Brooke Beswick Administration Assistant Planning
<b>AUTHORISING OFFICER AND POSITION:</b>	Rob Paull Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	23 February 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### **Summary**

The purpose of this agenda item is to report to Council for information, use of the Common Seal, actions performed under delegated authority requiring referral to Council and a copy of the Tender Register, for the month of February 2018.

#### **Background**

Council has historically sought a monthly update of the more significant activities for the organisation relative to (1) use of the Common Seal, and (2) actions performed under delegated authority requiring referral to Council as per the Shire of Ashburton Delegated Authority Register 2018.

#### **Comment**

A report on use of the Common Seal, relevant actions performed under delegated authority and the Tender Register has been prepared for Council.

**ATTACHMENT 11.2A  
ATTACHMENT 11.2B**

#### **Consultation**

Relevant officers as listed in the Attachment.

#### **Statutory Environment**

*Local Government Act 1995*

Clause 9.3 of the Shire of Ashburton Town Planning Scheme No. 7  
Delegated Authority Register

#### **Financial Implications**

As outlined in Attachment 11.2.



## **AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018**

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team and Work Environment

### **Risk Management**

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Low" in light of the report being for information purposes only and the risk can be managed by routine procedures, and is unlikely to need specific application of resources.

### **Policy Implications**

ELM 13 – Affixing the Shire of Ashburton Common Seal

FIN12 – Purchasing and Tendering Policy

### **Voting Requirement**

Simple Majority Required

### **Officers Recommendation**

That Council receive the reports relating to:

1. The use of the Common Seal as per **ATTACHMENT 11.2A**; and
2. Actions performed under delegated authority for the month as per **ATTACHMENT 11.2A**; and
3. The Tender Register as per **ATTACHMENT 11.2B**.

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

### 11.3 ENG09 - ASSET MANAGEMENT POLICY REVIEW

<b>FILE REFERENCE:</b>	GV20
<b>AUTHOR'S NAME AND POSITION:</b>	Anup Paudel Manager Strategic Asset Management
<b>AUTHORISING OFFICER AND POSITION:</b>	John Bingham Director Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	7 March 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 15.1 (Minute:11757) – Ordinary Meeting of Council 19 March 2014

#### **Summary**

ENG09 - Asset Management Policy has been reviewed based on the Risk Management Audit Report conducted by Moore Stephens (MS) in 2016.

The purpose of the policy review is to accept the recommendation and include a Risk Management section to implement a framework ensuring Council's assets are planned, delivered, managed, renewed and disposed in a sustainable manner to serve both the current and future communities.

#### **Background**

As part of the Risk Management Audit Report conducted by MS in 2016, it was identified that ENG09 - Asset Management Policy, adopted by Council in 2011 and further reviewed in 2014, lacked the requirement within the Policy to utilise risk management techniques in the management of Shire assets.

The Shire's Risk Management Policy (CORP5) outlines the commitment and objectives regarding managing uncertainty that may impact the Shire's operations. To ensure the achievement of the Shire's vision and strategic goals and objectives, it needs to ensure operational/asset management staff (first line defence) identify asset related risks and they are assessed, managed, monitored and reported. Risk themes identified in relation to Asset Management and documented in the Asset Management Strategy include:

- Asset Sustainability Practices
- Environmental Management
- Errors, Omissions, Delays
- External theft & fraud including cyber crime
- Management of Facilities/Venues & Events

The criteria adopted in CORP5 will be applied to each asset class to identify any moderate – high risks and will be covered in the individual asset management plans. It is recommended Council include this Risk Management section in ENG09 - Asset Management Policy.

**Comment**

The purpose of the ENG09 - Asset Management Policy is to initiate asset management principles and assign asset management responsibilities to achieve the following objectives and outcomes:

- The Shire's services and facilities are provided reliably, with the appropriate level of service to residents, visitors and the environment within the Shire;
- Safeguarding the Shire's assets including physical assets and employees by implementing appropriate asset management strategies, practices and financial treatment of the assets;
- Establish an environment where all Shire employees will assist in the overall management of the Shire assets.
- Meet all legislative compliance for Asset Management.

The adoption of an effective asset management approach will provide the following benefits:

- More sustainable decisions by ensuring all lifecycle costs are included in decision processes, so that the emphasis is on sustainable efficiencies not unsustainable short-term gains;
- Enhance customer service through improved understanding of service requirements and options;
- Improved financial efficiency by recognition of all costs of owning/operating assets over the lifecycle of the assets.

This Asset Management approach will be supported and achieved through the implementation of an Asset Management Strategy and Asset Management Plans for Infrastructure Assets within the Shire of Ashburton. The implementation of this Asset Management Policy will assist the Shire to meet community expectations by providing services in a sustainable manner.

**Consultation**

Chief Executive Officer  
Executive Management team  
Strategic Asset Manager

**Statutory Environment**

*Local Government Act 1995 section 2.7 (2)(b)* states Council is to determine a local government's policies.

**Financial Implications**

There are no financial implications for this matter.

## **AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018**

### **Strategic Implications**

Shire of Ashburton 10 Year Strategic Community Plan 2017-2027

Goal 05 – Inspiring Governance

Objective 03 – Council Leadership

Objective 04 – Exemplary Team and Work Environment

### **Policy Implications**

Amendment to Policy ENG09 – Asset Management Policy.

### **Voting Requirement**

Simple Majority Required

### **Officers Recommendation**

That with respect to the ENG09 - Asset Management Policy, Council:

1. Adopt the reviewed ENG09 - Asset Management Policy as per **ATTACHMENT 11.3.**

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

### 12. CORPORATE SERVICES REPORTS

#### 12.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID

<b>FILE REFERENCE:</b>	FM03
<b>AUTHOR'S NAME AND POSITION:</b>	Kerry Fisher Finance Manager
<b>AUTHORISING OFFICER AND POSITION:</b>	John Bingham Director Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	28 February 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial, proximity or impartiality interests in the proposal. However, the Chief Executive Officer has an indirect financial interest due to his spouse being employed and receiving an income from 'Muzzy's Hardware (Tom Price).
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### **Summary**

In accordance with Regulation 34 of the Local Government (Financial Management) Regulations, the Shire is to prepare a monthly Statement of Financial Activity for consideration by Council.

The Financial Reports for February are presented with comments on variances for Actuals to 2017/18 Budget amounts. A Capex Tracker is also presented.

#### **Background**

Regulation 34 of the Local Government (Financial Management) Regulations requires the Shire to prepare a monthly statement of Financial Activity for Consideration by Council.

#### **Comment**

Capital expenditure continues to remain lower than year to date budget due to the profile of budgeted amounts across monthly periods as well as project delivery. The notes in the 'Report on Significant Variances' identify and provide further commentary on the material variances for each project as well as operational revenue and expenditure at program level.

Capital Expenditure project 'Tom Price Squash Courts Re-Surfacing' currently has a budget allocation of \$80,000. Works have been awarded to Benngo commencing on 7 March 2018 for a total forecast cost of \$54,797. The Project Officer has determined ceiling fans in the courts require replacement as well as an upgrade of lighting to LED light bulbs for greater efficiency. To carry out this task extensive scaffolding will need to be temporarily installed. It is proposed Council approve this opportunity identified outside the original scope of works noting it is within approved budget allocation. Also it is proposed Council approve the re-naming of the project to 'Tom Price Squash Courts Re-Surfacing, Ceiling Fans and Lighting Upgrade'. The savings of \$25,203 made from the re-surfacing work is sufficient to cover the



## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

Ceiling fans and Lighting upgrade.

Payments for February include a refund to Mr. Tabian Clough – an ex-member of the Onslow Gym. Mr. Clough advised the Shire in February that he was leaving town and had 10 months membership paid up for which he would not use. As the 2017/18 Schedule of Fees and Charges do not allow for pro-rata refunds for unused Gym Memberships the authorisation to pay Mr. Clough was made in error. It is proposed Council acknowledge this error and on exception approve this payment.

**ATTACHMENT 12.1A  
ATTACHMENT 12.1B  
ATTACHMENT 12.1C  
ATTACHMENT 12.1D  
ATTACHMENT 12.1E**

<b>GL/Job No.</b>	<b>General Ledger Description</b>	<b>Current Budget</b>	<b>Variation Amount</b>	<b>Revised Budget</b>	<b>Reason</b>
18008	Onslow Airport PAC Units Shelters	40,000	6,000	46,000	All RFQ submissions received, came in over budget.
17048	Onslow Airport Sewer System	119,980	10,274	130,254	Additional costs missed at Budget Review i.e. bulk earthworks re-instatement, electrical connections etc.
17047	Runway Embankment Remediation	2,500,000	(16,274)	2,483,726	This project will be completed under budget. Savings to be re-allocated to Onslow PAC Unit Shelters and Airport Sewer System.

**AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018**

<b>GL/Job No.</b>	<b>General Ledger Description</b>	<b>Current Budget</b>	<b>Variation Amount</b>	<b>Revised Budget</b>	<b>Reason</b>
BC410	CAP - Building Program Onslow Museum	138,000	56,000	194,000	A large donation of paint has been made to the Onslow Progress Association by Cape Contracting for use at the Museum – the variation request is for labour and related costs to apply the paint.
092271	Projects to be Identified GEN	0	144,000	144,000	Unallocated funds available for re-allocation to underfunded and new projects
120019	Tom Price RFDS Airstrip GEN	200,00	(200,000)	0	The Capital Expenditure variation for this project was not included in the Review line items as it should have been. To maintain Councils adopted \$1.5m surplus this needs to be amended creating a favourable variance to allocate to other projects, primarily Projects to Be Identified.

**AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018**

<b>GL/Job No.</b>	<b>General Ledger Description</b>	<b>Current Budget</b>	<b>Variation Amount</b>	<b>Revised Budget</b>	<b>Reason</b>
HRI01	Training Reimbursements	(4,504)	(5,840)	(10,344)	Funds received from DLGSC for Youth Development Scholarships not budgeted for as not aware of grant in 2017.
TR004	Training – Registrations Fees	186,000	5,840	191,840	Expenditure to reflect funds received from DLGSC for Youth Development Scholarships.
FD127	Glenforrie Road	373,475	128,654	502,129	Expenditure calculation misstated due to worksheet error (original scope of works remains the same).
FD106	Hamersley Road	180,229	90,602	270,831	Expenditure calculation misstated due to worksheet error (original scope of works remains the same).
121960	WANDRRA Claim AGRN 743 Grant – Road Flood Damage	(10,491,116)	(219,256)	(10,710,372)	Adjustment to income due to expenditure variation.

**Consultation**

Chief Executive Officer  
 Executive Management Team  
 Finance Team

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

### Statutory Environment

Section 6.4 Local Government Act 1995, Part 6 – Financial Management, and regulation 34 Local Government (Finance Management) Regulation 1996.

*The Local Government Act 1995 Part 6 Division 4 s 6.8 (1)* requires the local government not to incur expenditure from its Municipal Fund for an additional purpose except where the expenditure –

(b) Is authorised in advance by resolution\*

“Additional purpose” means a purpose for which no expenditure estimate is included in the local government’s annual budget.

\*requires an absolute majority of Council.

### Financial Implications

Financial implications and performance to budget are reported to Council on a monthly basis.

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team and Work Environment

### Risk Management

This item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered “Low” risk and can be managed by routine procedures, and is unlikely to need specific application of resources.

The predominant strategic financial risk that the Council still faces is the pending formal objections to the valuation on the Wheatstone Plant and Barrow Island Plant. The formal objection to the Wheatstone plant refers to 2016/17 and 2017/18 valuations whilst the Barrow Island objection was made in November 2017. Wheatstone is Assessment No. A51628 and has an Unimproved Valuation (UV) of \$17,593,500 with rates levied for 2017/18 of \$6,728,933. Barrow Island is Assessment No. A6413 and has a UV of \$13,808,000 with rates levied for 2017/18 of \$5,281,104.

In Chevron’s objection their submitted opinion as to the correct UV’s for the two properties are: (i) Wheatstone \$6,572,500; and (ii) Barrow Island \$2,612,500. Should the objections lead to a State Administrative Hearing (SAT) appeal and the decision be unfavourable to Council the maximum quantum of liability will be around \$8.5 Million based on the abovementioned.

To mitigate any risk with this formal objection that may lead to a State Administrative Tribunal appeal, the Council retains a cash backed Financial Risk Reserve with a forecast balance at the end of the financial year (subject to no adverse appeals) of \$6.5 Million. This major risk is categorised as potentially *extreme* on the Council’s adopted risk management framework and thresholds due to the potential risk being greater than \$5 Million of current year and a comparable amount to future revenues.

The Valuer General Office (VGO) has advised the full SAT hearing will be held on 3 September 2018.

The *State Administration Act 2004 (s.37 and s.38)* provides Council the opportunity to become a joinder to proceedings. The purpose of such action is to ensure, should the outcome of the objection be unfavourable, that Council is positioned to counterclaim the findings in the Supreme Court should it wish to do so.

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

### Policy Implications

There are no policy implications for this matter.

### Voting Requirement

Absolute Majority Required

### Officers Recommendation 1

That with respect to the Monthly Financial Report to Council:

1. Receive the Financial Report for February 2018 **ATTACHMENT 12.1A**; and
2. Approve budget variations for the 2017/18 Budget as outlined below:
  - a) Increase Expenditure Account 18008, Onslow Airport PAC Units Shelters by \$6,000, from \$40,000 to \$46,000.
  - b) Increase Expenditure Account 17048, Onslow Airport Sewer System by \$10,274, from \$119,980 to \$130,254.
  - c) Decrease Expenditure Account 17047, Runway Embankment Remediation by \$16,274, from \$2,500,000 to \$2,483,726.
  - d) Increase Expenditure Account BC410, CAP- Building Program Onslow Museum by \$56,000, from \$138,000 to \$194,000.
  - e) Increase Expenditure Account 092271, Projects to be identified GEN by \$144,000, from \$0 to \$144,000.
  - f) Decrease Expenditure Account 120019, Tom Price RFDS Airstrip GEN by \$200,000, from \$200,000 to \$0.
  - g) Increase Expenditure Account TR004, Training – Registration Fees by \$5,840, from \$186,000 to \$191,840.
  - h) Increase Income Account HRI01, Training Reimbursements by \$5,840, from \$4,504 to \$10,344.
  - i) Increase Expenditure Account FD127, Glenforrie Road (WANDRRA) by \$128,654, from \$373,475 to \$502,129.
  - j) Increase Expenditure Account FD106, Hamersley Road (WANDRRA) by \$90,602, from \$180,229 to \$270,831.
  - k) Increase Income Account 121960, WANDRRA Claim AGRN 743 Grant – Road Flood Damage by \$219,256, from \$10,491,116 to \$10,710,372.
  - l) Note that the Budgeted Surplus position carried forward (net current assets position) forecast as at 30 June 2018, remains at \$1,500,000.
3. Approve the opportunity identified outside the original scope of works including replacement of ceiling fans in the courts and an upgrade of lighting to LED light bulbs for greater efficiency (noting it is within approved budget allocation of \$80,000) as well as the re-naming of the project to 'Tom Price Squash Courts Re-Surfacing, Ceiling Fans and Lighting Upgrade';
4. Acknowledge refunds for Gym Memberships at the Onslow Gym are not authorised by Council in the 2017/18 Schedule of Fees and Charges and therefore on exception approve the February payment of EFT 42639 for \$277.00 made in error to Mr. Tabian Clough for a pro-rata refund of his unused Gym Membership;
5. Receive the Capital Expenditures Progress Tracker for February 2018 **ATTACHMENT 12.1B**;
6. Receive the Budget Amendment Register as at 28 February 2018 **ATTACHMENT 12.1C**; and



## **AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018**

7. Receive the Schedule of Accounts and Credit Card paid in February 2018 (approved by the Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds) **ATTACHMENT 12.1D**; and

### **Officers Recommendation 2**

That with respect to the Monthly Financial Report to Council:

1. Receive the Financial Report for February 2018 associated with Muzzy's Hardware (Tom Price) **ATTACHMENT 12.1E**.

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

### 13. STRATEGIC AND COMMUNITY DEVELOPMENT REPORTS

#### 13.1 REQUEST FOR LICENCE AND REDUCTION IN FEES – ONSLOW RECREATIONAL FLYING CLUB INC.

<b>FILE REFERENCE:</b>	ONS.0016
<b>AUTHOR'S NAME AND POSITION:</b>	Janelle Fell Economic and Land Development Manager
<b>AUTHORISING OFFICER AND POSITION:</b>	Anika Serer Director Strategic and Community Development
<b>NAME OF APPLICANT/RESPONDENT:</b>	Flying Club Onslow Inc.
<b>DATE REPORT WRITTEN:</b>	22 February 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 16.1 (Minute No. 129) – Ordinary Meeting of Council 14 March 2017

#### **Summary**

The Onslow Flying Club Inc. have requested use of a 20m<sup>2</sup> portion of the Onslow Airport Hangar for storage of the Club's aircraft.

Council support is requested to enter into a short-term Licence Agreement with the Onslow Flying Club Inc. at a discounted rate from the advertised fees and charges for the facility, in consideration of it being a community group.

#### **Background**

In March 2017, Council delegated authority to the Chief Executive Officer to negotiate and enter into a Community Lease Agreement with Onslow Flying Club (the Club), for Lease Area Three at the Onslow Airport, in accordance with the terms outlined in Council Policy *REC05 Community Lease and Licence Agreements of Shire Assets (Facilities, Buildings and Land)*. The Flying Club Onslow Inc. was incorporated on 28 February 2017 and a lease executed commencing on 1 April 2017 and expiring 31 March 2022, with one further optional five year term.

The Shire has undertaken a marketing campaign seeking expressions of interest for the 42m x 30m hangar constructed in November 2017. So far these efforts have been unsuccessful in securing a permanent tenant. The Airport Aircraft Hangar is listed on the Fees and Charges Schedule at \$3 (GST incl.) per sqm per day and \$17.50 (GST incl.) per sqm per week.

#### **Comment**

The Club's founding members have purchased a recreational aircraft to facilitate member flights and student training. To protect this asset, the Club has requested consideration of use of a 20m<sup>2</sup> portion of the Shire of Ashburton's recently constructed hangar at the Onslow Airport.

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

Shire Officers deem a Community Licence appropriate due to the clubs not-for-profit and community group nature. As a licence does not allow exclusive use, hire of the remaining hangar by other users as per the fees and charges schedule can occur as demand presents. The Licence would be subject to twenty-four hours' notice of Termination of the Agreement if a private business tenancy is secured.

Progressing the construction of a hangar on Lease Area Three will continue to be pursued during the Licence term. Club members have considered the cost of hangar construction (\$183,000 - \$229,000) and, even though the expected costs are substantial, have not withdrawn their commitment to progressing their initial proposal. Funding has been pursued by the Club with opportunities identified and funds secured for the purchase of perimeter security fencing.

The Club has requested a Licence Fee for 20m<sup>2</sup> of the Airport Hangar for \$200 per month (includes GST) to alleviate the pressure on the club and allow them to pursue outcomes that bring benefits to the community and airport. Club members believe they have shown their commitment into the future through the investment and purchase of an aircraft to be enjoyed by pilots in the community. The Club are in talks with St John Ambulance regarding building a medical transfer facility on (vacant) Lease Area Three. A formal proposal will be presented for Council's approval when possible. At the time of writing this report, the Club is holding their marquee training event with a chief flying instructor engaged. The Club state:

*"In terms of value to the community - we can raise the profile of Onslow airport and town as a friendly, welcoming and interesting destination for recreational aviators. This can be achieved through social media, word of mouth as well as the holding of fly-ins where aircraft come from other towns for barbecue and socialising with fellow aviators, while coinciding with big Onslow events such as the rodeo, passion of the Pilbara etc.*

*We are hoping that our above mentioned goals, which are part of our strategic plan will show that that our value to the community and the Shire surpasses by far, the dollar value that can be earned from us through hangar space hireage.*

*Flying Club Onslow is the ONLY flying club existing in remote towns of WA and that in itself shows our potential into the future."*

Shire Officers propose an amount of \$250 per week (GST incl.) for the use be applied for utilities, cleaning, maintenance and fair wear and tear during the term. The weekly amount equates to \$12.50 (GST incl.) per sqm per week, which is a \$5 reduction in the fee stated on the Fees and Charges Schedule of \$17.50 (GST incl.) per sqm per week. Options identified by Shire for Council's consideration include:

1. Advise Flying Club Onslow Inc. their request for Licence for a 20m<sup>2</sup> portion of the Onslow Airport Hangar is not supported by Council;

Or

2. Advise Flying Club Onslow Inc. their request for Licence for a 20m<sup>2</sup> portion of the Onslow Airport Hangar is supported with the following terms:

Term of Licence:	Six months
Commencement:	15 March 2018
Annual Licence Fee:	\$2,400 per annum in equal installments of \$200 (includes GST) per month
Bond Fee:	\$1,000
Key Bond Fee:	\$100

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

Licensee to Pay: All relevant costs of the licenced area and operations are the Clubs responsibility, including but not limited to:

- a. All costs of compliance with the Civil Aviation Act 1998;
- b. Public liability and Property Insurance; and
- c. Landing fees, aircraft parking fees, passenger fees, and other relevant fees as per Council's Fees and Charges Schedule;
- d. Cleaning of the facility.

Utilities: The water and electricity meters will be read upon occupancy. Any use deemed excessive by the Airport Manager will be on-charged to the Licensee at the rate specified on the utilities (Water Corporation and Horizon Power) company's invoice.

Termination: Twenty four hours' notice of Termination of the Agreement may occur if a private business tenancy is secured.

Existing Lease: The development of Lease Area Three is to be progressed throughout the Licence term for use of the Shire of Ashburton hangar. Bimonthly updates must be provided to the Shire of Ashburton highlighting progress.

Or

3. Advise Flying Club Onslow Inc. their request for Licence for a 20m<sup>2</sup> portion of the Onslow Airport Hangar is supported with the following terms:

Term of Licence: Six months  
Commencement: 15 March 2018  
Annual Licence Fee: \$13,000 per annum payable in equal installments of \$250 (includes GST) per week  
Bond Fee: \$1,000  
Key Bond Fee: \$100

Licensee to Pay: All relevant costs of the licenced area and operations are the Clubs responsibility, including but not limited to:

- a. All costs of compliance with the Civil Aviation Act 1998;
- b. Public liability and Property Insurance; and
- c. Landing fees, aircraft parking fees, passenger fees, and other relevant fees as per Council's Fees and Charges Schedule.

Utilities: The water and electricity meters will be read upon occupancy. Any use deemed excessive by the Airport Manager will be on-charged to the Licensee at the rate specified on the utilities (Water Corporation and Horizon Power) company's invoice.

Termination: Twenty four hours' notice of Termination of the Agreement may occur if a private business tenancy is secured.

Existing Lease: The development of Lease Area Three is to be progressed throughout the Licence term for use of the Shire of Ashburton hangar. Bimonthly updates must be provided to the Shire of Ashburton highlighting progress.

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

In consideration of the Airport Business Plan and hangar construction costs, Shire Officers believe Option Three with a Licence Fee of \$250 (GST Incl.) per month appropriate.

### Consultation

Chief Executive Officer  
Director Strategic and Community Development  
Airport Manager  
Manager Economic Development & Tourism  
Onslow Flying Club Inc.

### Statutory Environment

*Local Government Act 1995 – Section 9.49A – Affixing the Common Seal states in part.*

*“9.49A. Execution of documents*

- (1) A document is duly executed by a local government if —
  - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
  - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.**
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) The common seal of the local government is to be affixed to a document in the presence of —
  - (a) the mayor or president; and*
  - (b) the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.”**

*Local Government Act 1995 Section 3.58 Disposing of Property.*

*Local Government (Function and Regulations) 1996 Regulation 30 “Dispositions of property to which section 3.58 does not apply”.*

*Under Regulation 30(2)(b) if land is disposed to an organisation that has “objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and the members of which are not entitled or permitted to receive any pecuniary profit from the body’s transactions;” then the disposition is exempt.*

Onslow Flying Club Inc. is a recreational organisations and members do not receive a pecuniary profit.

### Financial Implications

The Licence income generated will be attributed to the Onslow Airport’s lease income, which has a 2017/18 budget of \$20,400.

The Shire Officer proposed fee of \$12.50 (GST incl.) per sqm per week (\$250 per week [GST incl.]) is a \$5 reduction of the \$17.50 (GST incl.) per sqm per week stated on the Fees and Charges Schedule. The reduction is proposed in consideration of the Club’s community/not-for-profit status. The Club would be submitted to twenty-four hours termination notice should a commercial lease with a private entity be entered into requiring exclusive use of the hangar.



## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

The Flying Club Onslow Inc. requested fee equates to \$2.31 (GST incl.) per week, which is a reduction of \$15.19 (GST incl.) per week of the amount stated on the Fees and Charges Schedule.

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 01– Vibrant and Active Communities

Objective V1 – Connected, Caring and Engaged Communities

Goal 04 – Quality Services and Infrastructure

Objective 1 – Quality Public Infrastructure

### **Risk Management**

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be 'Low' risk and can be managed by routine procedures, and is unlikely to need specific application of resources.

### **Policy Implications**

There are no policy implications for this matter.

### **Voting Requirement**

Absolute Majority Required

### **Officers Recommendation**

That with respect to the request from Onslow Flying Club Inc. regarding use of a 20 square metre portion of the Onslow Airport Hangar, Council:

1. Supports the proposal to enter into a Licence for a period of six months, at \$250 (GST incl.) per week, and authorises the Shire President and Chief Executive Officer to execute the Licence Agreement between the Shire of Ashburton and Onslow Flying Club Inc.
2. Amend the Fees and Charges to reflect Council's change to Onslow Airport Aircraft Hangar Fees by including the following in the description:

*“Community Groups with a Community Lease or Licence Agreement as defined in Policy REC05 – ‘Community Leases and License Agreements of Shire Assets (Facilities, Building and Land)’ requiring use of the Onslow Airport Hangar facility will receive upon Council resolution a discount on the rate charged for that usage.”; and*

*“Onslow Flying Club Inc. to have a six month periodical Licence for usage of the Hangar at a 40% discount”.*

3. Give local public notice of the changes with effect from the date of that notice.

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

### 13.2 PROPOSED MODIFICATION TO THE RESTRICTED ACCESS VEHICLE (RAV) CLASSIFICATION OF SECOND AVENUE, THIRD AVENUE AND THIRD STREET, ONSLOW

<b>FILE REFERENCE:</b>	LP42
<b>AUTHOR'S NAME AND POSITION:</b>	Sean Ripley Strategic Project Manager
<b>AUTHORISING OFFICER AND POSITION:</b>	Anika Serer Director Strategic and Community Development
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not applicable
<b>DATE REPORT WRITTEN:</b>	28 February 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not applicable

#### Summary

To progress design for the Second Avenue and Simpson Street intersection upgrades as part of the Onslow Town Centre Revitalisation project, consideration is required for the Restricted Access Vehicle (RAV) classification along Second Avenue as well as sections of Third Avenue and Third Street in Onslow with Main Roads Western Australia (MRWA).

Council's in principle support to modify the RAV rating by reducing the length and weight of heavy vehicles allowed to traverse the streets and to seek community and transport industry input before seeking formal MRWA consent to changes the RAV rating (from RAV 5 to RAV 1).

#### Background

'RAV' and an associated number is the terminology used by MRWA to classify heavy vehicles by mass and length. RAV classification on WA roads range from RAV1 (vehicles <20 metres <50 tonne) to RAV10 (vehicles <53.5 meters up to 127.5 tonne).

#### ATTACHMENT 13.2A

Currently, Second Avenue and sections of both Third Avenue and Third Street are classified by MRWA as 'RAV5' permitting heavy vehicles <36.5 meters up to 84 tonne unrestricted access.

#### ATTACHMENT 13.2B

Recent traffic surveys conducted by the Shire on roads within the Onslow Town Centre including Second Avenue, Simpson Street and Onslow Road detected no vehicles in excess of RAV1 over a 27 day period.

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

### Comment

A reduction to RAV classification of Second Avenue and sections of both Third Avenue and Third Street will effectively delineate and separate the main route into the Town Centre (RAV 1) from the priority route into the industrial area (RAV 5). It would make redundant the need or requirement for Second Avenue, Third Street and Third Avenue to hold a RAV 5 classification.

It is considered that progressing a RAV classification on Second Avenue, Third Street and Third Avenue to RAV 1 offers benefits to Onslow as a whole by:

- increasing both pedestrian and vehicular safety by removing interaction with larger sized heavy vehicles in the Onslow Town Centre;
- increasing the life cycle of road pavements managed by the Shire and MRWA; and
- enabling alternative design options to be investigated for the Second Avenue and Simpson Street intersection as part of the Onslow Town Centre Revitalization project.

Should for a specific reason a road user seek a heavy vehicle access in excess of the reclassified RAV1, a temporary 'Road Maintenance Agreement' can be applied for through MRWA.

In this regard, Council's in principle support to modify the RAV rating by reducing the length and weight of heavy vehicles allowed to traverse the streets and to seek community and local transport industry input before seeking formal MRWA consent to changes the RAV rating (from RAV 5 to RAV 1).

It is known that RAV reduction requests submitted to MRWA may take upwards of 12 months for approval. Should Council's in principle support and no community objections be received to reduce the road Classification to RAV1, the project Consultant will then be informed of the RAV1 specification for intersection design.

### Consultation

Chief Executive Officer  
Director Development & Regulatory Services  
Director Strategic & Community Development  
Acting Director Infrastructure Services  
Manger of Technical Services

Pending Council's in principle support to modify the RAV rating, community and local transport industry consultation of the proposed RAV modification will be undertaken by the Shire as part of the Onslow Town Centre Revitalisation project. Specifically, a 21 day advertising and notification period will be actively sought.

### Statutory Environment

The Commissioner for Main Roads under the *Road Traffic Regulations 2014* has the authority to modify the RAV rating for any road in Western Australia.

### Financial Implications

There are no financial implications identified.

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022  
Goal 04 – Distinctive and Well Serviced Places  
Objective 03 – Well Planned Towns

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

### **Risk Management**

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Low" risk and can be managed by routine procedures, and is unlikely to need specific application of resources.

### **Policy Implications**

There are no policy implications for this matter.

### **Voting Requirement**

Simple Majority Required

### **Officers Recommendation**

That with respect to the proposed reduction in Restricted Access Vehicle (RAV) classification of Second Avenue, Third Avenue and Third Street, Onslow, Council:

1. Supports in principle the modification to the RAV classification of Second Avenue, Third Street and Third Avenue, Onslow from RAV5 to RAV1.
2. Request the Chief Executive Officer (CEO) to make appropriate arrangements for a 21 day advertising and notification period in relation to modification to the RAV classification of Second Avenue, Third Street and Third Avenue, Onslow from RAV5 to RAV1 by inviting the community and local transport industry to make submissions for or against the proposal.
3. Should there be no community or local transport industry objections received in relation to 2. above:
  - i. request the CEO to formally apply to Main Roads WA (MRWA) to modify the RAV classification of Second Avenue, Third Street and Third Avenue, Onslow from RAV5 to RAV1; and
  - ii. support design progression on the intersection of Second Avenue and Simpson Street at a RAV1 Classification and specification.
4. Should community or local transport industry objections be received in relation to 2. above, the matter be referred back to Council for consideration.

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

### 13.3 ENDORSEMENT OF ONSLOW SPORTS CLUB BUSINESS CASE AND BUDGET REQUEST

<b>FILE REFERENCE:</b>	RC30686 CP62
<b>AUTHOR'S NAME AND POSITION:</b>	Chantelle Bryce Manager Facilities & Recreation Services
<b>AUTHORISING OFFICER AND POSITION:</b>	Anika Serer Director Strategic and Community Development
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	2 March 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 17.1 (Minute No. 258/2017) Ordinary Meeting of Council 24 October 2017

#### **Summary**

Council is requested approve the Onslow Sports Club Business Case, Concept Design and to authorise the Chief Executive Officer to apply for funding from the Onslow Community Development Fund.

#### **Background**

At the October Ordinary Council Meeting (OCM), Council resolved the following:

*“Amend the 2017/18 Budget as follows;*

*Decrease Expenditure Account 092271, Projects to be identified by \$100,000 from \$212,500 to \$112,500; and*

*Create Capital Expenditure Account Onslow Sports Club with an amount of \$100,000 and*

*Authorise the Acting Chief Executive Officer to secure the former tavern, ablutions and associated furniture/equipment from the Wheatstone Brolga Construction Camp and to temporarily store and secure those assets at the former Airport Camp and;*

*Negotiate with the Onslow Sports Club and Onslow Community Development fund appropriate pro-rata financial contributions to replace the existing aging facility with the final expenditure, and any additional net council expenditure required if any, and the proposed negotiated funding and total proposed expenditure being approved by Council”.*

Shire Administration has now finalised the concept design and construction estimates for the Onslow Sports Club replacement in order to prepare a business case to present to Council for endorsement.

**ATTACHMENT 13.3A**

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

A draft Business Plan has been prepared for the project for Council endorsement, to enable the required funding to be pursued.

### CONFIDENTIAL ATTACHMENT 13.3B

This will then enable presentation to Department of Jobs, Tourism, Science and Innovation (JTSI) and Chevron Australia to secure funding from the Chevron Community Development Fund to complete the project.

The existing Onslow Sports Club amenities are located on Reserve 30686, Lot 644 on Third Avenue, Onslow. The Reserve is under the management of the Shire of Ashburton with the purpose of "Recreation".

#### Comment

The units are currently stored at the old Onslow Airport camp site and include a Clubhouse/Bar, new male/female ablutions and a unit that will be re-purposed to create new kitchen/store/serving areas. The units will be re-installed to suit local planning requirements, operational needs (deliveries, public access, etc.), along with suitable outdoor overhead roofing providing a functional and compliant outcome with better amenity than the current facility.

Consultation with the Sports Club committee has found that the delivery of the proposed facility will address current operational difficulties as well as provide a more attractive and fit for purpose facility, catering for an increased number of patrons and large community events. Offering a more modern, purpose-built facility with greater capacity will attract new members and retain existing members, therefore benefitting the Clubs financial strength and viability.

The Onslow Sports Club Business Case has been prepared and includes:

- Background Information relating to Onslow Sports Club
- Scope of Works/Gantt Chart
- Sports Club Concept Layout
- Proposed Concept Elevations
- Opinion of Costs Estimate

The estimated cost for the project is \$1.52 Million (including expenses to date); subject to further detailed design and procurement of contracts. A breakdown of the project cost is included in the Business Plan. Following endorsement of the Project Business Plan by Council, negotiations can progress with JTSI and Chevron to secure funding to complete the project.

#### Consultation

Shire President  
Chief Executive Officer  
Director Strategic and Community Development  
Economic & Land Development Manager  
Onslow Sports Club

#### Statutory Environment

Apart from amending the Budget (*section 6.8 of the Local Government Act 1995*), the only relating statutory provisions are the Planning and Development Act 2005 (demolition and development approval) and Liquor Licensing Act 1988 (responsibility of the applicant being the Onslow Sports Club).

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

### Financial Implications

The estimated cost of the project is \$1.52 million, as outlined in the report. It should be noted that funding sources such as the Community Development Fund is subject to formal application and approval.

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 01 – Vibrant and Active Communities

Objective 01 – Connected, caring and engaged communities

Objective 02 – Sustainable Services, Clubs, Associations and Facilities

Objective 04 – A rich cultural life

Goal 04 – Quality Services and Infrastructure

Objective 01 – Quality Public infrastructure

Objective 03 – Well-planned towns

Goal 05 – Inspiring Governance

Objective 01 – Effective Planning for the Future

Objective 02 – Community Ownership

Objective 03 – Council Leadership

### Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be 'Low'.

### Policy Implications

AMP01- Asset Management Policy

FIN12 – Purchasing Policy

### Voting Requirement

Simple Majority Required

### Officers Recommendation

That with respect to the endorsement of Onslow Sports Club Business Case and Budget Variation Council approve the following:

1. Resolve that Report **ATTACHMENT 13.3B** is confidential in accordance with s5.23 (2) *the Local Government Act* because it deals with matters affecting s5.23 (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;*
2. Approve the Onslow Sports Club Concept Design (**ATTACHMENT 13.3A**) and Onslow Sports Club Business Case (**CONFIDENTIAL ATTACHMENT 13.3B**); and
3. Authorise the Chief Executive Officer to apply for funding from the Onslow Community Development Fund based on 1.and 2. above.

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

### 14. DEVELOPMENT AND REGULATORY SERVICES REPORTS

#### 14.1 REQUEST FOR COUNCIL TO APPROVE THE TAMARIND STREET PARKING PLAN TAMARIND STREET, TOM PRICE

<b>FILE REFERENCE:</b>	LE02 LE34
<b>AUTHOR'S NAME AND POSITION:</b>	Lee Reddell Director Development and Regulatory Services
<b>AUTHORISING OFFICER AND POSITION:</b>	Rob Paull Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not applicable
<b>DATE REPORT WRITTEN:</b>	28 February 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 11.4 (Minute No. 11452) – Ordinary Meeting of Council 13 March 2013

#### **Summary**

The Shire's 'Parking and Parking Facilities Local Law 2013' (referred to as 'the local law' hereafter) was adopted at the 13 March 2013 Ordinary Meeting of Council and was subsequently gazetted on 13 April 2013. An amendment was made on 10 October 2014 to include reference to the *Local Government (Parking for People with Disabilities) Regulations 2014*.

The local law provides power to regulate parking on Shire land, consistent with the provisions of the local law. This agenda item seeks to regulate parking on Tamarind Street in Tom Price, adjacent to the Tom Price Primary School (TPPS) in accordance with Parts 1.9 and 2.1 of the local law which requires a resolution of Council in order to formally enact restrictions.

#### **Background**

The local law applies across the whole of the Shire of Ashburton and relates to Shire managed car parking. The local law provides the head of power for the Shire to determine and enforce parking restrictions in Shire managed parking areas. It does not apply to privately owned car parks unless there is a written agreement between the owner and the Shire.

It is noted that Part 1.6(4) of the local law indicates that parking signs erected by the local government prior to the local law coming into operation and which relate to the parking of vehicles within the parking region shall be deemed to have been erected under the authority of the local law. This means that signage etc. erected by the Shire prior to gazettal in 2013 does not require retrospective approval by way of a resolution.

A number of existing parallel parking bays are provided on the Shire road reserve on Tamarind Street, Tom Price between Central Road and Creek Road and adjacent to the TPPS.



## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

The bays are not currently line marked or restricted in any way by parking signage. The parking bays are heavily utilised during school drop-off and pick-up times and in previous years, the Shire has received reports regarding shortages of parking bays and/or conflicts between school traffic and long vehicles, particularly during the winter 'tourist season'.

### Comment

Part 1.9 of the local law 'Powers of the local government' states:

*"The local government may, by resolution, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but must do so consistently with the provisions of this local law."*

Delegation under the local law is currently limited to the appointment of 'authorised persons' (who can undertake enforcement activities) and there is no delegation permissible for Council to allow the consideration and installation of new or altered parking restrictions by officers (without referral to Council).

Part 2.1 'Determination of parking stalls and parking station' allows:

- (1) *The local government may by resolution constitute, determine and vary:*
  - (a) *Parking stalls;*
  - (b) *Parking stations;*
  - (c) *Permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;*
  - (d) *Permitted classes of vehicles which may park in parking stalls and parking stations;*
  - (e) *Permitted classes of persons who may park in specified parking stalls or parking stations; and*
  - (f) *The manner of parking in parking stalls and parking stations.*
- (2) *Where the local government makes a determination under subclause (1) it shall erect signs to give effect to the determination.*

A 'parking stall' is effectively a marked parking bay and is defined as:

*"A section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked"*

A 'parking station' is effectively a car park and is defined as:

*"Any land, or structure provided for the purpose of accommodating vehicles"*

The possibility of providing delegation to the CEO to allow more efficient administration of Shire managed parking restrictions in accordance with the provisions of the local law was explored however WALGA have advised that this is not a 'preferred' way of dealing with local government parking as it creates the potential for a disconnect between what officers and the Council may consider appropriate.

As such, this agenda item seeks the formal resolution of Council to approve proposed parking restrictions on Tamarind Street, adjacent to the TPPS as per **ATTACHMENT 14.1** The proposed restrictions will impose a maximum 15 minute time limit on the Tamarind Street bays during school drop-off and pick-up times, which as relevant to the TPPS are 7.30-9.00am and 1.30-3.00pm on school days. The restriction will not apply outside of the specified times or during weekends or school holidays.

## **AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018**

The new signage was discussed with the School's Principal and also referred to the School Board who have indicated support for the proposed restrictions. No further parking restrictions around the school are considered necessary at this time.

The use of parking restrictions during school drop-off and pick-up times only will ensure that the Tamarind Street bays are available for extended periods outside of these times and on non-school days.

In respect to the potential perception that this change will result in a reduction of bays available for campervans and caravans (during the restricted times) in the town centre, it is noted that the continued use of the swimming pool carpark during the winter months and recent upgrades to Stadium Road which have increased the number of parallel street bays should generally be sufficient to accommodate the number of long vehicles accessing the town centre, even during the busy tourist season.

It is noted that Shire Administration is working towards mapping all Shire parking stalls and stations and associated restrictions clearly with the aim of bringing them to Council for formal approval (where required) in a staged manner and with the intent to include these facilities on the Shire's Geographical Information System (GIS) in future for easy reference.

### **Consultation**

Chief Executive Officer  
Director Development and Regulatory Services  
Tom Price Primary School – Principal and Board

### **Statutory Environment**

There are no statutory impediments other than as listed with respect to compliance with the Parking and Parking Facilities Local Law

### **Financial Implications**

There are no known meaningful financial implications relative to this matter in excess of officer time and minor administrative costs.

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027  
Goal 04 – Quality Services and Infrastructure  
Objective 02 – Accessible and Safe towns

### **Risk Management**

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Low" risk and can be managed by routine procedures, and is unlikely to need specific application of resources

### **Policy Implications**

There are no policy implications for this matter.

### **Voting Requirement**

Simple Majority Required

### **Officers Recommendation**

That with respect to the *Parking and Parking Facilities Local Law 2013*, Council:

1. Approve the Tamarind Street Parking Plan as per **ATTACHMENT 14.1**.

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

### 15. INFRASTRUCTURE SERVICES REPORTS

#### 15.1 REQUEST FOR COUNCIL TO APPOINT A COMMITTEE OF COUNCIL TO REVIEW THE ESTABLISHMENT OF A CLASS IV WASTE MANAGEMENT FACILITY AT ONSLOW.

<b>FILE REFERENCE:</b>	WM07
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Acting Director Infrastructure Services
<b>AUTHORISING OFFICER AND POSITION:</b>	Rob Paull Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	24 February 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### **Summary**

For Council to consider appointing a Committee of Council to review the establishment of a Pilbara Regional Class IV Waste Management

#### **Background**

The former Onslow Landfill Facility was closed in April 2015 as it had reached capacity and was an impediment to the development of the nearby residential land subdivision and new Onslow Ring Road.

The Shire has constructed a Waste Transfer Station to store and transport waste generated in Onslow to Tom Price until a new facility is constructed.

Under the Wheatstone State Development Agreement (SDA), Chevron Australia Pty Ltd (Chevron) is required to make a capped contribution of \$2 Million (plus GST) towards a new Waste Management Facility (WMF) built to Class IV specifications.

The new Onslow Waste Management Facility (WMF) will service the town of Onslow, the Wheatstone Project and other waste generators in the Pilbara. The proposed Onslow WMF will have an operating life of 40-50 years and therefore requires adequate land and facilities to accommodate waste over that period.

Under Project Implementation Plan1 (PIP1), a site selection and feasibility study was undertaken to determine the preferred location for the new waste site, and assess the feasibility of a Class IV WMF.

The site selection study identified "Site 10" as the preferred site, located 35kms from the Onslow town site. The preferred site was determined as a suitable location for the

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

development of a WMF due to a number of factors:

- Ability to comply with best practice siting and design standards;
- Considerable separation distances to sensitive receptors; and
- Provision of suitable area for current and future uses.

The preferred site is on land acquired by Department of Biodiversity, Conservation and Attractions (DBCA) for inclusion within the Cane River Conservation Park.

DBCA has provided in-principle support for the proposal on the basis that no significant impacts to flora, fauna or other values are realised through the proposal and the WMF is the only industrial facility to be placed at the site.

PIP2 was undertaken to allow the Shire to engage with waste generators and reaffirm the feasibility of the project.

PIP3 is to undertake all necessary works to develop the Onslow WMF, including planning, site development and construction. Under the State Development Agreement (SDA), Chevron Australia Pty Ltd (Chevron) has committed \$2 Million plus GST for the development of a Class IV Waste Management Facility in Onslow. The funding Chevron agrees to provide for this PIP3 is the outstanding of this \$2 Million (i.e. \$1,831,581). The Shire is responsible for meeting any project costs in excess of the agreed funding amount.

The Shire has also secured a grant of up to \$9,082,620 from the Federal Governments' Building Better Regions Fund (BBRF) representing 70% of the budgeted project cost of \$12,975,171. The Shire is to contribute \$2,060,970.

The Shire will have overall responsibility for delivery of this project. Other stakeholders include:

- The Department of Jobs, Tourism, Science and Innovation (DJTSI);
- Chevron; and
- Talis Consultants Pty Ltd (engaged under RFQ 69/17 Provision of Waste Consultancy Services).

Governance:

1 Onslow, Critical Services Infrastructure Working Group (CSIWG)

The CSIWG established under the SDA is one of the approval bodies for this project. The function of the CSIWG is to:

- endorse the project implementation plans for the project to the Governance Body (also established under the SDA);
- oversee the delivery of the project; and
- have oversight on expenditure of funds and associated contracts.

The role of the Governance Body is to approve the Project Implementation Plan and funding contributions for each stage of the project.

2 Onslow, Waste Management Steering Committee

The CSIWG typically meets on a quarterly basis. A subset of the CSIWG called the Steering Committee has been established for more regular oversight of the project.

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

The Steering Committee comprises representatives from the Shire of Ashburton (proponent), DJTSI and Chevron, and will include other stakeholders as required. The Steering Committee will represent the CSIWG's interest by obtaining more detailed project information and assisting the Shire of Ashburton project management team by providing timely advice and direction.

### 3 The Shire of Ashburton Project Team

The Shire is to manage all contracts required to deliver the project. The contracts are to be procured through the Shire of Ashburton and subject to its internal Procurement and Contracting policies.

As the asset owner, the Shire will manage and maintain the facility once constructed.

Operational costs including maintenance and on-going capital requirements are outside the SDA funding allocation for the facility and will be the responsibility of the Shire.

#### **Comment**

As the project proponent and future asset owner, it is appropriate for Council to ensure that the Onslow WMF is delivered within the agreed budget, scope and timeframe. In particular, any significant variations proposed during the detailed design phase, will need to be considered against cost impacts, potential effect on users of the facility and the requirements of the funding agreements. As such it is appropriate for Council to appoint a Committee of Council to do this.

Given the other two Governance Bodies as outlined above it is recommended that the Committee membership be limited to three Councillors and meet as required and as a minimum quarterly.

The purpose of the Committee will be to review:

- 1) progress against the project timeline;
- 2) income / Expenditure, Actual versus Budget;
- 3) milestone reports to funding bodies;
- 4) any designs and reports regarding estimated cost, risk, deliverables;
- 5) major variations (over \$150,000 in cost, or exceed total budget, or change in scope that affects functionality or purpose of the facility) for recommendation to Council;
- 6) proposed variations to the terms of the funding agreements (PIP3 or BBRF);
- 7) final documented designs before presentation to Council for endorsement; and
- 8) project progress reports and major variation requests during construction.

The Committee is not suggested to have delegation to make decisions, but rather make recommendations to Council for consideration as required.

The contract for Consultancy Services was awarded to Talis Consultants Pty Ltd at the Ordinary Meeting of Council on 24 October 2017. Talis Consultants Pty Ltd has commenced work on Waste Management, Project Management, Design and Construction Superintendence / Quality Assurance services.

#### **Consultation**

Chief Executive Officer  
Shire President Cr White  
Talis Consultants Pty Ltd

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

### Statutory Environment

*Local Government 1995 Part 5, Division 2* Council meetings, committees and their meetings and electors' meetings; Subdivision 2 – Committees and their meetings; Subdivision 3 – Matters affecting council and committee meetings.

### Financial Implications

The administrative requirements for the meetings of the Committee will be captured within the existing Infrastructure Services operating budget, and is expected to be negligible.

This report recommends that Officers continue to manage variations to the value of \$150,000 (within the other given constraints such as project budget and scope), however consideration should be given to urgent, that may have a value greater than \$150,000. In this circumstance it is suggested that the CEO exercise *DA02-4 Delegation of Powers and Duties of the Local Government Act to the CEO* which requires at least 24 hours' notice via EMACCESS where possible.

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 4 – Quality Services and Infrastructure

Objective 1 – Quality Public Infrastructure

### Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Framework. The perceived level of risk from the Risk Matrix is considered to be "Moderate (6)" in light of the potential impacts to external contractual arrangements. As the Risk Acceptance is considered to be "Medium", the Director Infrastructure Services will monitor progress of this item.

### Policy Implications

ELM10 Financial Sustainability Policy

ENG09 Asset Management Policy

### Voting Requirement

Absolute Majority Required

### Officers Recommendation

That with respect to Pilbara Regional Class IV Waste Management Facility Onslow; Council:

1. Form a Committee of Council to oversee the Pilbara Regional Waste Management Facility Project as follows:

#### **2.13 Pilbara Regional Waste Management Facility (PRWMF)**

Members: Councillors (to be determined).

Deputies: All other Councillors.

Secretariat: Acting Director Infrastructure Services or nominee.

Membership: 3 Councillors.

Quorum: 2 Councillors.

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

Purpose: The Committee is to undertake the task of overseeing the PRWMF construction project and to make recommendations to Council as per the following Roles and Responsibilities:

- Progress against the project timeline;
  - Income / Expenditure, Actual versus Budget;
  - Milestone reports to funding bodies;
  - Any designs and reports regarding estimated cost, risk, and deliverables;
  - Major variations (over \$150,000 in cost, or exceed total budget, or change in scope that affects functionality or purpose of the facility) for recommendation to Council;
  - Performance requirements as required under funding agreements;
  - Proposed variations to the terms of the funding agreements;
  - Final documented designs before presentation to Council for endorsement; and
  - Project progress reports and major variation requests during construction.
  - Meeting cycle: As required.
2. Report to Council with recommendations on proposed changes to the Onslow PRWMF project for consideration.
3. The Committee shall be comprised of:

Councillor  
.....;

Councillor  
.....;

Councillor  
.....;

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

### 15.2 TENDER RFT 01/18 - CONCRETE KERBING AND FOOTPATH WORKS, ONSLOW WA

<b>FILE REFERENCE:</b>	CM01.18
<b>AUTHOR'S NAME AND POSITION:</b>	Nathan Benson Manager Technical Services
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Acting Director Infrastructure Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	28 February 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### **Summary**

A Request for Tender (RFT) for Concrete Kerbing and Footpath Works, Onslow WA (RFT 01/18) was issued via the Shire's e-tendering portal known as TenderLink and also advertised via state wide public notice in The West Australian Newspaper on 17 January 2018 and closed on 14 February 2018.

Six conforming tenders were received via TenderLink in response to the RFT.

The evaluation panel has now completed its assessment of the tender submissions and has made their recommendation.

#### **Background**

A visual condition survey of the Shire's kerb and footpath network was undertaken in November 2014 by an external Consultant. Kerb assets are considered a component of the Shire's Road Infrastructure and have been overlooked in past renewal programs. The condition audit indicated close to 85% of the Shire's kerbs were in fair to poor condition.

The footpath network is in reasonable condition with only 35% of the footpath being in fair to poor condition. However to maintain this level of service to the community as well as ensuring the Shire is maintaining public safety, an annual footpath maintenance and replacement program is required.

As recommended in the Strategic Asset Management Plan, endorsed by Council in March 2016, it is important for the Shire to continue to assess the condition of our aging infrastructure and implement annual renewal programs to ensure assets are kept at the standards desired by our community.

Following from this, the Shire's Technical Services team have inspected the fair to poor condition kerbs and footpaths and developed a scope to carry out a concreting works program for all towns over the next 5 years, with Onslow scope of works being undertaken in 2017/18.



## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

A detailed scope of work and tender documents have been developed by Shire technical officers, and the request for Tenders was advertised on 17 January 2018 and closed on 14 February 2018.

The selection criteria were based upon the "INFRASTRUCTURE" category as per our FIN 14 Tender Evaluation Criteria Policy. The advertised selection criteria were:

Criteria		Weighting
(a)	Relevant Experience	10%
(b)	Key Personnel	10%
(c)	Past Performance	10%
(d)	Resources	5%
(e)	Plant, Equipment and Materials	5%
(f)	Methodology/Quality and OHS Systems/Life Cycle/Risk Management	10%
(g)	Price	50%

After initial compliance assessment, all submissions were deemed compliant for further assessment. The evaluation panel then assessed the submissions against the selection criteria and value for money.

The Evaluation and Recommendation Report, including the Scope, overall evaluation scores and rankings, is attached as a confidential item.

### CONFIDENTIAL ATTACHMENT 15.2

#### Comment

The tenders have been assessed with the below scores and rankings. Complete details of the tenders and assessment are provided in **CONFIDENTIAL ATTACHMENT 15.2**.

Rank	Tenderer	Score (/100)
1	Dowsing Group	75.9
2	Jetline Corporation	73.5
3	Formstruct	65.0
4	Quadrio Earthmoving	61.8
5	NTC Contracting	59.1
6	Onslow Contracting	57.9

The evaluation panel concluded that although Dowsing Group's tender was not the lowest tendered amount, it offered the best overall value for money and the panel is confident that the works will be completed successfully.

#### Consultation

Acting Director Infrastructure Services  
Manager Operations  
Manager of Technical Services  
Technical Officers

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

### Statutory Environment

*Local Government Act 1995 Section 3.57. Tenders for providing goods or services*

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

*Local Government Act 1995 Section 5.23. Meetings generally open to public*

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
  - (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;”*

*Local Government (Functions and General) Regulations 1996*

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000 unless sub-regulation (2) states otherwise.*
- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if:*
  - (a) *the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or*
  - (b) *the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program.*

### Financial Implications

Works programming is incorporated within the operations capacity of the Shire and the budgeted provision for the concrete works program in the 2017/18 Budget is \$399,990. The quantities for this tender were estimated using the rates obtained for similar works across the Shire from previous years. The rates provided by the contractors for this year's tender are significantly cheaper than those from previous years. This is thought to be due to the economies of scale achieved by concentrating all of the works within the one town.

A Request for quotes is being prepared for an additional smaller package of works in order to complete the budgeted program.

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 4 – Quality Services and Infrastructure

Objective 01 – Quality Public Infrastructure

Objective 02 – Accessible and Safe Towns

Objective 03 – Distinctive and Well-Functioning Towns

### Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "High". The high level of risk is being driven by the high compliance requirements and the timing of several project schedules.

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

It is considered that the likelihood of a risk event occurring is “Unlikely” but it will be managed by specific monitoring and response procedures, overseen by the relevant Senior Managers.

### Policy Implications

Policy FIN12 Shire of Ashburton Purchasing Policy. This Policy outlines how the Shire of Ashburton will deliver 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. This Policy was used to undertake the procurement process through a publically advertised RFT.

Policy FIN14 Shire of Ashburton Tender Evaluation Criteria. This policy establishes the evaluation criteria for Council procurement in three Procurement categories, Plant, Services and Infrastructure. This RFT utilised the evaluation criteria under the category of Infrastructure.

### Voting Requirement

Simple Majority Required

### Officers Recommendation

That with respect to Tender RFT 01/18 - Concrete Kerbing and Footpath Works, Onslow WA, Council:

1. Resolve that Report **ATTACHMENT 15.2** is confidential in accordance with s5.23 (2) *the Local Government Act* because it deals with matters affecting s5.23 (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;”*
2. Note the attached Evaluation Report, **CONFIDENTIAL ATTACHMENT 15.2**;
3. Award the contract to complete Concrete Kerbing and Footpath Works to Dowsing Group Pty Ltd for \$269,361.58 exclusive of GST;
4. Authorise the Chief Executive Officer to enter into a contract with the appointed Contractor; and
5. Authorise the Chief Executive Officer to manage the Contract, including variations to the design specification and contract value, providing this does not exceed the project budget or reduce the overall scope.

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

### 15.3 TENDER RFT 02/18 - SUPPLY OF ROAD CONSTRUCTION PLANT WITH OPERATORS - WANDRRA AGRN 743

<b>FILE REFERENCE:</b>	CM02.18
<b>AUTHOR'S NAME AND POSITION:</b>	Nathan Benson Manager Technical Services
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Acting Director Infrastructure Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	26 February 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### **Summary**

A Request for Tender (RFT) for Supply of Hired Road Construction Plant with Operators for works under Western Australian Natural Disaster Relief and Recovery Arrangements (WANDRRA) Claim AGRN 743 (RFT 02/18) was issued via the Shire's e-tendering portal known as TenderLink and also advertised via state wide public notice in The West Australian Newspaper on 31 January 2018 and closed on 20 February 2018.

Six conforming tenders were received via TenderLink in response to the RFT.

The evaluation panel has now completed its assessment of the tender submissions and has made their recommendation.

#### **Background**

On 13 February 2017 the Western Australian Government proclaimed the flooding events which occurred in January and February 2017 is an eligible natural disaster event under WANDRRA. WANDRRA is jointly funded by the State and Commonwealth Governments and administered by the Office of Emergency Management (OEM), with assistance from other agencies. Through WANDRRA, the Western Australian and Commonwealth Governments provide help to people who have suffered the direct impact of a proclaimed natural disaster event. The Shire of Ashburton was listed as an authority subject to the above proclamation and the Australian Government Reference Number for the event is 743 (AGRN743).

Shire officers and consultants have subsequently undertaken inspections of all roads that are currently maintained by the Shire, and have produced and submitted a cost estimate for approval to Main Roads WA (MRWA). The original estimated cost of repairs for all roads under the management of the Shire was \$10,491,115.96 (as noted in Item 12.1 of this Agenda). This figure has since been revised and the total estimated cost of repairs for all roads is now \$10,710,372.23.

Greenfields Technical Service were subsequently appointed to undertake the management of the flood damage repair works. A Plant Hire arrangement is considered to be the most

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

favourable method of procuring the services of a contractor to carry out the works.

In order that the works are carried out and managed in the most efficient manner, the works have been divided into two separable portions. Separable Portion 1 includes the Western portion of the Shire. Separable Portion 2 includes the Eastern portion of the Shire. Separable Portion 1 (West) is estimated to be worth \$5.066 Million and Separable Portion 2 (East) is estimated to be worth \$4.965 Million.

A detailed scope of work and tender documents have been developed by Shire officers and Greenfields Technical Service, and the request for Tenders was advertised on 31 January 2018 and closed on 20 February 2018.

The selection criteria were amended under Delegated Authority (DA 06-2) as the criteria in FIN 14 Tender Evaluation Criteria Policy were not suitable for the requirements of this Request for Tender.

The advertised selection criteria were:

Criteria	Weighting
(a) Quality and Completeness of Plant and Equipment	20%
(b) Demonstrated Road Construction Experience in Rural and Remote Areas	20%
(c) Key Personnel Experience and Overall Capacity	20%
(d) Provisions for Refuelling and Mechanical Support	10%
(e) Local Content	5%
(d) Price	25%

After initial compliance assessment, all submissions were deemed compliant for further assessment. The evaluation panel then assessed the submissions against the selection criteria and value for money.

The Evaluation and Recommendation Report, including the Scope, overall evaluation scores and rankings, is attached as a confidential item.

### CONFIDENTIAL ATTACHMENT 15.3

#### Comment

The tenders have been assessed with the below scores and rankings. Complete details of the tenders and assessment are provided in **CONFIDENTIAL ATTACHMENT 15.3**.

Rank	Tenderer	Score (/100)
1	THEM Earthmoving Pty Ltd	76.0
2	Quadrio Earthmoving Pty Ltd	75.5
3	Red Dust Holdings	74.0
4	NTC Contracting Pty Ltd	60.5
5	Gumala Enterprises Pty Ltd	45.0
6	Drilline Pty Ltd	42.3

The evaluation panel concluded, after clarification of the tenderer's current commitments and resource levels, that the highest scoring tenderer, THEM Earthmoving Pty Ltd, is not in a position to complete both Separable Portions. It was therefore concluded that one Separable Portion should be awarded to each of the tenderers placed first and second in the scoring. The panel concluded that THEM Earthmoving Pty Ltd provided the most suitable submission and offered the best value for money in relation to Separable Portion 2 (East), and Quadrio

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

Earthmoving Pty Ltd provided the most suitable submission and offered the best value for money in relation to Separable Portion 1 (West).

### Consultation

Acting Director Infrastructure Services  
Manager Operations  
Works Coordinator  
Technical Officers  
Finance Department  
Main Roads Western Australia

### Statutory Environment

*Local Government Act 1995 Section 3.57. Tenders for providing goods or services*

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

*Local Government Act 1995 Section 5.23. Meetings generally open to public*

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
  - (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;”*

*Local Government (Functions and General) Regulations 1996*

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000 unless sub-regulation (2) states otherwise.*
- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if:*
  - (a) *the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or*
  - (b) *the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program;*

### Financial Implications

The cost of repairs of flood damage resulting from the January/February 2017 weather events has been estimated to be \$10,710,372.14. The first \$244,435 is payable by the Shire of Ashburton with the balance claimable through the WANDRRA arrangements. The cost of project management consultancy services associated with the flood damage repairs is estimated to be \$670,000. Project management services are included as part of the estimate submitted to MRWA and are claimable under WANDRRA. This contract makes up the remainder of the \$10,710,372.14 with \$5.066 Million allocated to Separable Portion 1 and \$4.965 Million allocated to Separable portion 2. The Contracts for each separable portion are to be awarded as Schedule of Rates Contracts with estimated extended values of \$5.066 Million and \$4.965 Million respectively.

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027  
Goal 4 – Quality Services and Partnerships  
Objective 01 – Quality public infrastructure

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

### Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Moderate" (consequences "extreme", likelihood "unlikely"). This level of risk is being driven by the value of the WANDRRA Claim, and the fact that prolonged interruption of services will result from delays. It is considered that the likelihood of a risk event occurring is "unlikely" but it will be managed by specific monitoring and response procedures.

### Policy Implications

Policy FIN12 Shire of Ashburton Purchasing Policy. This Policy outlines how the Shire of Ashburton will deliver 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. This Policy was used to undertake the procurement process through a publically advertised RFT.

Policy FIN14 Shire of Ashburton Tender Evaluation Criteria. This policy establishes the evaluation criteria for Council procurement in three Procurement categories, Plant, Services and Infrastructure. This RFT utilised evaluation criteria not contained within a category under FIN14 as it was not suitable for the requirements. Alternative criteria was used under DA 06-2.

### Voting Requirement

Absolute Majority Required

### Officers Recommendation

That with respect to Tender RFT 02/18 – Supply of Road Construction Plant with Operators – WANDRRA AGRN 743, Council:

1. Resolve that the estimated cost of repairs under WANDRRA AGRN 743 is revised to \$10,710,372.23.
2. Resolve that Report **ATTACHMENT 15.3** is confidential in accordance with s5.23 (2) the Local Government Act because it deals with matters affecting s5.23 (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;"
3. Note the attached Evaluation Report, **CONFIDENTIAL ATTACHMENT 15.3**.
4. Award the contract for complete Separable Portion 1 (West) to Quadrio Earthmoving at the schedule of rates set out in their tender with an estimated extended value of \$5,066,000.00 exclusive of GST;
5. Award the contract for complete Separable Portion 2 (East) to THEM Earthmoving at the schedule of rates set out in their tender with an estimated extended value of \$4,965,000.00 exclusive of GST;
6. Authorise the Chief Executive Officer to enter into a contract with the appointed Contractor; and
7. Authorise the Chief Executive Officer to manage the Contract, including variations to the design specification and contract value, providing this does not exceed the project budget or reduce the overall scope.

- 16. COUNCILLOR AGENDA ITEMS / NOTICES OF MOTIONS
- 17. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING
- 18. CONFIDENTIAL MATTERS

*Under the Local Government Act 1995, Part 5, and Section 5.23, states in part:*

- (2) *If a meeting is being held by a Council or by a committee referred to in subsection (1)(b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:*
  - (a) *a matter affecting an employee or employees;*
  - (b) *the personal affairs of any person;*
  - (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;*
  - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
  - (e) *a matter that if disclosed, would reveal:*
    - (I) *a trade secret;*
    - (II) *information that has a commercial value to a person; or*
    - (III) *information about the business, professional, commercial or financial affairs of a person,*

*Where the trade secret or information is held by, or is about, a person other than the local government.*

- (f) *a matter that if disclosed, could be reasonably expected to:*
  - (I) *Impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
  - (II) *Endanger the security of the local government's property; or*
  - (III) *Prejudice the maintenance or enforcement of any lawful measure for protecting public safety;*
- (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1981; and*
- (h) *such other matters as may be prescribed.*



## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

### 18.1 CONFIDENTIAL ITEM - RECONSIDERATION OF DEVELOPMENT APPLICATION 17-37 - CONSTRUCTION OF 10 WEIRS ON THE ASHBURTON RIVER, MINDEROO STATION

<b>FILE REFERENCE:</b>	RV32
<b>AUTHOR'S NAME AND POSITION:</b>	Andrew Davis Principal Town Planner
<b>AUTHORISING OFFICER AND POSITION</b>	Rob Paull Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	23 February 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 14.2 (Minute No. 231/2017) – Ordinary Meeting of Council 21 September 2017

Report / Attachment is Confidential as per *Local Government Act 1995, Section 5.23*

#### REASON FOR CONFIDENTIALITY

The report is confidential in accordance with s5.23(2) of the *Local Government Act 1995* because it deals with matters affecting s5.23(2):

*(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.*

#### Officers Recommendation

That with respect to Development Application 17-37 for the construction of 10 weirs on the Ashburton River in association with the existing Agricultural land use on Minderoo Station, that Council approves the development of 10 weirs as shown on the submitted plans subject to the following conditions:

1. The weirs to be constructed in accordance with this approval shall be determined by the Shire in consultation with the Applicant.
2. Prior to the commencement of development, the following matters shall be submitted to the requirements and approval of the Shire and when endorsed by the responsible authority shall become the endorsed plans:
  - i. the weir design and plans revised to include a low flow notch that allows the passage of low flow events to mimic low river flows; and
  - ii. a staging plan that seeks to develop the weirs in a manner that ensures that any unconsidered impacts become apparent prior to committing to the full three staged program as identified in the Technical Feasibility Assessment 2014;

all to the to the satisfaction of the Shire.

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018

3. All works required to satisfy a condition of this approval are required to be installed/constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development.
4. The Applicant shall submit to the Shire the annual monitoring reports of the approved weirs submitted to the Department of Water and Environment Regulation (DWER) under their section 17 'Beds and Banks' approval conditions.
5. Within three months of the date of this approval, the applicant shall apply for retrospective approval for the existing weir in the Ashburton River on Minderoo Station.
6. This planning approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or, within any extended period of time for which the Shire of Ashburton has granted prior written consent.

### Advice Notes:

- a) This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the Shire, or with any requirements of the Shire of Ashburton Town Planning Scheme No. 7 or with the requirements of any external agency.
- b) With regards to Condition 2 (i), the low flow notch was referenced in the written application material but does not appear on the 'typical weir details' plans included with the application.
- c) With regards to Condition 2 (ii), it is noted that while the evidence considered by the Shire's hydrological consultant makes no objection to the weirs within the agreed scope of consideration, the majority of the modelling has been undertaken for a total of six or seven weirs. It is further noted that the Shire's hydrologist has observed that the weirs operate independently of each other – that is, there appears to be no cumulative impact with the weirs not included in the models. Notwithstanding, the Applicant shall submit sufficient technical reports demonstrating that the constructed weirs have significant no adverse impacts on the Ashburton River prior to committing to the full three staged program.
- d) With regards to Condition 4, reports detailing the outcomes of weir monitoring as required by DWER, is required to be provided to ensure that the Shire has access to all pertinent information regarding potential cumulative impacts of development to the Shire's coastline and which may affect future coastal planning by the Shire.
- e) With regards to Condition 5, it is understood from the applicant that the existing weir was constructed in 2010. A search of the Shire's records has not yielded any evidence that development approval for this weir was sought or issued. As the land is zoned and its development would have constituted development, a retrospective approval is required unless evidence can be provided that approval has already been issued or a relevant exemption applied at the time of construction.

## **AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2018**

### **19. NEXT MEETING**

The next Ordinary Meeting of Council will be held on 23 April 2018, at the Clem Thompson Sports Pavilion, Stadium Road, Tom Price commencing at 1.00 pm.

### **20. CLOSURE OF MEETING**

There being no further business to discuss the Presiding Member closed the meeting at \_\_\_\_\_ pm.