

Ordinary Meeting of Council

Pannawonica



Public Agenda

21 September 2017

Mayu Maya Centre

Pannawonica

1.00pm



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

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
(Public Document)**

**Mayu Maya Centre, Pannawonica
21 September 2017
1.00 pm**

AGENDA - ORDINARY MEETING OF COUNCIL 21 SEPTEMBER 2017

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 21 September 2017 at the Mayu Maya Centre, Pannawonica commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.



Dale Stewart
ACTING 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.

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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

3. ATTENDANCE

3.1 PRESENT

Elected Members:	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
Staff:	Mr D Stewart Mr J Bingham Ms A Serer Ms L Reddell Mr T Davis Ms J Smith Mrs M Lewis	Acting Chief Executive Officer Director Corporate Services Director Strategic & Community Development Director Development & Regulatory Services Director Infrastructure Services Executive Officer CEO & Councillor Support Officer
Guests:		
Members of Public:	There were _____ members of the public in attendance at the commencement of the meeting.	
Members of Media:	There were _____ members of the media in attendance at the commencement of the meeting.	

3.2 APOLOGIES

3.3 APPROVED LEAVE OF ABSENCE

4. QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 15 August 2017 the following questions were taken on notice and a written response was provided.

4.1.1 Renee and Wayne Garrett, Onslow

Question

Onslow School recently surveyed the schools' families to help assist the school and school council write and implement an Attendance Policy. The survey results are currently being reviewed by the school council to help write up the attendance policy for implementation. It was noted that only 25 responses were returned from 75 families being surveyed. This survey did not engage a total response rate of more than 1/3 of the families attending the school.

- The school currently does not have a policy in place that could support the no school, no pool strategy. How does the council aim to implement and enforce a strategy for a policy that does not exist and, how does all "statutory requirements are being met" comply for the agenda item to be voted upon?
- The pool rules sign mounted in the entry/exit wall of the pool clearly states that any child under 10 years must be accompanied by a parent/guardian over the age of 16.
- Will the pool staff refuse entry to a child that may have had to attend a medical appointment (Onslow/Karratha) but could not return to school in time to receive a wristband?
- Would a family be refused entry because a sibling of school age does not have a band due to the above?
- What lawful right does the Shire of Ashburton have to refuse any patron to utilise a public amenity in their own person time? i.e. after school hours 2.15pm to close of pool on a weekday
- If a child needs to utilise the pool facility with an adult for rehabilitation purposes during school hours, would specific documentation need to be submitted to the shire to request an exemption and how long would this process take?

The shire has previously allowed 50 pools to be installed in the yards of Chevron owned homes. This has allowed 50 homes to be exempt from the No School, No Pool Rule.

- How is this rule to be fair and inclusive of all in our community?

School Education Act 1999 states that sharing information contained in any register is a penalty of \$5000 i.e. attendance. Onslow School will be in breach of privacy laws by allowing a wristband to be worn by a student as this indicates to outsiders of the school attendance from a recorded source.

- Has the shire reviewed laws to ensure they are not breaching a right to privacy?
- Does the Shire have a lawful right to exclude patrons whom requests to Onslow School for their child's privacy and confidentiality to not be shared in the public domain?

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Will supporting the no school, no pool rule be put across all areas of the shire's facilities in Onslow? i.e. skate park, outdoor water play facility, outdoor basketball courts, the community garden; as raised by a shire employee in the community forum regarding crime earlier this year.

Response

As Acting Chief Executive Officer, I noted that I would take the questions on notice at the time and would reply in writing. A copy of the responses below will be replicated in the Agenda of the September Ordinary Meeting of Council for the general information of the public, given that your question was submitted as a Public Question Time question to a Council Meeting.

Onslow School are in the process of developing an Attendance Policy, of which, the No School No Pool is, we are informed, an important part. The School needed the support of Council before the draft Attendance Policy could be finalised and endorsed by Regional Head Office.

As noted in the rules of the No School, No Pool Rule, the Pool Manager has the authority to approve entry to the centre for extenuating circumstances. In the scenario mentioned of a child attending a medical appointment that could not return to school in time to receive a wristband would be considered as an extenuating circumstance.

Planned appointments may also be negotiated with the school prior to the appointment and a band be issued the previous day.

A family would not be refused entry because a sibling of school age does not have a band due to the above.

As per the "Conditions of Entry", the Shire of Ashburton as the owner of the facility has the lawful right to refuse entry to any patron. As long as entry refusal is not based on religious, sex or racial discrimination, then Council is not in breach any Commonwealth Laws on the subject. The Shire of Ashburton is one of many local governments in the State that implements such a rule.

Depending on the circumstances, children accessing the pool during school hours for rehabilitation exercises may require a medical certificate, however if a child is accompanied by a parent or guardian, a medical certificate will not be required.

In relation to the privacy of information of students, the school informs us that they (and therefore the Shire) is not in breach of privacy laws as at no point is information or a register is being shared with other parties. The Shire has no access to private information of any student attending Onslow Primary School. The Shire is simply identifying a student via a band and no personal information is exchanged between the parties.

As to whether we are looking to extend the rule to other facilities, the Shire is working with WA Police in reporting children at facilities during school hours in order that police can escort the children back to school. The MPC also does not allow casual use by any school aged children in school hours. Council could consider suitable options for other facilities if necessary, however, currently the situation doesn't warrant this and there has been no request from the community. Council understands that several other businesses in town already have similar rule about services of minors during school hours.

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In relation to your question about Chevron owned or indeed other private pools, the Council has no ability to enforce the No School No Pool Rule on private property.

4.2 PUBLIC QUESTION TIME

4.2.1 Jenny Alliss (Tom Price)

Question

Are you going to be the Shire that sits by and lets the Leucaena tree choke out the gorges in Karijini until they are no longer tourist attraction? They have already over run the town.

Will you please get the process started of getting the Leucaena tree on the noxious weed list and start doing something to eradicate it?

If these weeds get to the bottom of the gorges they will choke out the native plants and you will not be able to get rid of them.

I have received both letters from the Shire and I am not impressed by the lack lustre approach. The Environmental Health Department doing an education mail out is another hand folding exercise and a way to pass on the problem.

Response

Thank you for your subsequent question and statements.

An agenda item which addresses the issue of weed management within the Shire will be considered at the next Ordinary Meeting of Council which is to be held in Pannawonica on 21 September 2017. Note that whilst the report makes reference to Leucaena and its impact on land within the Shire including in National Parks, it also considers the broader impacts of declared and environmental weeds within the Shire and the work being done by the Department of Primary Industries and Regional Development and CSIRO on weed management and makes recommendations on appropriate actions for Council's consideration. Your additional comments, suggestions and statements will be included on the agenda and considered by the Councillors and the Council as part of that item.

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 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.

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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
12.1 COMMUNITY SUPPORT GRANTS – ROUND 1 2017/18 ANNUAL FINANCIAL YEAR		
Anika Serer	Impartiality	The nature of my interest is that I am a financial member of the Tom Price Pony and Horse Club and the extent of my interest is the club has applied for funding from the Shire of Ashburton which is recommended in this report. I am the authorising officer.
18.2 CONFIDENTIAL ITEM - CHIEF EXECUTIVE OFFICER RECRUITMENT - REPORT AND RECOMMENDATIONS BY SELECTION PANEL		
Dale Stewart	Impartiality Financial	The nature of my interest is that the Council's decision has impact with respect to duration of the role of Acting Chief Executive Officer.

7. **ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**
8. **PETITIONS / DEPUTATIONS / PRESENTATIONS**
 - 8.1 **PETITIONS**
 - 8.2 **DEPUTATIONS**
 - 8.3 **PRESENTATIONS**

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9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING OF COUNCIL HELD ON 15 AUGUST 2017

Officer Recommendation

That the Minutes of the Ordinary Meeting of Council held on 15 August 2017, as previously circulated on 22 August 2017, be confirmed as a true and accurate record.

9.2 SPECIAL MEETING OF COUNCIL HELD ON 18 AUGUST 2017

Officer Recommendation

That the Minutes of the Special Meeting of Council held on 18 August 2017, as previously circulated on 22 August 2017, be confirmed as a true and accurate record.

9.3 SPECIAL MEETING OF COUNCIL HELD ON 30 AUGUST 2017

Officer Recommendation

That the Minutes of the Special Meeting of Council held on 18 August 2017, as previously circulated on 31 August 2017, be confirmed as a true and accurate record.

10. AGENDA ITEMS ADOPTED "EN BLOC"

10.1 AGENDA ITEMS ADOPTED '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."*

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11. OFFICE OF THE CEO REPORTS

11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS STATUS REPORT FOR AUGUST 2017

FILE REFERENCE:	GV04
AUTHOR'S NAME AND POSITION:	Michelle Lewis CEO & Councillor Support Officer
AUTHORISING OFFICER AND POSITION:	Dale Stewart Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	8 July 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	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

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Consultation

Acting Chief Executive Officer
Executive Management Team

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

“Role of council

(1) The council —

- (a) governs the local government’s affairs; and*
- (b) is responsible for the performance of the local government’s functions.*

(2) Without limiting subsection (1), the council is to —

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

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

Financial Implications

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 August 2017 as per **ATTACHMENT 11.1**.

AGENDA - ORDINARY MEETING OF COUNCIL 21 SEPTEMBER 2017

11.2 USE OF COMMON SEAL AND ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF AUGUST 2017

FILE REFERENCE:	GV21 CM02
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Officer Sheree Selten Administration Assistant Planning
AUTHORISING OFFICER AND POSITION:	Dale Stewart Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	26 July 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	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 August 2017.

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 2016.

ATTACHMENT 11.2A

Comment

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

Consultation

Relevant officers as listed in the Attachment.

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Statutory Environment

Local Government Act 1995

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

Delegated Authority Register 2016

Financial Implications

As outlined in Attachment 11.2.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

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**.

12. STRATEGIC AND COMMUNITY DEVELOPMENT REPORTS

Declaration of Interest

Prior to consideration of this Agenda Item:

Anika Serer declared an impartiality interest.

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

12.1 COMMUNITY SUPPORT GRANTS - ROUND 1, 2017/18 ANNUAL FINANCIAL YEAR

FILE REFERENCE:	GS01
AUTHOR'S NAME AND POSITION:	Dee Walkington Executive Assistant Strategic and Community Development
AUTHORISING OFFICER AND POSITION:	Anika Serer Director Strategic and Community Development
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	31 August 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial, proximity or impartiality interests in the proposal. The authorising officer is a financial member of the Tom Price Pony and Horse Club
PREVIOUS MEETING REFERENCE:	Agenda Item 12.1 (Minute No.149/17) – Ordinary Meeting of Council 26 April 2017

Summary

The Shire recently promoted and invited applications for Community Support Grants and Community Lease/Licence Grants. The submissions were in accordance with *REC08 Community Donations, Sponsorship and Funding Policy*, with applications closing 31 August 2017.

Sixteen applications were received for Community Support Grants; in addition there was one application for a Signature Event and three submissions for the Community Lease/Licence grants.

These grants are provided as in-kind and / or financial assistance to enable community groups and clubs to deliver quality programs, community events and services, and to community groups and clubs holding community leases with lease compliance requirements identified.

Applications have been assessed and workshopped with Councillors via Emaccess.

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Background

There are two funding rounds each year, one opening in July, closing August and one opening in February, closing in March. At the close of applications on 31 August 2017, sixteen Community Support Grant applications and three Community Lease/Licence Grant applications were received (several applications were also received after the deadline, or did not meet the requirements of the various grants and were declined in accordance with the REC08 policy).

No applications were received for Townsite Landscape/Community/Residential Garden Competition (Greening Ashburton).

Comment

The Community Support Grant funding and Community Lease/Licence funding was promoted directly to clubs and organisations via email, public notice boards, Inside Ashburton, Onslow Pipeline and the Shire of Ashburton (SOA) website.

Sixteen groups applied for grants in Round 1 of the Community Support Grants 2017/18 financial year.

COMMUNITY SUPPORT GRANTS – GENERAL ROUND

Name of Organisation	Event/Project	Cash \$	In-Kind \$	Total \$
ONSLOW				
Onslow Flying Club Inc.	Airside fencing and ground work	2,500.00	0.00	2,500.00
Onslow Volunteer Fire and Emergency Service (Onslow VFES)	To employ cleaner for the common area of the building	2,500.00	0.00	2,500.00
PANNAWONICA				
Pannawonica Kindergym	Purchase of soft gym play equipment for the 0 - 5 age group	2,438.54	0.00	2,438.54
Pannawonica Playgroup	Funding for the project Active Children.	2,500.00	0.00	2,500.00
PARABURDOO				
Paraburdoo Drive-In Inc.	Installation of outdoor speakers	2,500.00	0.00	2,500.00
Paraburdoo Netball Association	Team Uniforms	2,500.00	0.00	2,500.00
The Lifestyle Centre	Gym equipment	2,500.00	0.00	2,500.00
Paraburdoo Tennis Club	Tennis Ball Machine	2,500.00	0.00	2,500.00
TOM PRICE				
Tom Price Women's Softball Association	To host 2017 Northwest Championships	2,500.00	0.00	2,500.00

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Nameless Playgroup	To Cover the cost of Civic Centre fees for 12 months	0.00	2,500.00	2,500.00
North Tom Price Primary Parents and Citizens	The purchase of Ipads for each class to be completed by the end of 2017	2,500.00	0.00	2,500.00
Tom Price Touch Football Association	In-kind donation to cover the cost of the Clem Thompson oval hire fees for the 2017/18 season.	0.00	2,500.00	2,500.00
Tom Price Pony and Horse Club	Fencing and Round Yard	2,500.00	0.00	2,500.00
Fortescue Cricket Association	Cricket balls for the 2017/18 season	2,500.00	0.00	2,500.00
Nintirri Centre Inc.	To create toddler Outdoor Area	2,500.00	0.00	2,500.00
Mountain View Golf Club	Club beautification and community space	2,500.00	0.00	2,500.00
Total		34,938.54	5,000.00	39,938.54

There is \$75,000 available in the 17/18 budget for the annual Community Support Grant funding across the two rounds.

All Community Support Grants are assessed on criteria outlined in REC08. GENERAL CONDITIONS AND CRITERIA. The applicant is to reside or operate within the Shire of Ashburton, or be able to show a direct and substantial benefit to residents within the Shire of Ashburton and applications that are not connected with, and do not show direct benefit to, the Shire of Ashburton are unable to be considered. Late applications are not considered.

SIGNATURE EVENT – RECOMMENDATION FOR PAYMENT

Pannawonica Gala Association	Pannawonica Gala	5,000.00	0.00	5,000.00	113182
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The Pannawonica Gala Event is an identified 'Signature Event' and eligible to apply for up to \$5,000. The Pannawonica Gala Association has requested this funding to host a Summer Nights Vibe Festival.

COMMUNITY LEASE/LICENCE GRANTS

There were three applications received under the Community Lease/Licence Grant Fund. An amount of \$125,000 is allocated in the 2017/18 budget for projects identified in the Implementation Plan for Risk Mitigation Works Required on Shire of Ashburton Reserves Leased to Community Groups report. This funding is intended to support community clubs and organisations to meet licence and compliance issues related to their leases with the Shire.

Name of Organisation	Donation Request
Tom Price Camp Draft	\$3,700.00
Tom Price Pony and Horse Club	\$15,000.00

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Onslow Motorcycle and Enduro Club Inc.	\$85,202.00
Total	\$103,902.00

Consultation

Acting Chief Executive Officer

Shire of Ashburton Councillors

Director – Strategic and Community Development

Facility Manager - Community Development

Executive Assistant - Strategic and Community Development

Community Support Grants have been assessed and work shopped with Council via EMACCESS.

The donation allocations recommended by the panel are listed under the Officer Recommendation.

Statutory Environment

Local Government Act (1995) Section 6.7 (2).

Financial Implications

The following budget allocations are provided in the 17/18 budget:

Community Support Grants \$ 75,000

Signature Event (Pannawonica) \$ 5,000

Community Lease/Licence Grants \$125,000

Strategic Implications

Shire of Ashburton Strategic Community Plan 2017-2027

Goal 01 – Vibrant and Active Communities

Objective 02 – Sustainable services, clubs, associations and facilities

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

REC08 Community Donations, Grants and Funding Policy relates.

Voting Requirement

Simple Majority Required

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Officers Recommendation

That with respect to Community Support Grants, Signature Events and Community Lease / License Grants, Council:

1. Approve the recommendations for Community Support Grant applications being allocated from account 081877 (Sponsorships and Grants) as listed below:

Name of Organisation	Funding \$
ONSLow	
Flying Club Onslow Inc.	2,500.00
Onslow Volunteer Fire and Emergency Service	2,500.00
TOTAL	5,000.00
PANNAWONICA	
Pannawonica Kindergym	2,438.54
Pannawonica Playgroup	2,500.00
TOTAL	4,938.54
PARABURDOO	
Paraburdoo Drive-In Inc.	2,500.00
Paraburdoo Netball Association	2,500.00
The Lifestyle Centre	2,500.00
Paraburdoo Tennis Club	2,500.00
TOTAL	10,000.00
TOM PRICE	
Tom Price Womens Softball Association	1,250.00
Nameless Playgroup	1,250.00
North Tom Price Primary Parents and Citizens	1,250.00
Tom Price Touch Football Association	1,250.00
Tom Price Pony and Horse Club	1,250.00
Nintirri Centre Inc	1,250.00
Mountain View Golf Club	1,250.00
Fortescue Cricket Association	1,250.00
TOTAL	10,000.00
GRAND TOTAL	29,938.54

2. Approve the recommendations for Community Lease / License Grants from account 11112230 as listed below:

Name of Organisation	Funding \$
Tom Price Camp Draft	3,700.00
Onslow Motorcycle and Enduro Club	85,202.00
Tom Price Pony and Horse Club	15,000.00
TOTAL	103,902.00

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3. Approve additional Signature Events for 2017/18 from account 113182 (Pannawonica Special Projects/Regional Events), as listed below:

Name of Organisation	Funding \$
Pannawonica Gala Association	5,000.00
TOTAL	5,000.00

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12.2 PARABURDOO COMMUNITY HUB (CHUB) COMMITTEE MEETING FOR THE MONTH OF SEPTEMBER 2017

FILE REFERENCE:	RC42129
AUTHOR'S NAME AND POSITION:	Anika Serer Director, Strategic & Community Development
AUTHORISING OFFICER AND POSITION:	Dale Stewart Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	8 September 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 16.2 (Minute No. 208/2017) – Ordinary Meeting of Council 18 July 2017

Summary

Request for Tender (RFT) 17/17 Construction of the Paraburdoo Community Hub was advertised on 27 July 2017 with a proposed closing date of 25 August 2017. The tender closing date was extended by one week (1st September) following advice from several tenderers that subcontractors were unable to submit pricing within the given timeframe.

RFT17/17 closed at 3pm on Friday 1 September 2017; three compliant and one non-compliant submissions were received (non-compliant submission bid on a small component of the specification rather than the overall requirement).

Background

At the Committee Meeting held on 18 July 2017 the 'Pre-Tender Plans' and associated budget for the Paraburdoo CHUB were presented for review. The Committee recommended to Council that the plans be endorsed for progression to Request for Tender, which was confirmed.

Comment

The proposals were assessed by a tender evaluation panel against the following predetermined criteria:

Relevant Past Company Performance	25%
Key Personnel and Resources	10%
Methodology, Innovation, Programme, Systems, Risk	25%
Tendered Price	40%

The summary of compliant tenders received and the scores achieved as a result of the evaluation are:

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Tenderer	Total Score
Ri-Con Contractors	59.1
Pindan Contracting	74.6
Cooper & Oxley Builders	63.6

*Ri-Con Contractors were allocated a \$50,000 price preference in the valuation for engagement of local subcontractors in accordance with *FIN04 – Buy Local Regional Price Preference Policy*.

The comprehensive tender assessment is provided as a confidential attachment.

CONFIDENTIAL ATTACHMENT 12.2A

Pindan Contracting is the preferred Tenderer with the highest overall score of 74.6. The submission of \$11,082,023 plus GST is within the budget allocation for the project, and methodology/program meet the requirements of the Request for Tender. Pindan's proposed program allows for the swimming pool to be open for a substantial portion of the 2017 Pool Season through the provision of temporary facilities. It is expected that there will be a period of approximately one week at the end of November 2017 when the pool will be closed to allow the changeover to the new backwash tank and set up the temporary facilities. Other short-term closures can also be expected throughout the season (service connection changes, any issues with dust ingress to pool water, movement of heavy machinery) however these will be communicated beforehand wherever possible. The cost of the temporary facilities is \$225,000 plus GST, and is included in the tendered price.

Pindan's proposed program outlines the following key dates:

Contract Award	2 October 2017
Possession of Site	30 October 2017
Contract Duration	56 calendar weeks & 3 days from date of award

Practical Completion:

New Pool Facilities	1 October 2018
Overall Project	30 October 2018

It is recommended that Pindan Contracting be endorsed as the preferred Tenderer, and the Acting CEO be given authority to finalise the terms and execution of contract.

Project Budget

There is no proposed change to the forecast budget breakdown endorsed by Committee and Council in July:

Item	Budget	Adjustment	New Budget (no change)
Indoor Sports Hall (Refurbish/ Neighbourhood Centre)	\$2,015,000	<i>No change</i>	\$2,015,000
Multipurpose Centre	\$8,990,000	<i>No change</i>	\$8,990,000
Outdoor Sports Court	\$295,000	<i>No change</i>	\$295,000
Softball Diamond Permanent Net	\$90,000	<i>No change</i>	\$90,000
Storage (convert clubrooms)	\$83,250	<i>No change</i>	\$83,250

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Lesser Hall	\$40,000	<i>No change</i>	\$40,000
Swimming Pool (outdoor amenities)	\$160,332	<i>No change</i>	\$160,332
External Works	\$1,270,000	<i>No change</i>	\$1,270,000
External Services	\$745,000	<i>No change</i>	\$745,000
Design Allowance	\$0	<i>No change</i>	\$0
Construction Allowance	\$620,000	<i>No change</i>	\$620,000
Escalation	\$0	<i>No change</i>	\$0
Professional Fees	\$931,000	<i>No change</i>	\$931,000
Preliminary Design Work	\$84,495	<i>No change</i>	\$84,495
FFE	\$250,000	<i>No change</i>	\$250,000
Allowance Power Supply (PS)	\$150,000	<i>No change</i>	\$150,000
Total	\$15,724,077		\$15,724,077
Current Approved Budget	\$15,736,066		
Overall Impact	(\$11,989)		(\$11,989)

It is noted that the preferred tender submission falls within the budget allocation for these components of the project (please refer to the confidential tender assessment for further information). A proposal to amend the breakdown will be presented to the Committee and Council once the Tender has been awarded and contract formalised.

Register of Design Changes

- There are no proposed changes to the 'Pre-Tender Plans' received by the Committee and endorsed by Council at the July 2017 Ordinary Meeting of Council.

Status Report

The Status Report for the month of August outlining key activities and milestones for the project is included at **ATTACHMENT 12.2B**.

Consultation

Acting Chief Executive Officer
 Facilities Manager
 Technical Officer
 Hodge Collard Preston Architects
 JCA Project Planning
 Owenconsulting (Quantity surveyors and construction consultants)

Statutory Environment

Local Government Act 1995 – Subdivision 2 – Committees and their meetings
S5.20: Decisions of Councils and Committees
S.22: Minutes of Council and Committee meetings

Financial Implications

The administrative requirements for the monthly meetings of the Committee are captured within the existing Strategic and Economic Development operating budget, and is expected to be negligible.

Historically the CEO has been authorised to manage all contracts within the constraints of the overall project budget and scope, including variations. It is inevitable that there will be

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variations to the construction contract during delivery of the Paraburdoo CHUB, which will be made in accordance with the terms of that agreement. If the standard response times to Requests for Variations, Extensions etc. cannot be met due to the Council's governance requirements of the project, it should be noted that the contractor may be entitled to claim time penalties (for example, construction crew on 'standby' waiting for approval to change a structural beam or substitute materials).

The CEO and or through that officers delegate (superintendent of works) as required, will continue to manage variations up to a value of \$100,000 (within the other given constraints such as project budget and scope), however consideration should also be given to urgent requests such as the examples given above. If the circumstance is particularly urgent, 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 could be utilised.

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

At the March Committee Meeting it was noted that possession of the site is anticipated to be handed to the Contractor around 2 October 2017, following the tender submission and award at the end of September.

The annual public swimming pool season traditionally starts from 1 October each year, closing at the end of April. In order to construct the new multipurpose centre, the existing swimming pool facilities (change rooms, first aid, office, etc) will need to be demolished, and the existing plant run from a temporary power source.

Contractors were requested to include a methodology/cost option in the construction tender submissions which mitigate any impact on the public pool season. The submission from Pindan has addressed this request via the provision of temporary facilities that will enable the season to operate with minimal disruption (one week for backwash tank and temporary facility handover, plus any minor closures required to ensure public safety or health considerations).

It is noted that the Special Meeting of Council held on 30 August 2017, the entry fees for the Quentin Broad Swimming Pool were waived for the duration of the 2017/18 season due to the uncertainty of facility closures. It is recommended that a Public Notice is issued to the Paraburdoo Community advising that the pool will be open as much as possible, however due to the likelihood of unplanned interruptions the entry will be free.

Policy Implications

ELM10 Financial Sustainability Policy

ENG09 Asset Management Policy

FIN04 Buy Local – Regional Price Preference Policy

FIN12 Purchasing and Tender Policy

Voting Requirement

Simple Majority Required

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Officers Recommendation

That the Paraburdoo Community Hub Committee recommend to Council;

That with respect to the Paraburdoo Community Hub (CHUB) Council:

1. Appoint Pindan Contracting as the preferred Tender for RFT 17/17 Construction of Paraburdoo Community Hub; and
2. Authorise the Acting Chief Executive Officer or that officer's nominee to negotiate, execute and manage the Contract, including any minor variations, to a maximum value of \$100,000 plus GST per approval and if cumulated variations and/or individual variation requests exceed \$500,000 plus GST, to only utilise that approval and discretion by complying with the provisions of Delegation DA02-4 including reference to all elected members via EMACCESS and subject to at all times the total of the project, inclusive of all variations being within the overall Council approved Budget; and
3. Issue a public notice to the Paraburdoo Community advising that the pool will be open as much as possible during construction, however due to the likelihood and need for occasional unplanned interruptions, the entry as previously approved by the Council will be free for the season.

(Paraburdoo Community Hub (CHUB) Committee recommendations to be provided at the Council Meeting).

Committee Recommendation

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13. CORPORATE SERVICES REPORTS

13.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID

FILE REFERENCE:	FM03
AUTHOR'S NAME AND POSITION:	Andy Grant Acting Finance Manager
AUTHORISING OFFICER AND POSITION:	John Bingham Director Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	6 September 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	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 August are presented with 2017/18 Budget amounts as adopted by Council on Wednesday 30 August 2017. 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

Council adopted the 2017/18 Budget on Wednesday 30 August 2017. The process is now underway to implement the provisions of the budget in particular the raising of revenue including rates, grants and contributions in addition to the procurement of goods and services to run the Shire's operations and invest in the capital works program.

During August, Council's surplus funds were invested in new Term Deposits with Westpac Bank, the ANZ Banking Corporation, and the Bendigo & Adelaide Bank. Each was selected from a group of financial institutions based on their superior rates of return and in accordance with Council's FIN07 Investment Policy.

Revaluation of the Shire's Non-Current Assets for 2016/17, as required by Local Government (Financial Management) Regulation 17A (2), is progressing. Until such time as this process is complete depreciation expense will not be posted in the 2017/18 accounts.

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It is recommended that the required budget variations to the Current Budget for 2017/2018 as outlined below be approved.

Pannawonica Gala Event					
GL/Job Number	General Ledger Description	Current Budget	YTD Actuals	Variation Amount	Revised Budget
100123	Consultant/Project Costs Gen	25,000	5,726	(5,000)	20,000
113182	Pannawonica Special Projects/Regional Events	0	0	5,000	5,000
<p>Reason: Increase Pannawonica Special Projects/Regional Events Budget by \$5,000.</p> <p>The Signature Event for Pannawonica (Gala Event) was not captured in the Budget for 17/18. Its approved allocation should be \$5,000.</p> <p>Note: There is no impact on the anticipated end of year financial position for the Municipal Account.</p>					

Town Planning Applications Refunds					
GL/Job Number	General Ledger Description	Current Budget	YTD Actuals	Variation Amount	Revised Budget
106251	Town Planning Application Refunds	0	0	9,000	9,000
102893	Town Planning Assessment Fees	28,939	13,660	9,000	37,939
<p>Reason: Increase Town Planning Application Refunds by \$9,000.</p> <p>A new account has been created to recognise refunds for Town Planning Applications. In prior periods the refunds were posted to income account 102983 Town Planning Assessment Fees. Posting to a refund account will meet the Accounting Standards for recognition of income and expenses.</p> <p>Note: There is no impact on the anticipated end of year financial position for the Municipal Account.</p>					

Consultation

Acting Chief Executive Officer
 Director Corporate Services
 Executive Management Team
 Acting Finance Manager
 Finance Team

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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 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

In respect to Monthly Financial Report Council:

1. Receive the Financial Reports for August 2017 **ATTACHMENT 13.1A**; and
2. Receive the Schedule of Accounts and Credit Card paid in August 2017 as approved by the Acting Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds as per **ATTACHMENT 13.1B**;
3. Receive the Capital Expenditures Progress Tracker for August 2017 per **ATTACHMENT 13.1C**; and
4. Receive the Reconciliation Report for August 2017 **ATTACHMENT 13.1D**; and
5. Approve budget variations for the 2017/18 Budget as follows:
 - a) Decrease expenditure GL 100123 Consultant/Project Costs by \$5,000 from \$25,000 to \$20,000; and
 - b) Increase expenditure GL 113182 Pannawonica Special Projects/Regional Events by \$5,000 from \$0 to \$5,000; and
 - c) Increase expenditure GL 106251 Town Planning Application Refunds by \$9,000 from \$0 to \$9,000; and

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- d Increase income GL 102893 Town Planning Assessment Fees by \$9,000 from \$28,939 to \$37,939; and
- e) Note that the Budgeted Surplus position carried forward (net current assets position) forecast as at 30 June 2018, remains at \$1,500,000.

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13.2 AUDIT AND RISK COMMITTEE - ADOPTION OF RECOMMENDATIONS

FILE REFERENCE:	GV20
AUTHOR'S NAME AND POSITION:	Nicky Tyson Procurement Coordinator
AUTHORISING OFFICER AND POSITION:	Dale Stewart Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 September 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.5 (Minute 200/2017) - Ordinary Meeting of Council 18 July 2017

Summary

The Audit and Risk Committee is meeting on the morning of the Council meeting. The purpose of this agenda item is to allow the Recommendation(s) of that Committee to progress in a timely manner.

Background

The Audit and Risk Committee is monitoring a number of recommendations arising from the Regulation 17 Report.

Comment

The early adoption of the Audit and Risk Committee recommendation will enable the prompt progression of those recommendations.

Consultation

Audit and Risk Committee
Acting Chief Executive Officer
Director Corporate Services

Statutory Environment

Section 7.3. Local Government Act 1995 - Appointment of auditors
Regulation 17 Local Government Audit Regulations 1996.
Local Government Operational Guidelines Number 09 -Audit in Local Government – Revised September 2013

Financial Implications

Refer to the Audit and Risk Committee Regulation 17 CEO Update Report for specific financial implications.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

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Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team & Work Environment

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 "Medium" risk (largely due to the costs of developing/implementing new procedures, etc.) but can be managed by routine procedures and monitoring by the Director Corporate Services.

Policy Implications

The report to the Audit & Risk Committee includes reference to consideration of a new Policy of the Council relating to dealing with Customer Complaints.

ATTACHMENT 13.2A

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the Review of Risk Management, Legislative Compliance and Internal Controls, Council:

1. Note the updated Acting CEO's Report (as per **ATTACHMENT 13.2A**) which describes how the suggested improvements/opportunities will be implemented, including actions completed, progressing items, and those requiring further consideration along with any relevant items viewed; and
2. Adopt the new Policy ADM09 Complaints Management (as per **ATTACHMENT 13.2B**).

Committee Recommendation

To be provided at the meeting.

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14. DEVELOPMENT AND REGULATORY SERVICES REPORTS

14.1 WEED MANAGEMENT WITHIN THE SHIRE

FILE REFERENCE:	EM01
AUTHOR'S NAME AND POSITION:	Tim Brokenshire Manager Environmental Health
AUTHORISING OFFICER AND POSITION:	Lee Reddell Director Development and Regulatory Services
NAME OF APPLICANT/RESPONDENT:	Shire of Ashburton
DATE REPORT WRITTEN:	3 September 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 18.1(Minute No.12007) – Ordinary Meeting of Council 16 September 2015

Summary

The potential threats associated with the presence of the weed tree known as 'Leucaena' has been raised as a concern by Council recently. This item considers the presence and significance of declared and non-declared invasive weeds within the Shire and makes recommendations on the management of declared weeds and the development of relevant community education materials.

Background

Concern has been raised by Council and members of the community in relation to the amount of weed trees that are present in various town sites of the Shire and the surrounding country side. The species of weed most commonly referred to, as being of concern, is *Leucaena leucocephala* (common name in Tom Price is 'Coffee Bean Tree') or 'Leucaena'. The suggestion from some parts is that it be classified as a declared weed so it can be effectively controlled.

Council last formally considered this issue at its meeting on 16 September 2015, where it was resolved to request that the Pilbara Regional Council (PRC) create a regional *Leucaena* management group and seek assistance from Western Australian Local Government Association to prepare a local law to classify *Leucaena* as a 'declared' weed in the Pilbara. The PRC subsequently advised on 24 January 2017 that there was insufficient interest from other member Councils to pursue a regional management group or preparation of a local law. No further action has been taken on the matter.

The Shire of Ashburton does not have a weed management plan and carries out no strategic control activity on declared weeds. Current activity undertaken by Infrastructure Services is limited to weed control on playing fields, roads, verges and drainage channels in line with town maintenance outcomes.

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Comment

How *Leucaena* became established in Tom Price and surrounds is unclear, however introduced animals and plants can become pests if they establish unwanted populations in new areas. The ways in which pest or 'invasive' species are introduced varies widely, but they are often the result of accidental or deliberate human activities. Although WA is largely free of many potentially harmful plants and animals, many introduced species have become widely established since European settlement.

While *Leucaena* is classed as an 'environmental' weed, it is not a 'declared' weed. The Department of Primary Industries and Regional Development (DPIRD, formerly the Department of Agriculture and Food Western Australia), controls harmful plants through the *Biosecurity and Agriculture Management Act 2007* (BAM Act). Declared weeds are prevented entry to the state or have control or keeping requirements. Because *Leucaena* is not a declared weed, it receives no significant attention from DPIRD. Under the BAM Act land owners/managers that have declared weeds on their property can be forced to control declared weeds.

Declared Weeds

Whatever their means of arrival, declared invasive species can have an adverse impact on agriculture, the natural environment and our lifestyle. Invasive species include plants and vertebrate animals that are pests of 'high priority' for the state. Plants such as mesquite, narrow-leaf cotton bush, blackberry and bridal creeper, and animals such as wild dogs, foxes, rabbits, feral goats, feral cats, exotic freshwater fish and cane toads are recognised as imposing economic costs and damage to our natural environment.

What is important to understand in relation to weeds is which species have the greatest impact and are considered the most important to control. The BAM Act provides for the declaration of organisms as undesirable species across the state, or in particular areas. The Minister for the responsible Act may make a declaration where there are reasonable grounds for believing the organism has, or may have, an adverse effect on:

- an organism native to the area;
- the well-being of the people in the area;
- the natural environment in the area; and
- the productivity of the state's agricultural, forest, fishing and pearling industries.

The following table details the declared plants currently present in the Pilbara and the control criteria as developed by the DPIRD. The control categories are listed and are as follows; (C1) eradication (C2) containment (C3) asset based protection.

Common name	Scientific name	Control Category
Bellyache bush	<i>Jatropha gossypifolia</i>	C3
Cacti (Opuntioid)	<i>Austrocylindropuntia</i> spp., <i>Cylindropuntia</i> spp. and <i>Opuntia</i> spp.	C2/C3 (depending on species)
Devil's Rope cactus	<i>Cylindropuntia imbricata</i>	C3
Coral Cactus	<i>Cylindropuntia fulgida</i> var. <i>mamillata</i>	C3
Prickly pear	<i>Opuntia stricta</i>	C3
Indian fig	<i>Opuntia ficus-indica</i>	C3
Riverina pear	<i>Opuntia elata</i>	C3

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*Calotropis	<i>Calotropis procera</i>	C3
Mesquite	<i>Prosopis</i> spp.	C2
Parkinsonia	<i>Parkinsonia aculeata</i>	C3
Parthenium weed (recently eradicated)	<i>Parthenium hysterophorus</i>	C1 (exclusion / prohibited whole of state)
Rubbervine	<i>Cryptostegia grandiflora</i>	C2 (prohibited)
Ornamental rubbervine	<i>Cryptostegia madagascariensis</i>	C3

* Subject to current review of status

Although environmental weeds such as Leuceana are important, it is not identified as a declared weed by the DPIRD and as such does not represent as significant a risk in comparison to declared weeds. The Shire (and others) has a responsibility under the BAM Act to control declared weeds on its land and failure to take the appropriate control measures, may result in the issue of a Pest Control Notice. Failure to meet prescribed control measures may result in fines for non-compliance with maximum penalties as high as \$50,000.

Officers from DPIRD have recently carried out declared weed inspection on a range of locations within the Pilbara. They have reported that Mesquite and Parkinsonia are both present at Old Onslow town site with dense infestations of Parkinsonia along the Ashburton River banks and scattered patches of mesquite throughout the three lots within the Shire managed Reserve 35118. The infestations are reported as equating to thousands of plants over approximately 500-600 hectares of the property. The Shire is required to control these declared species (on its land) in accordance with the BAM Act.

Non-declared (Environmental) Weeds

Non-declared invasive species of weeds exist within the Shire and although not declared, may threaten local environments and economic activities. As an example species such as Leucaena, Stinking Passion Fruit Bush, Ruby Dock and Kapok Bush are commonly seen within some town sites and surrounding areas and have previously been noted as a potential problem weed.

To enable control of such problem weeds the BAM Act allows for the creation of a local law, if in the opinion of the Local Government an environmental weed (non-declared) is likely to adversely affect the environment of the district, the value of property in the district or the health, comfort or convenience of the inhabitants of the district. This allows a Local Government to introduce an enforceable category known as Pest Plants.

However before considering the introduction of a local law for the management of non-declared (Pest Plant) species, it is critical to understand the distribution and biology of the proposed pest plants to ensure effective control could be achieved. Knowledge is critical and as an example, removing weeds from a town site may be futile if the surrounding areas are heavily populated and constantly cause reinfestation. Similarly not understanding relevant fire regimes specific to some weed species may, through the application of controlled burns, increase the invasiveness of a weed if fire supports its growth.

The CSIRO Land & Water division and their Ecosystem Change Ecology team is working on understanding many of the important issues surrounding non-declared (environmental) invasive plants, including *links and interactions between landscape change, species invasions and native species resilience*. Discussion with the CSIRO has indicated that they do not currently have any significant data on Leucaena. They indicated that this is largely due to it

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being promoted as a pasture plant and its invasiveness being of a lower level of concern in comparison to other species. As such, Leuceana is not on the priority list for research or control.

It is important to note however that locally Leuceana may influence the effectiveness of storm water management as the species proliferates in creek lines and as such investigation may be needed to determine associated reduction in the capacity of storm water management systems and if necessary control to maintain effectiveness of storm water systems.

Conclusion

It is the view of officers that priority in responding to weed issues in the Shire should be focused on addressing non-compliances under the BAM Act in relation to declared weeds present on Shire managed land such as in the Old Onslow area. Responding to the requirements of the BAM Act is also considered appropriate with supporting the pastoralist industry and the mining industry within the Shire. Developing a 'good neighbor principle' with the control of declared weeds would show the Shire is supportive to the demands placed on the environment from declared weeds and as such working towards meeting our strategic objectives. Similarly controlling weeds on land the Shire manages prevents the Shire being seen as a source of infestation of declared weeds to neighboring properties.

In relation to non-declared environmental weeds, considerable work is being carried out in the Pilbara by the CSIRO and agencies such as Department of Biodiversity, Conservation and Attractions to understand the presence of, distribution, and impacts of environmental weeds. With the exclusion of managing possible weed congestion in storm water management system within town sites it is considered appropriate before allocating any resources for the management of environmental weeds, that further investigation work is carried out in consultation with the leading agencies to support the development of education, management and control strategies for environmental weeds.

Consultation

Acting Chief Executive Officer
Director Development and Regulatory Services
Department of Primary Industries and Regional Development
CSIRO Land & Water division
Pilbara Mesquite Management Committee

Statutory Environment

The Biosecurity and Agriculture Management Act 2007 relates.

Financial Implications

It is expected that to control declared weeds on Shire managed land for compliance with the BAM Act will present a financial implication, however without further detailed investigation, an indicative value cannot be provided. In respect of the preparation of a management plan and educational material, there are no known meaningful additional 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 3 – Unique Heritage and Environment
Objective 1 - Flourishing natural environments
Objective 2 - Leading regional sustainability

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Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. 2nd line Identification and assessment indicates that Non-compliance with the requirements of the BAM Act presents a high risk. Failure to meet these control measures may then result in further regulatory actions being taken, including remedial action at your expense and / or prosecution for offences under the *Biosecurity and Agriculture Management Act 2007*, with fines of up to \$ 50,000.

Retaining primary accountability for the ongoing management of their risk and control environment has not been assessed. Further as no operational component exists, 1st line risk assessment has not been undertaken.

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to weed management within the Shire, Council:

1. Assist the Department of Primary Industries and Regional Development and the Pilbara Mesquite Management Committee with the development of a management plan and associated on ground activity that will address non-compliances under the Biosecurity and Agriculture Management Act 2007 from the presence of declared weeds on land under the management of the Shire of Ashburton; and
2. Develop in consultation with the CSIRO Land & Water Division, the Department of Biodiversity, Conservation and Attractions and the Department of Primary Industries and Regional Development, a management and community education/engagement plan for addressing control measures around priority and emerging environmental weeds such as Leucaena, Stinking Passion Fruit Bush, Ruby Dock and Kapok Bush; and
3. Ensure that Leucaena in particular and other environmental weeds on Council managed land is removed as part of ongoing awareness and monitoring programs.

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14.2 DEVELOPMENT APPLICATION 17-37 - CONSTRUCTION OF 10 WEIRS ON THE ASHBURTON RIVER, MINDEROO STATION

FILE REFERENCE:	RV32
AUTHOR'S NAME AND POSITION:	Lee Reddell Director Development and Regulatory Services
AUTHORISING OFFICER AND POSITION	Dale Stewart Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Harley Dykstra Pty Ltd
DATE REPORT WRITTEN:	4 September 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

This item seeks consideration of the proposed construction of 10 weirs along the Ashburton River on Minderoo Station. The weirs, which are all located south of the homestead site and have a maximum height of 3m above the river bed, are proposed to aid ground water recharge to support the existing agricultural use of the land. It is recommended that an approval be issued subject to conditions.

Background

The proposal seeks to allow the construction of 10 weirs along the Ashburton River on Minderoo Station. The northern boundary of Minderoo is located approximately 16km south of Onslow, with the homestead accessed from Twitchen Road. It is effectively bound by Koordarrie and Yanrey Stations to the west, Nanutarra Station to the south, the Cane River Conservation Area to the east and Urala and Peedamulla Stations to the north as well as the Ashburton North Strategic Industrial Area.

The weirs are all proposed to be constructed south of the homestead and the Twitchen Road bridge which crosses the Ashburton River. The weirs will be constructed of locally quarried stone and have a maximum height of 3m above the river bed which has an average bank height of 5m. The weirs are designed to be "leaky" to allow some slow flows through rather than completely impermeable. New access tracks and a small quarry will be required in association with the construction of the weirs.

ATTACHMENT 14.2A

Comment

Minderoo Station is zoned 'Rural' where 'Agriculture' is a permitted use. The weirs are proposed to assist in ground water recharge to boost access to water (via bores) for use on the station, in association with the agricultural land use, including the existing pivots currently used in fodder production. By holding water at points along the river for longer, the weirs to

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allow greater infiltration than if the flow was unimpeded. The weirs are designed to be 'leaky' incorporate a low flow spillway or "V" notch which allows discharge of stored water for several weeks after the weir would otherwise have ceased to flow. During major flow or flood events, the weirs will be overtopped.

Referrals

The application was referred to Infrastructure Services who requested that an impact assessment be carried out for the Twitchen Road bridge and the causeway over the Ashburton river to ascertain any potential impacts on these assets to the satisfaction of the Shire. This will be recommended as a condition of any approval.

The application was also referred to a number of State Government agencies for comment.

A copy of the referral comments can be found at **ATTACHMENT 14.2B** but are summarised as follows:

Department of Water and Environment Regulation (DWER)

Application material provided is consistent with material considered by DWER as part of the assessment of ground water extraction licence and 'bed and banks' permit. A number of studies were considered as part of the DWER assessment including aquifer modelling, riverflow and sediment transport, groundwater abstraction and environmental impacts for flora and fauna. Sediment impacts on the Ashburton River was considered and the proponent will be required to monitor and demonstrate that sediment transport is not being significantly impacted in order to ensure downstream environment and users are not detrimentally affected.

It was noted that the plans do not show the low flow or "V" notch referenced in the application which is essential to enable passage of low flow events to mimic low river flows. As such, the inclusion of the low flow notch in the design is recommended as a condition of any approval.

It is understood that DWER also received clearing applications associated with the access tracks required to construct the weirs.

Department Biodiversity, Conservation and Attractions (DBCA)

No impacts on the green sawfish which is the only 'vulnerable' species in the area.

Department of Mines, Industry Regulation and Safety (DMIRS)

No approvals required for the quarry component of the development.

Department of Planning, Lands and Heritage (DPLH)

A section 18 application under the *Aboriginal Heritage Act 1972* has been submitted by Minderoo (Forrest & Forrest Pty Ltd). Information within the application indicates that one reported Aboriginal heritage place ID 6540 (the Ashburton River) will be impacted. Place 6540 is currently proposed to be reviewed by the Aboriginal Cultural Materials Committee as to whether section 5 of the AHA applies. A copy of the application made under section 18 and associated documents has been provided to the Buurabalayji Thalanyji Aboriginal Corporation with a request to provide comment.

Public Consultation

The application was also advertised to the public by way of an advertisement in the Pilbara News, posters on the Shire notice board, a notice on the Shire website and letters to the adjacent pastoral lease holder and the determined Native Title holders. Three submissions were received.

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A copy of the submissions can be found at **ATTACHMENT 14.2C** but are summarised as follows:

Dampier Bunbury Pipeline:

No in principle issues but wish to ensure:

- No adverse impacts on the pipeline protection in place at the Ashburton causeway;
- No impact on the Ashburton causeway; and
- That their groundwater extraction licence not be affected.

An impact assessment for the causeway will be required as a condition of approval as per referral comments from Infrastructure Services. An advice note regarding the presence of the pipeline will be included as an advice note on any approval. DWER have indicated that potential downstream impacts and groundwater levels will be monitored and addressed through their approvals processes. This issue is discussed in further detail later in this report.

Warren Slater on behalf of Yarri Mining Pty Ltd, Onslow Resources Ltd, Quarry Park Pty Ltd and Regional Resources NW Pty Ltd:

- The proposal will reduce the natural replenishment of sands which will affect sand mining leases to the north (downstream) of the proposed weirs;
- Unclear what studies have been undertaken to consider sand replenishment impacts;
- Lack of consultation with downstream stakeholders through the preparation of sediment studies and or the DWER approvals process;
- Before and after effects of the existing weir have been experienced with slower sand replenishment since its construction.

The impacts of the proposal on sand replenishment in the Ashburton is considered under the 'Environmental Impacts' subheading later in this report.

Altus Planning on behalf of Buurabalayji Thalanyji Aboriginal Corporation (BTAC):

- The Ashburton River is a sacred site as defined by the Aboriginal Heritage Act and is an integral site for ceremonial and ritual activities which maintain the culture of the Thalanyji people;
- Whilst the subject land is not currently a registered site, it is understood that heritage surveys undertaken by Minderoo identified important archeological granite rock sites that are likely to be destroyed by construction. These sites are uncommon and important to the Thalanyji people;
- A section 18 application under the Aboriginal Heritage Act currently being considered and reassess the sacred site with Ministerial decision on the matter not expected until November or December 2017 meaning that consideration of this application is premature in respect of the requirement under deemed provisions of the Planning and Development (Local Planning Scheme) Regulations 2015 to consider the effect of the proposal on the cultural heritage significance of the area and therefore not orderly and proper planning;
- The Shire should consider deferral of the application until Minderoo and BTAC agree to access arrangements to evaluate the cultural significance of the sites, finalise discussion on reduce and manage impacts to the heritage values and a Ministerial decision has been made on the section 18 application;
- Inadequate information provided by the applicant to address or allow consideration of potential impacts on hydrology and geomorphology. Modelling appears to be based on outcomes from one existing weir and do not address the variability of the system. Although findings indicate no localized impacts, there is potential for cumulative impacts of the downstream environment.

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- Environmental impacts cannot be separated from the cultural heritage of the Thalanyji people and any impact on the natural environment of the Ashburton River cannot be supported in these circumstances.

Impacts on the environment and Aboriginal heritage are considered under the 'Environmental Impacts' and 'Aboriginal Heritage Impacts' subheadings below.

Zoning and Use

Under the Shire's Town Planning Scheme No. 7 (TPS7), Minderoo Station is zoned 'Rural' where 'Agriculture' is a permitted use. The Rural zone *allows for a variety of Rural activities, providing for agriculture, horticulture, viticulture, grazing, dairying or farming generally and may include market gardens, stables, horse training, nurseries and the like. It also provides for extractive industry.* The proposal does not seek to change the existing agricultural use of the land (beef cattle grazing/production), rather proposes development of the weirs in association with that use.

Development

Part 1.6 of TPS7 defines the aims of the scheme. Of particular note to this application, it seeks:

- (j) to facilitate development that takes account of the heritage value of places, building and objects; while
- (l) to facilitate development that has regard for the long term protection of natural resources, such as clean air, water, soil and biological diversity.

Further, part 67 of the Deemed Provisions for Local Planning Schemes in the *Planning and Development (Local Planning Schemes) Regulations 2015* requires local government to consider:

- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- (n) The amenity of the locality including the following –
 - (i) environmental impacts of the development;
 - (ii) the character of the locality;
 - (iii) social impacts of the development.
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or water resource; and
- (x) the impact of the development on the community as a whole notwithstanding the the impact of the development on particular individuals.

The potential impacts of the development are considered below.

Environmental Impacts

The potential impacts of the proposed weirs on the Ashburton river system is of great importance to the general Onslow locality and more broadly the region. The Ashburton River has a significant catchment area, starting approximately 100km south of Newman and runs for approximately 680kms before it discharges to the sea approximately 19kms south-west of Onslow. The river supports a variety of flora and fauna and is utilised by locals and visitors alike for recreational fishing and camping purposes.

In respect of flora and fauna, the application was referred to DBCA for consideration regarding potential impacts. The response from DBCA indicated that there will be no foreseeable impact on the only vulnerable species identified in the area, the green sawfish, and offered no objection to the proposal.

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In respect of potential impacts on the river itself, it is noted that in Western Australia, permits are required to be granted by DWER to authorise interference or obstruction of the bed and banks of a watercourse or wetland under the *Rights in Water and Irrigation Act 1914*. This includes installing any works or object that causes the obstruction of or interference to a watercourse or wetland or its bed and banks.

Prior to submission of the development application, the proposed weir system was considered by the DWER who have issued a section 5 approval for groundwater extraction and a section 17 'beds and banks' permit for the disturbance to the river bed and banks associated with the construction of the weirs. DWER have confirmed that number of detailed studies were considered as part of their assessment including aquifer modelling, riverflow and sediment transport, groundwater abstraction and environmental impacts for flora and fauna. DWER also advised that the original section 17 permit issued for the first weir at Minderoo (constructed in approximately 2010) was conditional on there being no build-up of silt or impacts downstream. This was monitored by DWER after the first flow events after construction. Some sediment build up was recorded at the end of a flow event, but was mobilised at the next flood.

In relation to the concerns raised by Mr Slater on behalf of several companies with an interest in sand mining, DWER advised that sediment transport was considered in detail, including flow and sediment modelling to demonstrate what effect the multiple weirs would have on the Ashburton. DWER engineers reviewed this work, and found "*The assessment of sediment loads and transport seems reasonable and the weirs are not likely to make an appreciable change to the overall rate of siltation or sediment transport. The assessment also finds that the higher flows should ensure that the pool behind the weir doesn't fill with silt, although there may be some sediment deposited behind the weirs between flushing events.*"

Previous investigations undertaken by DWER as a result of concerns raised by downstream sand miners confirmed that the weirs were not preventing sediment moving downstream and noted that sediment replenishment rates are subject to change year on year dependent on flows through the river system.

The applicant's Engineers have advised that the weirs may have a minor impact on river geomorphology immediately upstream and downstream when the weirs first go in, the river rapidly readjusts after the first flow and then there are no further discernible impacts on sediment transport thereafter. In response to queries raised by the DWER, Minderoo Group commissioned Hydrobiology to undertake a qualitative assessment of the risk of siltation behind the Minderoo Weir based on known river flow dynamics from Advisian (2016), pre-weir LiDAR survey level data in the river channel, and measured sediment loads in the Ashburton River conducted by Chevron (2010). Hydrobiology (2016) concluded that the weir creates a low backwater pool which can extend up to 6km upstream of the weir. They identified the flow in the Ashburton River is seasonal and dynamic and indicated that while a small proportion of the river sediment load is deposited in the weir pool between flushing events; flows that are large enough to scour out and remobilise this silt over the weir crest occur, on average, several times a year. They conclude that this means that while the presence of weirs may cause minor changes in the river bed scour/deposition morphology, they do not impact the overall rate of siltation or sediment transport either behind the weir pool or downstream of the weir. While this detail indicates that there is unlikely to be any significant sediment impacts in respect of overall volumes making its way through the system, it is noted that none of the relevant studies have been provided to the Shire in their entirety.

DWER have indicated they are conscious of the potential cumulative impacts of the multiple weirs and will require the proponent to demonstrate that sediment transport is not being significantly impacted. This will be a key monitoring commitment that will track the

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performance of the weirs and ensure the downstream environment, and other users, are not detrimentally impacted. In discussion with DWER, they advised that they are currently working through the operating strategy, which will address exact monitoring requirements and potential management options etc, with the proponent. It is understood that monthly inspections will be required by the proponent with an annual report provided to the DWER.

While DWER have indicated that they are satisfied that adequate detail and studies were provided to them as part of their section 17 approval, and noting that the Shire has no reason to doubt this assessment, they did note that their review only considered the Ashburton river system and did not take potential impacts on the nearby coast line into account. While it could be presumed that the DWER requirement that there be no appreciable change to the volume of sediment making its way through the river system would result in there being no appreciable change to sedimentation working its way along the coastline as part of the normal beach regeneration processes, no evidence regarding the change in patterns of sediment flow along the coastline is understood to have been considered.

The potential impact on Onslow and the nearby coastline is relevant given the extensive work that is being undertaken by the Shire as part of the Coastal Hazard Risk Management and Adaptation Plan process to inform planning in Onslow into the future. It is therefore considered appropriate that the proponent be required to demonstrate that the weir development will not have an adverse impact on the coastal processes affecting Onslow and expose it to greater risk from rising sea level and storm surge events through changing patterns of sand regeneration etc. It is noted that the Materials offloading Facility at the Wheatstone LNG plant is sited between the Ashburton River and Onslow and is likely to have a greater effect on coastal processes than the proposed weirs but the impact of the weirs is still a relevant consideration in respect of cumulative impact.

Given the discussion above, it is recommended that the weirs can be supported subject to a condition requiring a study (prior to commencement of development) that demonstrates that there will be no adverse impact on the Onslow coastline, in respect to coastal processes and sand regeneration, as a result of the proposed weirs to the satisfaction of the Shire. Further it is recommended that a condition be included which requires that a copy of the annual report provided to the DWER as part of the section 17 approval also be provided to the Shire (at the same time as it is forwarded to DWER) to ensure the Shire has access to all relevant information when reviewing long term impacts of development on the Onslow coastline.

It is noted that discussion with DWER indicated that they do not believe that there will be any off-site impacts associated with the increased groundwater extraction associated with the weir construction as the aquifer which is proposed to be recharged through this process is limited in size and other properties (ie: Urala Station) are too far away from the site to be affected.

Aboriginal Heritage Impacts

Aboriginal heritage in Western Australia is protected by the Aboriginal Heritage Act. Both TPS7 and the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* reference the need to have due regard in respect of cultural heritage significance in the consideration of development applications. 'Cultural Heritage Significance', however has the meaning given to it under the *Heritage of Western Australia Act 1990* and is defined as "in relation to a place, the relative value which that place has in terms of its aesthetic, historic, scientific, or social significance, for the present community and future generations".

Neither the *Planning and Development Act 2005*, nor the Heritage of WA Act specifically or adequately address Aboriginal heritage matters (as distinct from heritage places which are considered worthy of built heritage conservation) and as such while the concerns raised by

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BTAC in relation to potential impacts of sites of archeological importance (where the weirs are to be located) and the impact on the significance of the river overall are noted and appreciated, it is considered beyond the powers of the Shire to adequately consider the concerns on sites of importance to the Thalanyji people.

Consideration of matters controlled under the Aboriginal Heritage Act is undertaken by the Department of Planning, Lands and Heritage (formerly the Department of Aboriginal Affairs). As identified earlier in this report, the proposal was referred to the DPLH for comment who advised that an application made under section 18 of the Aboriginal Heritage Act has been submitted by Minderoo and that information within the application indicates that one reported Aboriginal heritage site will be impacted.

The reported Aboriginal heritage place ID 6540 (Ashburton River) is currently proposed to be reviewed by the Aboriginal Cultural Materials Committee as to whether section 5 of the Aboriginal Heritage Act applies which would afford greater protection. DPLH advised that a copy of the application made under section 18 had been provided to BTAC with a request to provide comment. It is noted that the issue of a development application does not impact on the obligations of the applicant to comply with the relevant requirements of any other legislation, including the Aboriginal Heritage Act.

Social Impacts

Given the siting of the weirs south of the Twitchen Road bridge, it is not expected that the proposal will have a significant impact on recreational fishing or camping on the Ashburton River which is primarily focused closer to the coast at Five Mile Pool, Three Mile Pool and nearer to Old Onslow. While it is understood that there will be some changes to flow and sediment patterns, these are likely to be minor as per advice from DWER and should not have a significant impact on the ability to continue such valued recreational activities along the river enjoyed by locals and visitors alike.

Quarry

The applicant has indicated that a small quarry is proposed to be developed within the Station boundaries (at a site yet to be finally determined) in association with the proposed weir development. Provided that the quarry is developed and used exclusively in association with the construction of the 10 weirs, the use is considered incidental to the development and does not trigger the need for a separate use consideration.

It is also noted that an approval under the Shire's Extractive Industry Local Law is not required as section 1.2(1)(d) provides an exemption where quarry spoil will be used by the owner on the land from which it is extracted.

Existing Weir

A review of the Shire's records indicate that a Development Approval may not have been sought for the construction of the original trial weir. The applicant has indicated that it was constructed in approximately 2010 on the site of a less formal weir that had fallen into disrepair. It is therefore recommended that a condition be included on any approval that requires that either evidence be provided of a previous development approval issued for the works or that retrospective approval be sought for the old weir.

Consultation

Acting Chief Executive Officer
Principal Town Planner

Statutory Environment

Planning and Development Act 2005

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Planning and Development (Local Planning Schemes) Regulations 2015
Shire of Ashburton Town Planning Scheme No. 7

Financial Implications

There are no financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 03 – Unique heritage and environment

Objective 1 – Flourishing Natural Environments

Objective 2 – Leading Regional Sustainability

Objective 3 – Celebration of History and Heritage

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

Local Planning Policy 17 'Consultation for Planning Proposals'. The application was advertised in accordance with the Level C requirements and included an advertisement in the Pilbara News, posters on the Shire notice board, a notice on the Shire website as well as letters to the adjacent pastoral lease holder and the determined Native Title holders.

Voting Requirement

Simple Majority Required

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:

Approve the application subject to the following conditions:

1. Prior to commencement of development, the weir design and plans shall be revised to include a low flow notch that allows the passage of low flow events to mimic low river flows to the satisfaction of the Shire. These plans will be endorsed and subsequently form part of the approved suite of documents.
2. Prior to commencement of development, the applicant/developer shall prepare impacts statements addressing the potential impacts (and any necessary associated protection measures) associated with the approved weirs on Twitchen Road Bridge and the Ashburton Causeway to the satisfaction of the Shire. Any recommendations or actions from the Impact Statements shall be implemented by the applicant/developer to the Shire's satisfaction.
3. Prior to commencement of development, a study demonstrating potential impacts on coastal processes, focusing on sand migration and replenishment along the Onslow coastline, associated with the approved weirs is to be undertaken and approved to the satisfaction of the Shire.
4. Should the study required by Condition 2 identify any adverse impacts to coastal processes associated with the approved weirs, particularly as relates to the long-term protection of the Onslow coastline, a management plan addressing these impacts is

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to be undertaken and approved to the satisfaction of the Shire prior to commencement of development. The applicant/developer shall implement any recommendations or actions from the Management Plan to the Shire's absolute satisfaction.

5. Annual monitoring reports of the approved weirs, as per those required to be submitted to the Department of Water and Environment Regulation (DWER) under their section 17 'Beds and 'Banks' approval conditions, shall be submitted to the Shire annually at the same time as provided to the DWER.
6. 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.

Advice Notes:

- a) This is a Development 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. 3 or with the requirements of any external agency.
- b) With regards to Condition 1, 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, the intent is to ensure that there will be no adverse impact on these assets which public provide access across the Ashburton River. Please contact the Shire's Infrastructure Services Department for further information related to an acceptable level of detail for these documents.
- d) With regards to Condition 3, the intent is to ensure that there will be no adverse impact on coastal processes, most notably sand migration along the local coastline, to which the Ashburton River is an active contributor. Given the proximity of Onslow to the Ashburton River, this is relevant to future planning for the town.
- e) With respect to Condition 5, 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.
- f) With regards to Condition 6, 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.
- g) The development may require approval under the provisions of the Aboriginal Heritage Act 1972. You are advised to contact the Department of Planning, Lands and Heritage for further information related to this development.
- h) A clearing permit from the Department of Water and Environment Regulation may be required prior to development under the provisions of the Environmental Protection Act 1986.

15. INFRASTRUCTURE SERVICES REPORTS

15.1 ASSET MANAGEMENT STRATEGY 2017-2021

FILE REFERENCE:	CP01
AUTHOR'S NAME AND POSITION:	Nicole Mazzucchelli Acting Manager Strategic Asset Management
AUTHORISING OFFICER AND POSITION:	Troy Davis Director Infrastructure Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	26 July 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 15.1 (Minute No.:11905) – Ordinary Meeting of Council 28 January 2015

Summary

As part of the Integrated Planning and Reporting Framework (IPRF) there is a requirement to develop an Asset Management Strategy (AMS) as an informing strategy. The aim of an AMS is to improve the sustainable management of assets.

The Shire of Ashburton adopted an Asset Management Strategy (2014-2017) at the Ordinary Meeting of Council held on 28 January 2015. The revised AMS (2017-2021) is presented for Council's endorsement.

ATTACHMENT 15.1A

Background

Asset Management is the commitment from Council to take a strategic approach in the management of its assets; to ensure the delivery of services provided to the community can be sustained over the long term.

The AMS is a document that outlines how the Shire's asset portfolio will meet the service delivery needs of the communities into the future. It also translates how the Asset Management Policy is to be achieved and ensures that asset management practices are aligned with the aspirations in the Strategic Community Plan (SCP) and Corporate Business Plan (CBP).

The AMS is an overarching document that explains the following:

- 1) What assets do we currently have?
- 2) What is our current Asset Management position (current values and overall condition of each asset class)?
- 3) Where do we want to be including current and future needs/priorities for each of the towns?
- 4) How will we get there (processes, governance arrangements etc)?; and

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- 5) What are our performance targets and measures (Level of Service standards and includes continuous improvement goals and asset ratios)?

The AMS covers the Shire's vision and values, and provides a brief explanation of the strategic directions for our towns and communities which has been informed by the SCP. The AMS also documents detailed information on the Shire's different asset classes and the services they provide to the community. It also describes asset management in relation to our Integrated Planning and Reporting requirements and maps out a Levels of Service Framework based around the Shire's strategic goals in the SCP.

The AMS also gives a snapshot of asset condition for each town and identifies the risks associated with the management of assets in our organisation. The AMS also references our governance arrangements and the systems, processes and improvements needed to ensure we can effectively manage our assets now and into the future.

Council adopted the Strategic Asset Management Plan (SAMP) in March 2016 which is still valid for the interim, however following on from the adoption of this AMS, individual Asset Management Plans (AMP's) will be developed for each major asset class which informs the Long Term Financial Plan (LTFP) of the financial resources required to maintain the Shire's assets for the next 10 to 15 years.

The Shire of Ashburton has adopted the Asset Management Policy (ENG09) which provides the framework that enables the AMS and AMPs to be produced and in turn the AMS enables the Asset Management Policy to be achieved.

The Asset Management Policy (ENG09) states the AMS will be developed in line with the SCP and is informed by the community's aspirations and service requirement that are set out in the CBP.



Figure 1 above provides an overview of the various plans and their purpose in our organisation. The Organisational Strategic Plan in the Shire of Ashburton's case is the 10 Year SCP and the 4 Year CBP.

Comment

The purpose of the AMS is to be a key planning document that will help inform the Shire's integrated planning process. The document will be central to the operations of the Shire, as

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it predicts the service needs of the community in the long term and the capability of our assets to meet those needs. The focus of the AMS is to ensure we have the assets in place to deliver a high standard of service to our community in a way that is sustainable.

This document is a live, informing document that will be updated regularly (annually as a minimum) in line with the review of the LTFP and also as progress is made in relevant Asset Management areas.

An Asset Management Improvement Plan has been included at the end of the document to clearly map a path of improvement in our processes and practices, and this will be reviewed and updated as required.

Consultation

Acting Chief Executive Officer
Director Infrastructure Services
Director Development & Regulatory Services
Director Corporate Services
Director Strategic & Community Development

Statutory Environment

Department of Local Government Asset Management Framework (WA Government, 2011)
Local Government Act (1995)
Department of Local Government Integrated Planning and Reporting Framework and Guidelines (WA Government, 2010)
Local Government (Financial Management) Regulations 1996
Australian Accounting Standards AASB13 – Fair Value Measurement.

Financial Implications

The AMS and AMPs will outline whole of life costs for the management of each asset class which will need to be incorporated into the Shire's LTFP and annual budgets. The costs associated with the development of the AMS have been included in the annual budget.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027
Goal 1 – Vibrant and Active Communities
Objective 2 – Sustainable services, clubs, associations and facilities.
Goal 2 - Economic Prosperity
Objective 1 – Strong local economies
Objective 3 – Well managed tourism
Goal 4 – Distinctive and Well Serviced Places
Objective 1 – Quality Public Infrastructure
Objective 2 – Accessible and Safe 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 "low". The Shire having a strategy in place will ensure more efficient and cost effective management of assets.

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Policy Implications

Council Policy ENG09 – Asset Management Policy is consistent with the adoption of the revised Asset Management Strategy.

Voting Requirement

Simple Majority Required

Officers Recommendation

That Council raise the following resolution with respect to Agenda Item 15.1 of the 18 August 2017 Ordinary Meeting of Council from the table.

Officers Recommendation and Council Decision

MOVED: Cr L Rumble

SECONDED: Cr D Dias

That with respect to Asset Management, Council:

1. Endorse the Asset Management Strategy 2017-2021 as an informing strategy as part of the Council's Integrated Planning and Reporting requirements; and
2. Note the Asset Management Improvement Plan as a guide that the Administration will utilise in the improvement of asset management practices for the Shire of Ashburton.

Procedural Motion from Council Meeting of 18 August 2017

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That the Item and the motion lay on the table until the next Ordinary Meeting of Council to be held in September 2017 to enable more time to read the Strategy.

CARRIED 8/0

**Councillors White, Rumble, Dias, Foster, Thomas, Diver, Lynch and Cr Gallanagh
voted for the motion**

Debate on the matter should resume from where it was last adjourned, and following conclusion of the debate, the motion put.

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15.2 TENDER RFT 13/17 PANEL OF SUPPLIERS - WASTE CONSULTANCY SERVICES

FILE REFERENCE:	CM13.17
AUTHOR'S NAME AND POSITION:	Nicky Tyson Procurement Coordinator Brenton Hall Manager Operations
AUTHORISING OFFICER AND POSITION:	Troy Davis Director Infrastructure Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	30 August 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable.

Summary

A Request for Tender (RFT) for Panel of Suppliers – Waste Consultancy Services (RFT 13/17) 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 from 17 June 2017 until 6 July 2017.

Nine compliant submissions were received via TenderLink in response to the RFT.

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

Background

The previous Waste Consultancy Services contract expired on 15 August 2017. As the Shire will be undertaking numerous capital, operational and strategic waste projects in the future, it requires input from expert waste consultants.

Therefore, the Shire sought to establish a Panel of Suppliers for the provision of waste consultancy services. A panel arrangement offers value for money and access to a number of Consultants with a broad range of waste management expertise to suit the Shire's requirements.

It is the intent to engage Consultants for an initial 24 month period with the option of two further 12 month extensions at the Shire's discretion.

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

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for Tender.

The advertised selection criteria were:

Criteria		Weighting
(a)	Experience	30%
(d)	Tenderers Resources	30%
(f)	Methodology and Quality	10%
(g)	Price and Value for Money	30%

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 overall evaluation scores and rankings, is attached as a confidential item.

CONFIDENTIAL ATTACHMENT 15.2

Comment

Below is a list of all submissions received for RFT 13/17 including Tenderer ranks and scores:

Rank	Tenderer	Score (%)
1	GHD Pty Ltd	90.0
2	Talis Consultants	88.0
3	ASK Waste Management	78.0
4	Site Environmental & Remediation Services	77.0
5	Mike Ritchie & Associates	77.0
6	Aurora Environmental	74.0
7	EnForce Industries	59.0
8	EC Sustainable Pty Ltd	57.0
9	Environmental Engineers International Pty Ltd	53.0

The evaluation panel concluded five Tenderers to be the most suitable in terms of the qualitative assessment and value for money in relation to RFT 13/17.

The evaluation panel recommend that the following Tenderers be awarded Contracts to form part of the Panel of Suppliers:

1. GHD Pty Ltd
2. Talis Consultants
3. ASK Waste Management
4. Site Environmental & Remediation Services
5. Mike Ritchie & Associates

Anticipated annual expenditure: \$600,000.00

Consultation

Director Infrastructure Services
Operations Manager
Waste Coordinator

Statutory Environment

Part 4 of the Local Government (Functions and General) Regulations 1996.

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Financial Implications

The anticipated annual expenditure is approximately \$600,000. This expenditure will be in accordance with the adopted Operational and Capital Annual Budgets, with expenditure being allocated to individual projects as required.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 4 – Quality Services and Infrastructure

Objective 01 – 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 "Medium". The medium level of risk is being driven by the compliance requirements and the timing of several project schedules. It is considered that the likelihood of a risk event occurring is "Unlikely".

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

Simple Majority Required

Officers Recommendation

That with respect to Tender RFT 13/17 Waste Consultancy Services, Council:

1. Endorse the evaluation panel's recommendation to include the following contractors on the Panel:
 - a) GHD Pty Ltd
 - b) Talis Consultants
 - c) ASK Waste Management
 - d) Site Environmental & Remediation Services
 - e) Mike Ritchie & Associates
2. Authorise the Acting Chief Executive Officer to enter into a contract with each appointed Contractor for the Panel for a maximum 12 month period pursuant to regulation 24AJ of the Local Government (Functions and General) Regulations 1996.

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15.3 TENDER RFT 16/17 - PROJECT MANAGEMENT CONSULTANCY SERVICES - WANDRRA AGRN 743

FILE REFERENCE:	CM16.17
AUTHOR'S NAME AND POSITION:	Nathan Benson Technical Services Coordinator
AUTHORISING OFFICER AND POSITION:	Troy Davis Director Infrastructure Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	1 September 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

A Request for Tender (RFT) for Project Management Consultancy Services for works under Western Australian Natural Disaster Relief and Recovery Arrangements (WANDRRA) Claim AGRN 743 (RFT 16/17) 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 from 15 July 2017 until 1 August 2017.

Ten 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 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 total estimated cost of repairs for all roads under the management of the Shire is \$10,491,115.96.

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The objective of this RFT is to appoint a professional Project Management Consultant possessing appropriate expertise, experience and resources, particularly relating to WANDRRA Works and Claims, to undertake the management of the flood damage repair works.

A detailed scope of work and tender documents were developed by Shire officers and the request for Tenders was advertised on 15 July 2017 and closed on 1 August 2017.

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)	Relevant Experience	10%
(b)	Key Personnel	20%
(c)	Methodology, Innovation, Program, Systems & Risk	20%
(d)	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 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	Greenfield Technical Services	87.0
2	Talis Consultants	73.0
3	Shawmac Consulting Engineers	60.0
4	Grove design and Construct	57.0
5	RFF Pty Ltd	50.0
6	Worley Parsons Services Pty Ltd	49.0
7	Cobra Consultants	47.0
8	Plant & Infrastructure Pty Ltd	46.0
9	Alternate Construction Services	42.0
10	Enginuity Engineering	36.0

The evaluation panel concluded Greenfield Technical Services Pty Ltd to be the most suitable and value for money submission in relation to RFT 16/17.

It should be noted that at the time of preparing this agenda item the Shire is yet to receive formal notification of the assessment of our claim. It is anticipated though that a significant portion, if not all the claim will be approved within the next few weeks.

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Consultation

Director Infrastructure Services
Manager Operations
Works Coordinator
Technical Officers
Main Roads Western Australia
Office of Emergency Management

Statutory Environment

Local Government Act 1995 Section 5.23(2)(c)
Part 4 of the Local Government (Functions and General) Regulations 1996

Financial Implications

The cost of repairs of flood damage resulting from the January/February 2017 weather events has been estimated to be \$10,491,115.96. The cost of project management consultancy services associated with the flood damage repairs is estimated to be \$670,000 or approximately 6.4% of the total amount estimated for the project. Project management services are included as part of the estimate submitted to MRWA and are claimable under WANDRRA. Award of this Tender would be subject to the receipt of formal approval of the estimate supplied to Main Roads WA.

Strategic Implications

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

Simple Majority Required

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Officers Recommendation

That with respect to Tender RFT 16/17 – Project Management Consultancy Services – WANDRAA AGRN 743 and subject to receiving formal approval of the WANDRRA estimate from Main Roads WA; Council:

1. Award the contract to Greenfields Technical Services for in accordance with the schedule of rates; and
2. Authorise the Acting Chief Executive Officer to enter into a contract with the appointed Contractor; and
3. Authorise the Acting 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.

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15.4 TENDER RFT 18/17 DESIGN AND CONSTRUCTION OF ABLUTION FACILITY FOR TOM PRICE TRUCK PARKING BAY, NAMELESS VALLEY ROAD

FILE REFERENCE:	CM18.17
AUTHOR'S NAME AND POSITION:	Shane Godfrey Technical Officer
AUTHORISING OFFICER AND POSITION:	Troy Davis Director Infrastructure Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 September 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

A Request for Tender (RFT) for the Design and Construction of Ablution facility for Tom Price Truck Parking Bay, Nameless Valley Road (RFT 18/17) 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 from 5 August 2017 until 30 August 2017.

Two compliant submissions were received via TenderLink in response to the RFT.

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

Background

A request was made by Rio Tinto (RTIO) representatives through the Community Infrastructure and Services Partnership to install ablution facilities at the truck rest stop on Nameless Valley Drive. The request came about to improve the work environment for RTIO employees that were working in and around the powerline corridor in effluent, due to the lack of ablution facilities in the area for heavy haulage operators. As such RTIO agreed to provide \$150,000 of funding to be used for the project and leveraged funding was identified through the Department of Infrastructure – Heavy Vehicle Safety and Productivity Programme (HVSPP) and a successful grant application was submitted for equal value. The total funding for the construction project is therefore \$300,000, plus GST, with a net contribution required of the Council of nil.

Subsequently a Request for Tender for the Design and Construction of Ablution Facility for Tom Price Truck Parking Bay, Nameless Valley Road (RFT 18/17) 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 from 5 August 2017 until 30 August 2017.

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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)	Key Personnel	10%
(b)	Resources	5%
(c)	Plant, Equipment and Materials	5%
(d)	Relevant Experience	10%
(e)	Methodology/Quality and OHS Systems/Life Cycle/Risk Management	20%
(f)	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 overall evaluation scores and rankings, is attached as a confidential item.

CONFIDENTIAL ATTACHMENT 15.4

Comment

Tenders were called on Friday 4 August 2017 and closed at 2pm on Wednesday 30 August 2017. A total of two tenders were received.

The tenders have been assessed with the below scores and rankings. Complete details of the tenders and assessment are provided in **CONFIDENTIAL ATTACHMENT 15.4**.

The program for the works is scheduled to commence Late October early November 2017 with completion expected by mid-December 2017.

Rank	Tenderer	Score (%)
1	Byblos Constructions Pty Ltd	78.1
2	Acerro Construction Pty Ltd	69.0

Following a clarification process the evaluation panel concluded Byblos to be the most suitable and value for money submission in relation to RFT 18/17.

Consultation

Director Infrastructure Services
Manager Operations
Technical Services Coordinator
Strategic Partnership Manager

Statutory Environment

Local Government Act 1995 Section 5.37
Local Government Act 1995 Section 5.23(2)(c)
Part 4 of the Local Government (Functions and General) Regulations 1996

Financial Implications

Works programming is incorporated within the operations capacity of the Shire and the budgeted provision for the Design and Construction of Ablution Facility for Tom Price Truck

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Parking Bay, Nameless Valley Road in the 2017/18 Budget is \$300,000. Post construction and commissioning, the ongoing management, responsibility and servicing of the facility lies with the Council.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 2 – Enduring Partnerships

Objective 01 – Strong Local Economies

Objective 02 – Enduring Partnerships with Industry and Government

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 "Medium" risk and 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

Simple Majority Required

Officers Recommendation

That with respect to Tender RFT 18/17 – Design and Construction of Ablution Facility for Tom Price Truck Parking Bay, Nameless Valley Road; Council:

1. Award the contract to Byblos Constructions Pty Ltd for \$214,510 excluding GST; and
2. Authorise the Acting Chief Executive Officer to enter into a contract with the appointed Contractor; and
3. Authorise the Acting 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.

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15.5 TENDER RFT 19/17 TOM PRICE STORMWATER DRAINAGE RENEWAL

FILE REFERENCE:	CM19.17
AUTHOR'S NAME AND POSITION:	Nathan Benson Technical Services Coordinator
AUTHORISING OFFICER AND POSITION:	Troy Davis Director Infrastructure Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 September 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

A Request for Tender (RFT) for Stormwater Drainage Renewals in Tom Price (RFT 19/17) 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 from 5 August 2017 until 31 August 2017.

Eleven 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

In 2016 Infrastructure Services undertook cleaning and video camera inspections of the existing pipe culvert stormwater drainage network in Tom Price. As a result of the inspection, several culverts were assessed as being at high risk of failure.

In order to mitigate the risk of culvert failure and subsequent collapse and potential flooding, a removal and replacement program has been identified where the existing corrugated steel pipe culverts are proposed to be removed and disposed of and replaced with reinforced concrete pipes.

The objective of this RFT is to appoint a stormwater drainage contractor possessing appropriate expertise, experience and resources to undertake the Tom Price Stormwater Drainage Renewal project.

A detailed design, scope of work and tender documents were developed by Shire officers and consultants, and the Request for Tenders was advertised on 5 August 2017 and closed on 31 August 2017.

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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) Relevant Experience	10%
(b) Key Personnel	10%
(c) Tenderers Resources	5%
(d) Plant, Equipment & Materials	5%
(e) Methodology	20%
(f) 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 overall evaluation scores and rankings, is attached as a confidential item.

CONFIDENTIAL ATTACHMENT 15.5

Comment

The tenders have been assessed with the below scores and rankings. Complete details of the tenders and assessment are provided in **CONFIDENTIAL ATTACHMENT 15.5**.

The program for the works is scheduled to commence mid October 2017 with completion expected by late February 2018.

Rank	Tenderer	Score (/100)
1	J & K Civil (WA) Pty Ltd	78.9
2	Australian Civils Pty Ltd	74.8
3	LG Craven & Sons	74.0
4	Rob Carr Pty Ltd	72.0
5	Formstruct	70.2
6	Dig Deep Contracting	68.0
7	Dowsing Group Pty Ltd	64.8
8	NTC Contracting Pty Ltd	60.8
9	Hardrock Mining & Civil Pty Ltd	58.5
10	Westline Plumbing and Drainage Pty Ltd	57.7
11	Cobey Projects Pty Ltd	52.5

The evaluation panel concluded J & K Civil (WA) Pty Ltd to be the most suitable and value for money submission in relation to RFT 19/17.

Consultation

Director Infrastructure Services
Operations Manager
Asset Manager
Technical Officers

Statutory Environment

Local Government Act 1995 Section 5.23(2)(c)
Part 4 of the Local Government (Functions and General) Regulations 1996

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Financial Implications

The budgeted provision for the Tom Price Stormwater Drainage Renewal project is \$1,724,184 for the 2017/18 financial year and is funded from the Stormwater Drainage Renewal Program under the Long Term Financial Plan 2017 - 2032.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 04 – Quality Services and Infrastructure

Objective 01 – Quality public infrastructure

Objective 02 – Accessible and safe 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 "Moderate" (consequences "extreme", likelihood "rare"). This level of risk is being driven by the fact that high risk work is proposed to be undertaken in an urban environment, and the fact that prolonged interruption of services may result from delays to the works. It is considered that the likelihood of a risk event occurring is "rare" 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 publicly 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 were used under DA 06-2.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to Tender RFT 19/17 – Tom Price Stormwater Drainage Renewal, Council:

1. Award the contract to J & K Civil (WA) Pty Ltd for \$1,373,407.60 excluding GST; and
2. Authorise the Acting Chief Executive Officer to enter into a contract with the appointed Contractor; and
3. Authorise the Acting Chief Executive Officer to manage the Contract, including variations to the design specifications and contract value, providing this does not exceed the project budget or reduce the overall scope.

16. COUNCILLOR AGENDA ITEMS / NOTICES OF MOTIONS

There are no reports for this agenda

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 21 SEPTEMBER 2017

Officers Recommendation

MOVED: Cr

SECONDED: Cr

That Council close the meeting to the public at _____ to consider Confidential Reports 18.1, 18.2 and 18.3, pursuant to section 5.23 of the Local Government Act 1995.

CARRIED ___/___

18.1 CONFIDENTIAL ITEM - WITTENOOM ASBESTOS LITIGATION - SETTLEMENT OF CLAIM

FILE REFERENCE:	LS85
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Officer
AUTHORISING OFFICER AND POSITION	Dale Stewart Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	8 September 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

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

Officers Recommendation

That Council approve the settlement of a "Wittenoom Asbestos Claim" (as per confidential information contained in the report) for damages by the claimant, subject to:

1. The Shire's contribution not being greater than 10% of the total settlement; and
2. Settlement of the claim being for not more the amount agreed behind closed doors in the confidential schedule.

AGENDA - ORDINARY MEETING OF COUNCIL 21 SEPTEMBER 2017

Declaration of Interest

Prior to consideration of this Agenda Item:

Dale Stewart declared an impartiality interest.

Dale Stewart declared a financial interest.

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

18.2 CONFIDENTIAL ITEM - CHIEF EXECUTIVE OFFICER RECRUITMENT - REPORT AND RECOMMENDATIONS BY SELECTION PANEL

FILE REFERENCE:	GV05
AUTHOR'S NAME AND POSITION:	Kim Parks Manager Organisational Development
AUTHORISING OFFICER AND POSITION	John Bingham Director Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	12 September 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 19.1 (Minute No. 220/2017) – Ordinary Meeting of Council 15 August 2017 Agenda Item 19.3 (Minute No. 148/17 – Ordinary Meeting of Council 26 April 2017 Agenda Item 19.2 (Minute No. 132) – Ordinary Meeting of Council 14 March 2017 Agenda Item 7.1 – Special Meeting of Council 2 March 2017

Report/ Attachment is Confidential as per Local Government Act 1995, Section 5.23 (2)(a).

Officers Recommendation

That Council endorses and implements the recommendations of the Selection Panel as outlined in the Consultant's report.

AGENDA - ORDINARY MEETING OF COUNCIL 21 SEPTEMBER 2017

18.3 CONFIDENTIAL ITEM - PROCUREMENT FOR WITTENOOM SERVICES

FILE REFERENCE:	GV20
AUTHOR'S NAME AND POSITION:	Dale Stewart Acting Chief Executive Officer
AUTHORISING OFFICER AND POSITION	Dale Stewart Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 September 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

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

Officers Recommendation

That with respect to Wittenoom Consultancy Services, the Council receive the report from the Acting Chief Executive Officer.

Officers Recommendation

MOVED: Cr

SECONDED: Cr

That Council re-open the meeting to the public at _____ pm.

CARRIED __/__

19. NEXT MEETING

The next Ordinary Meeting of Council will be held on 24 October 2017, at the Clem Thompson 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.