



Shire of Ashburton
Ordinary Council Meeting
Agenda
(Public)

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

10 May 2022

1:00pm



**Shire of Ashburton
Ordinary Council Meeting**

Please be advised an Ordinary Council Meeting will be held at 1:00pm on Tuesday 10 May 2022 at Council Chambers, Onslow Shire Complex, Second Avenue, Onslow.

A handwritten signature in blue ink, appearing to read "K Donohoe", is positioned above a horizontal line.

K Donohoe
Chief Executive Officer
5 May 2022

Disclaimer

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

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1 Declaration of opening

The Presiding Member declared the meeting open at x:xxpm.

1.1 Acknowledgement of country

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

2 Announcement of visitors

To be informed at the meeting.

3 Attendance

3.1 Present

Elected members

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

Employees

K Donohoe	Chief Executive Officer
N Cain	Director Corporate Services
T Matson	Director People and Place
M Fanning	Director Infrastructure Services
C McGurk	Director Projects and Procurement
A Lennon	Manager Media and Communications
N Jeffrey	Executive Assistant Corporate Services
M Barnes	Executive Assistant Projects and Procurement

Guests

To be informed at the meeting.

Members of the public

To be informed at the meeting.

Members of the media

To be informed at the meeting.

3.2 Apologies

To be informed at meeting

3.3 Approved leave of absence

Cr T Mladenovic

Tom Price Ward

10 May 2022

4 Question time

4.1 Response to previous questions taken on notice

Nil

4.2 Public question time

To be informed at the meeting.

5 Applications for leave of absence

Cr L Rumble

Paraburdoo Ward

9 August 2022

Cr L Rumble

Paraburdoo Ward

13 September 2022

6 Declaration by members

6.1 Due consideration by Councillors to the agenda

Councillors will be requested to note they have given due consideration to all matters contained in this agenda.

6.2 Declarations of interest

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

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

To be advised

7 Announcements by the Presiding Member and Councillors without discussion

To be advised at the meeting.

8 Petitions / Deputations / Presentations

8.1 Petitions

To be advised at the meeting.

8.2 Deputations

To be advised at the meeting.

8.3 Presentations

The Shire President's presentation to Douglas "Doug" Diver for his contribution to the Shire of Ashburton Council from 2016 – 2021.

9 Confirmation of minutes

9.1 Confirmation of Council meetings

That with respect to the confirmation of minutes, Council confirms the following, as attached –

- Ordinary Council Meeting – 12 April 2022

Attachment 9.1A

9.2 Receipt of committee and other minutes

Nil

9.3 Recommendations of committee meetings – En bloc

To be advised at the meeting.

9.4 Recommendations of committees

To be advised at the meeting.

10 En bloc resolutions

10.1 Agenda items adopted en bloc

To be advised at the meeting.

11 Office of the Chief Executive Officer reports

11.1 Shire of Ashburton Priority Projects 2022

File reference	ED01
Author's name	A Lennon
Author's position	Manager Media and Communications
Author's interest	Nil
Authorising officer's name	K Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	29 April 2022
Previous meeting reference	Not applicable

Summary

Council previously acknowledged the Shire's Priority Projects 2021 as an advocacy statement prior to the Western Australian Government Election in 2021.

The 2022 Priority Projects is an updated advocacy statement to enable Shire Officers lobby for additional funding from Federal and State Government and also from community and industry stakeholders, and to also raise awareness of critical issues and development opportunities.

Council is requested to endorse the 2022 Priority Projects as an advocacy statement.

Background

The Shires Priority Projects 2022 outlines key advocacy projects Council is committed to focusing on for the next five years.

The projects, while many are still many years from fruition, align with Council's vision for the Shire of Ashburton and also align with the Strategic Community Plan 2022 – 2032.

One of the roles of Council is to advocate on behalf of the community at a State and Federal level for projects that are a high priority to support and provide future development and infrastructure opportunities, and to also raise awareness of challenges facing the community that Council cannot achieve alone.

The Priority Projects 2022 is aimed at Federal and Western Australian Government and provides the Shire of Ashburton with a lobbying and advocacy statement.

Attachment 11.1A

Comment

The Shire of Ashburton continues to be a driving force of the Pilbara region and the Western Australian economy.

Our Shire delivers a sizeable 38.3%, or \$38.6M, of WA’s Gross Regional Product and 1.9% of Australia’s Gross Domestic Product of \$2.02T. Our important role in actively shaping our country’s strong economic future cannot be understated.

Despite this, the Shire of Ashburton has suffered from a continued lack of investment and support from previous Federal and State Governments. While our Shire brings enormous potential to WA and Australia as a whole, our towns lack the critical funding and infrastructure needed to meet the ever-growing demands of industry and change.

As a Local Government we are dedicated to developing vibrant, active, and connected communities. In our unique Pilbara environment, opportunities can be found everywhere.

The Shire of Ashburton’s Priority Projects 2022 highlight the many ongoing opportunities and benefits that can arise from critical funding of infrastructure projects and liveability within the Shire.

Consultation

Executive Leadership Team

Statutory environment

Local Government Act 1995
Section 3.1 General function

Financial implications

There are no financial implications.

Strategic implications

Shire of Ashburton Strategic Community Plan 2022-2032

- Goal 1 *We will support opportunities for the community to be safe, socially active, and connected.*
- Objective 1.2 Communities connected with opportunities

- Goal 2** *We will provide sustainable, purposeful, and valued built and natural environment opportunities for the community.*
- Objective 2.1 Coordinated delivery of natural and built environment services and projects for the community
- Objective 2.3 Attractive and sustainable townscapes offering opportunities for all communities
- Objective 2.6 Land use opportunities to benefit current and future communities
- Objective 2.7 Quality, well-maintained, and purposeful community facilities
- Goal 3** *We will advocate and drive opportunities for the community to be economically desirable, resilient, and prosperous.*
- Objective 3.1 Coordinated delivery of economic services and projects for the community
- Objective 3.2 Aviation transport opportunities for the community
- Objective 3.4 Sustainable commerce and tourism opportunities

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Reputation	Possible (3)	Moderate (6)	Moderate (9)	Substantiated, localised impact on community and stakeholder trust; and low media item.	Reputation is managed by following the officer's recommendation and support to the Shire's Strategic Corporate Plan.
Financial Impact	Unlikely (2)	Minor (4)	Low (2)	\$10,000 - \$100,000	Managed by following the officer's recommendation

The following Risk Matrix has been applied:

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

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

The perceived level of risk is considered to be moderate due to the financial value of the project, compliance requirements and the risk to the Shire's reputation. Regular monitoring will be undertaken with specific projects within the statement and will be consistently reviewed and managed.

Policy implications

There are no policy implications

Voting requirement

Simple majority required

Councillor interest declarations

[Will be completed by Agenda officer closer to the meeting]

Officer recommendation

That with respect to the Shire of Ashburton's 2022 Priority Projects, Council endorses the 2022 Priority Projects as key advocacy matters for the Shire.

11.2 Allocation of Council Members to the Pilbara Regional Council

File reference	GV04
Author's name	N Cain
Author's position	Director Corporate Services
Author's interest	Nil
Authorising officer's name	K Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	5 May 2022
Previous meeting reference	Agenda Item 11.2 (Ordinary Council Meeting 19 October 2021 Council Decision 162/2021)

Summary

Council has previously provided Council Member representation on working groups and external groups.

Shire officers recently reported the Pilbara Regional Council was to be disbanded, and Council resolved not to provide Council Member representation, however correspondence has been received requesting Shire of Ashburton representation.

Council is requested to rescind the previous decision to not provide representation on the Pilbara Regional Council and to nominate the Shire President and an Alternate Member to represent the Shire of Ashburton Council on the Pilbara Regional Council.

Background

The Pilbara Regional Council is focused on advancing the Pilbara region of Western Australia and comprises representation from the local government Councils of –

- Ashburton,
- East Pilbara,
- Karratha, and
- Port Hedland.

Upon advisement of the imminent cessation of the Pilbara Regional Council, Shire officers recommended, and Council resolved, to not provide any representation on the Pilbara Regional Council.

Shire officers have recently been advised there is a need for a Shire of Ashburton Council Member to attend a meeting to –

- Appoint an Acting Chief Executive Officer, and
- Accept the Annual Financial Statements.

The meeting to discuss the items above is to occur at 11am on Wednesday 11 May 2022.

Pending further advice there may be another item on the agenda to wind up the arrangements of the Pilbara Regional Council or, alternatively, hold another meeting to formally do so.

The Pilbara Regional Council have requested Council provide the Shire President as the Primary Member Representative or an Alternate Member Representative to attend this meeting and to represent Council at any future meetings.

The timing and likelihood of future meetings will be determined at the advised meeting.

Comment

Representation on working groups and external groups is considered an integral part of Council supporting the community and the region.

At the October 2021 Ordinary Council Meeting (Council Decision 162/2021), Council resolved not to provide representation to the Pilbara Regional Council due to its imminent cessation.

It has been advised the Pilbara Regional Council cannot be wound up without a resolution containing representatives from the four (4) local government members.

Council is requested to rescind the previous decision to not provide representation on the Pilbara Regional Council and to nominate the Shire President and an Alternate Member to represent the Shire of Ashburton Council on the Pilbara Regional Council.

Consultation

Shire President
Chief Executive Officer

Statutory environment

Local Government Act 1995

Section 2.7 Role of council

The Council is to govern the local government's affairs and is responsible for the performance of the local government's functions. It is also to oversee the allocation of the local government's finances and resources and determine the local government's policies.

Financial implications

Expenditure for meeting fees and costs associated with working groups and external groups is included in the annual budget and is considered minimal.

Strategic implications

Shire of Ashburton Strategic Community Plan 2022-2032

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

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Council not being appropriately represented at the Pilbara Regional Council.	Unlikely (2)	Major (4)	Moderate (8)	<u>Reputation</u> Substantiated, public embarrassment, moderate impact on community trust or moderate media profile.	Council elects to provide representation and then does so.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is "Moderate" because without Council Member representation the Pilbara Regional Council may not be able to be wound up and Council may be criticised for failing to attend. Nomination to the Council, and attendance, will mitigate this.

Policy implications

There are no known policies or policy implication relating to this item.

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That, with respect to the allocation of Council Members to the Pilbara Regional Council, Council,

- a Rescinds, in part, Council Decision 162/2021 to not provide representation to the Pilbara Regional Council,
- b Agrees to provide representation to the Pilbara Regional Council,
- c Nominates Cr K White (Shire President) as the Primary Member Representative, and
- d Nominates Cr _____ as the Alternate Member Representative.

12 Corporate Services reports

12.1 Monthly Schedule of Accounts Paid (March 2022)

File reference	FM03
Author's name	T Dayman
Author's position	Manager Finance and Administration
Author's interest	Nil
Authorising officer's name	N Cain
Authorising officer's position	Director Corporate Services
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	21 April 2022
Previous meeting reference	Not applicable

Summary

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

The purpose of this Report is to present the –

- Schedule of Creditor Accounts Paid for March 2022,
- Trust Fund Payments for March 2022, and
- Corporate Credit Card Reconciliations for February 2022.

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

Background

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

Comment

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

Consultation

Executive Leadership Team
 Middle Management Group
 Finance Team

Statutory environment

Local Government (Financial Management) Regulations 1996

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

Where the Chief Executive Officer is delegated the exercise of power to make payments from the Municipal Fund or the Trust Fund, a list of accounts authorised for payment by the Chief Executive Officer is to be presented each month to Council.

Financial implications

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

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

Description	Amount \$
<u>Municipal Fund</u>	
Electronic Funds Transfers	3,973,437.22
Superannuation / Payroll (Direct Debits)	184,518.04
Cheques	7,205
Credit Cards	10,539.69
Bank Fees and Charges	1,386.93
<u>Municipal Fund Total</u>	4,177,344.14
<u>Trust Fund</u>	
Electronic Funds Transfers	0.00
<u>Trust Fund Total</u>	0.00

Strategic implications

Shire of Ashburton Strategic Community Plan 2022-2032

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

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Council does not accept the Shire officer recommendation.	Unlikely (2)	Minor (2)	Low (4)	<u>Compliance</u> Some temporary non-compliances	Provide Council with adequate information to make an informed decision.

The following Risk Matrix has been applied:

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

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

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

Policy implications

FIN06 Significant Accounting Policy

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

ELM10 Financial Sustainability Policy

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

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the Monthly Schedule of Accounts Paid, Council, in accordance with *Local Government (Financial Management) Regulations 1996* Regulation 13 confirms the Monthly Schedule of Accounts Paid for March 2022, as included at Attachment 12.1A.

12.2 Monthly Financial Statements (March 2022)

File reference	FM03
Author's name	T Dayman
Author's position	Manager Finance and Administration
Author's interest	Nil
Authorising officer's name	N Cain
Authorising officer's position	Director Corporate Services
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	21 April 2022
Previous meeting reference	Not applicable

Summary

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

The purpose of this Report is to present the Statement of Financial Activity for the month ended March 2022 as well as provide budget amendment recommendations.

Council is requested to accept the Statement of Financial Activity and any recommended budget amendments.

Background

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

Comment

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

Attachment 12.2A

The following 2021-2022 budget amendments are recommended –

GL / Job No.	GL / Job Description	Current Budget	Amendment	Revised Budget	Reason
W030	Works Prog Mosquito Control	\$15,000	(\$7,700)	\$7,300	Repositioning of budget provision for the capital purchase of 2 foggers.
072162	Environmental Health – Legal Expenses	\$9,300	(\$9,300)	\$0	Identified savings.
NEW	2 x Foggers	\$0	\$17,000	\$17,000	Purchase of Onslow and Tom Price foggers.
117522	First Aid Supplies	\$2,800	(\$454)	\$2,346	Identified savings.
113432	Activities / Programs	\$5,100	(\$2,000)	\$3,100	Identified savings.
116812	Repairs and Maintenance	\$37,000	(\$4,000)	\$33,000	Identified savings.
113392	Chemicals	\$16,700	\$6,454	\$23,154	To fund chemicals required over winter.

Consultation

Executive Leadership Team
Middle Management Group
Finance Team

Statutory environment

Local Government Act 1995

Section 6.4 (Financial report)

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

Local Government Act 1995

Section 6.8 Expenditure from municipal fund not included in annual budget

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

Local Government (Financial Management) Regulations 1996

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

Shire officers are to prepare each month a statement of financial activity reporting on the revenue and expenditure as set out in the annual budget.

Each statement of financial activity is to be accompanied by information explaining the composition of net assets less committed and restricted assets, any material variances and any other supporting information considered relevant.

Financial implications

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

The proposed amendments to the 2021-2022 Annual Budget have a \$zero net impact.

Strategic implications

There are no strategic implications for this item.

Risk management

Risk has been assessed based on the Officer Recommendation.

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

The following Risk Matrix has been applied:

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

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

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

Policy implications

FIN06 Significant Accounting Policy

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

ELM10 Financial Sustainability Policy

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

Voting requirement

Absolute majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the Monthly Financial Statements (March 2022), Council,

- a In accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996* accepts the Statement of Financial Activity, and associated documentation, for March 2022, as included at Attachment 12.2A, and

b In accordance with Section 6.8 of the *Local Government Act 1995* approves the following budget amendments to, and inclusions in, the 2021-2022 Annual Budget noting the net impact of the amendments and inclusion is \$zero –

- Increase Expenditure (New) Foggers by \$17,000 from \$0 to \$17,000.
- Decrease Expenditure Job W030 Works Prog Mosquito Control by \$7,700 from \$15,000 to \$7,300.
- Decrease Expenditure account 072162 Environmental Health Legal Expense by \$9,300 from \$9,300 to \$0.
- Increase account 113392 Tom Price Swimming Pool Chemicals by \$6,454 from \$16,700 to \$23,154.
- Decrease account 111752 Tom Price Swimming Pool First Aid Supplies by \$454 from \$2,800 to \$2,346.
- Decrease account 113432 Tom Price Activity / Programs by \$2,000 from \$5,100 to \$3,100.
- Decrease account 116812 Tom Price Repairs and Maintenance by \$4,000 from \$37,000 to \$33,000.
- Increase account 113392 Tom Price Chemicals by \$5,454 from \$16,700 to \$23,154.

12.3 Fees and Charges 2022-2023

File reference	FM28
Author's name	N Cain
Author's position	Director Corporate Services
Author's interest	Nil
Authorising officer's name	N Cain
Authorising officer's position	Director Corporate Services
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	21 April 2022
Previous meeting reference	Agenda Item 12.3 (Council Decision 79/2021) Ordinary Council Meeting 18 May 2021

Summary

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

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

Council is requested, with regards to the Fees and Charges for 2022-2023, to impose the fees and charges for the provision of the goods and services, as per the attachment to this Report.

Background

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

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

This item allows for the early adoption of proposed fees and charges for the 2022-2023 financial year, effective 1 July 2022.

Comment

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

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

The proposed schedule of fees and charges is attached.

Attachment 12.3A

Note

Waste Collection and Waste Disposal fees and charges are undergoing further analysis and review, with Shire officers noting recent legislative changes for accounting for the future treatment of waste facilities and will be included in the Annual Budget for adoption.

Consultation

Council members
Executive Leadership Team
Middle Management Group
Finance Team

Statutory environment

Local Government Act 1995

Section 6.16 – Imposition of fees and charges

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

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

Local Government Act 1995

Section 6.17 – Setting level of fees and charges

In determining the amount of a fee or charge for a service or for goods Council must consider -

- a) The cost to provide the service or goods,
- b) The importance of the service or goods to the community, and

- c) The price at which an alternative provider could provide the service or goods.

Financial implications

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

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

Strategic implications

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective Performance – We will lead the organisation, and create the culture, to deliver demonstrated performance excellence to the community.

Strategic Outcome Appropriate, sustainable, and transparent management of community funds.

Strategy Ensure financial transactions are accurate and timely.

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Council does not impose the fees and charges, as proposed.	Unlikely (2)	Ranging Insignificant (1) To Moderate (3)	Ranging Low (2) To Moderate (6)	<u>Finance</u> Less than \$10,000 To \$100,000 to \$1 million	Provide Council with adequate information to make an informed decision.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “Low to Moderate” because of the significance of fees and charges to Council’s annual budget.

The revenue generated from fees and charges is approximately 11% of operating revenue, with any deviation in the amount charged representing a range of risk depending on the fee / charge and the size of the deviation.

Policy implications

ELM10 Financial Sustainability Policy

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

Voting requirement

Absolute majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to Fees and Charges for the 2022-2023 financial year, Council, in accordance with Section 6.16 of the *Local Government Act 1995*, imposes the fees and charges as included at Attachment 12.3A, effective 1 July 2022.

12.4 Finance and Costing Review

File reference	FM03
Author's name	T Dayman
Author's position	Manager Finance and Administration
Author's interest	Nil
Authorising officer's name	N Cain
Authorising officer's position	Director Corporate Services
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	6 May 2022
Previous meeting reference	Not applicable

Summary

Council and the Chief Executive Officer are required to have in place measures to oversee the sound financial management of the local government.

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

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

Background

Shire officers have recently undertaken a Finance and Costing Review (FACR) of the accounts for the current financial year.

The Review, although not a statutory obligation, was introduced by the Chief Executive Officer as a means towards a "best practice" approach in achieving sound oversight of Council's financial position when compared against budget estimates.

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

This process aims to highlight over and under expense of Council funds and over and under achievement of revenue targets for the benefit of all stakeholders to ensure sound financial management of remaining projects and programs and appropriate allocation of financial resources.

Comment

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

The recent FACR process commenced in late-April 2022 and concluded on 6 May 2022 using information as relevant at 30 April 2022.

The review entailed investigation each Business Unit's Service Areas by the appropriate Responsible Officers, together with the Executive Leadership Team, with the overall aim of achieving a \$zero impact and the continued delivery of a balanced budget.

The practice is for identified expense savings and revenue windfalls to be offset against increases in forecasted expenses, with any remaining funds used towards new projects / services not currently identified in the Annual Budget.

Finally, any difference remaining is offset by movements of funds to and / or from Reserve Accounts, to generate a balanced budget.

The table below provides an overview of net proposed amendments for each Directorate –

Directorate	Current Budget (Net) \$	Year-End Forecast (Net) \$	Proposed Amendment (Net) \$
Opening Position	2,192,163	3,957,563	1,765,400
Office of the Chief Executive	14,056,194	13,872,901	(183,293)
Corporate Services	(67,504,509)	(61,273,191)	6,231,318
Infrastructure Services	22,291,450	21,209,704	(1,081,746)
People and Place	4,821,575	4,103,588	(717,987)
Projects and Procurement	37,236,150	31,222,458	(6,013,692)
Non-Cash Movements	(13,093,023)	(13,093,023)	0
Total	0	0	0

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

The FACR, as attached, aims to provide a balanced budget, which has occurred.

Attachment 12.4A

Consultation

Executive Leadership Team
Middle Management Group
Finance Team

Statutory environment

Local Government Act 1995

Section 6.8 Expenditure from municipal fund not included in annual budget

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

Financial implications

The net result of all proposed amendments to the 2021-2022 Annual Budget is \$zero.

Strategic implications

Shire of Ashburton Strategic Community Plan 2022-2032

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

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Potential reduction in the quality of assets provided, and services delivered, if the budget amendments are not adopted.	Possible (3)	Major (4)	High (12)	<u>Interruption to Service</u> Prolonged interruption of services – additional resource; performance affected, < 1 month.	Provide Council members with sufficient information for sound decision making.
Negative public perception if works are not completed due to funding issues.	Possible (3)	Moderate (3)	Moderate (9)	<u>Reputation</u> Substantiated public embarrassment, moderate impact on community trust or moderate media profile.	Provide Council members with sufficient information for sound decision making.

The following Risk Matrix has been applied:

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

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

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

Policy implications

FIN06 Significant Accounting Policy

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

ELM10 Financial Sustainability Policy

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

Voting requirement

Absolute majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the Finance and Costing Review (April – May 2022) Council,

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

i Storage Sea Container \$25,000, and

b Endorses amendments to the 2021-2022 Annual Budget, as included in Attachment 12.4A and summarised below by Business Unit, with amounts in brackets representing a benefit to the organisation, which results in an overall \$zero budget variance –

Opening Position \$ 1,765,400

Office of the Chief Executive

- Office of the CEO (\$ 27,996)
- Airport (Onslow) (\$ 302,580)
- Business and Economic Development (\$ 34,557)
- Human Resources (\$ 356)
- Land and Asset Compliance \$ 163,740
- Media and Communications (\$ 16,101)

Corporate Services

- Corporate Services (\$ 216,304)
- Finance (\$ 211,220)
- Governance (\$ 179,485)
- ICT Services (\$ 48,400)
- Corporate Funding \$ 6,886,727

Infrastructure Services

• Infrastructure Services	(\$ 88,296)
• Assets and Programming	\$ 20,242
• Fleet	(\$ 84,656)
• Roads and Civil Projects	(\$ 508,317)
• Town Maintenance	(\$ 531,771)
• Waste Services	\$ 111,052

People and Place

• People and Place Services	(\$ 201,054)
• Communities	(\$ 285,298)
• Development Services	(\$ 26,360)
• Library Services	\$ 16,865
• Regulatory Services	(\$ 222,140)

Projects and Procurement

• Projects and Procurement Services	(\$5,993,481)
• Facilities	(\$1,441)
• Procurement	(\$18,770)

Non-Cash Movements \$ 0

Total Impact \$ 0

12.5 Differential Rates 2022-2023

File reference	RV07
Author's name	N Cain
Author's position	Director Corporate Services
Author's interest	Nil
Authorising officer's name	N Cain
Authorising officer's position	Director Corporate Services
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	29 April 2022
Previous meeting reference	Agenda Item 12.3 (Council Decision 113/20221) Ordinary Council Meeting 20 July 2021

Summary

Council must each year, as part of the annual budget process, determine the method of levying rates on the community.

Council has previously used differential rating by which to raise rates.

Council is requested to elect to use differential rating for the 2022-2023 financial year and endorse the proposed Statement of Objects and Reasons.

Background

Council must determine the method of rating to be used each year for the district and, if using differential rates, have these advertised, prior to consideration of the budget.

Differential rating is one method of a small number of methods available for Council to generate the funds required to meet the annual budget deficiency and must be undertaken using a series of legislatively set rules to ensure relative parity amongst all ratepayers is achieved.

Council has, since prior to 2005, used differential rating to distribute the rating effort.

Individual property valuations determine what proportion of the total rate requirements are met by each property owner and this proportion will change when a revaluation year occurs, or a property has significant alterations.

The 2021-2022 financial year was scheduled as a revaluation year however due to COVID-19 related issues, the Valuer General elected not to proceed with revaluations in 2021-2022, which has resulted in the 2022-2023 financial year now being the revaluation year.

The Valuer General's Office has been impacted by COVID-19 and has not yet released all the valuations for the 2022-2023 financial year meaning a complete and thorough analysis of the rate schedules for the upcoming budget is not possible.

Comment

The proposed differential rating strategy has been discussed at Council briefing sessions.

As referred to under the "Statutory environment" section of this report, if the recommendation is adopted, the proposed differential rates will be advertised, and public submissions sought.

The public notice period will be in accordance with legislative requirements; a minimum of twenty-one (21) days.

Shire officers note Council has not imposed a rate increase for the previous two (2) years, admittedly mitigating circumstances associated with COVID-19 largely influenced Council's rating effort in this regard.

Following general guidance provided by Council members at the Council Member Briefing Session held on 12 April 2022, Shire officers believe a rate increase of 2.0% as being suitable to meet likely budget deficiency needs.

This increase is considered to not overly burden ratepayers given some are still impacted by COVID-19 matters.

It should be noted, as this is a revaluation year, not all land holdings will be impacted equally, and some properties may experience an increase or decrease to their rate notices greater than 2.0%.

Additionally, the direction from the Briefing Session to increase the Rate in the dollar applicable to the Transient Workforce Accommodation rating category proportionately

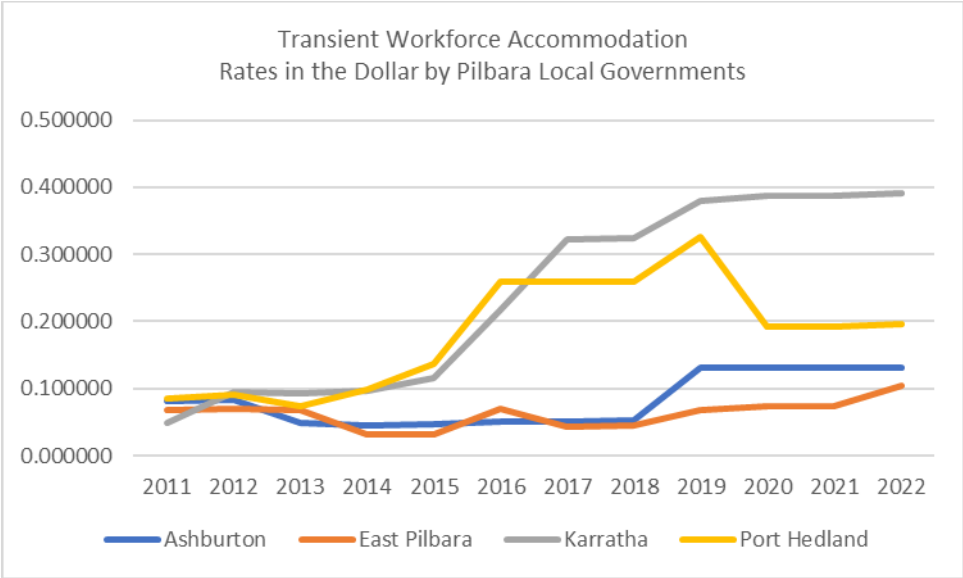
more than 2.0% will mean an increase in the Rate in the dollar applicable to Commercial category land parcels by virtue of rate setting legislation, which is further outlined below.

Transient Worker Accommodation

Council members recently commented on the low level of rating effort contributed by Transient Workforce Accommodation in the district by comparison to other Councils in the Pilbara Region.

Transient Workforce Accommodation, often referred to as Mining Camps, occur where large worker population numbers are housed in relative proximity and generally commute to worksites by bus and / or mining company transportation.

The following chart shows the Rates in the dollars since 2011 imposed by each Council in the Pilbara Region for Transient Workforce Accommodation.



Although differing styles of Accommodation occur, the Valuer General tends to treat the rental valuations relatively consistently across the Pilbara region for land parcels rated as Transient Workforce Accommodation.

As can be seen in the previous chart, the Shire of Ashburton is at the lower end of rating effort imposed against Transient Workforce Accommodation land parcels.

Council members recently suggested increasing the Rate in the dollar applicable to Transient Workforce Accommodation to reflect the regional effort more suitably regarding these type of land holdings.

Under legislation, no rating category in a rating class is permitted to be more than double any other rating category in the same rating class without Ministerial approval first being provided.

Council has previously levied the following Gross Rental Value Rates in the dollar –

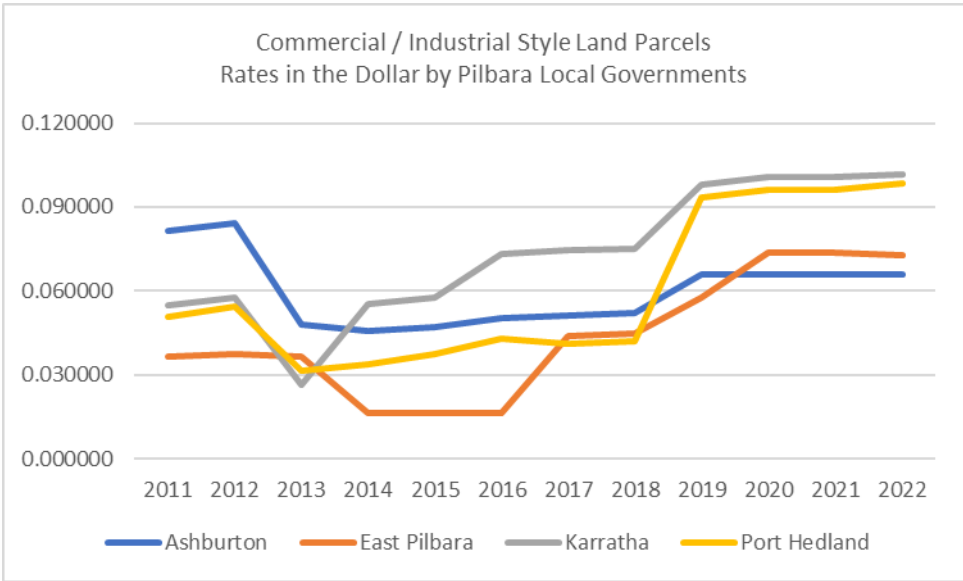
- 0.10236 Residential / Community
- 0.06593 Commercial / Industrial
- 0.13185 Transient Workforce Accommodation

The difference between the lowest Rate in the dollar and the highest Rate in the dollar is only marginally below the legislatively required upper threshold.

Any upward movement in the Transient Workforce Accommodation Rate in the dollar must be accompanied by a move in the Commercial / Industrial category otherwise Ministerial approval will be required.

Commercial / Industrial Type Land Parcels

The following chart shows the Rates in the dollars since 2011 imposed by each Council in the Pilbara Region for Commercial / Industrial type land parcels.



The Valuer General treats rental valuations for these land parcel types based on actual rentals imposed in each of the individual local governments meaning it is difficult to get an accurate comparison of each property.

Council also do not always have the same rating categories for Commercial / Industrial Type Land Parcels, so some interpretation has been taken in the analysis.

What can be observed though is the Rate in the dollar imposed by Council has, over recent years, fallen to the lowest level in the Region.

Essentially Council, in lifting the Rate in the dollar for Transient Workforce Accommodation (as suggested), would be well justified in raising the Rate in the dollar for the Commercial / Industrial category as well and remain below the higher rating efforts of other Pilbara local governments.

Statement of Objects and Reasons

Council, if applying differential rates, is required to adopt and advertise a Statement of Objects and Reasons outlining the objects and reasons associated with each of the rating categories, essentially defining what land parcels belong in which category.

The attached "Statement of Objects and Reasons for Differential Rates 2022-2023" applies an increase to all rating categories, except Non-Pastoral Unimproved Rates, which Council has previously indicated it does not wish for this rating category to increase at this time, with the total impact being an overall approximate 2.0% rate increase from the previous year.

Attachment 12.5A

It is important to note the recommendation of this report relates essentially only to undertaking the prescribed advertising seeking public submissions for the proposed differential rates and minimum payments.

The report does not consider the implementation of any concessions (as previously imposed by Council) as this is undertaken as part of the adoption of the Annual Budget.

Council is required to consider any public submissions received prior to making its final determination for setting the rates and may adopt a separate set of differential rating values to those advertised.

Adopting the recommendation does not represent any commitment in relation to the adoption of the Annual Budget.

Consultation

Council members

Statutory environment

Local Government Act 1995

Section 6.32 Rates and service charges

When adopting the annual budget, a local government, to make up the budget deficiency, is to impose a general rate on land within the district, either uniformly or differentially, and may also impose a specified area rate, minimum payments, and service charges.

Local Government Act 1995

Section 6.33 Differential general rates

Council is to observe the provisions regarding imposing differential rates, including the ability to apply separate rates in the dollar for different rate categories and different rating classifications based on zoning, land use, and whether the assessments are based upon improved or unimproved valuations.

Local Government Act 1995

Section 6.36 Local government to give notice of certain rates

If differential rating is to be applied, Council is required to advertise the differentials it intends to apply with local public notice for a minimum of twenty-one (21) days and invite submissions in relation to the proposed differentials.

A document is required to be made available for inspection by electors and ratepayers describing the objects of, and reasons for, each proposed rate and minimum payment.

Council is then required to consider any submissions received and may make a final resolution in relation to the setting of the rates in the dollar and the adoption of the Annual Budget.

Financial implications

The application of differential rating is about apportioning the rate revenue required between different rate categories and rating classifications.

There are no financial implications by simply applying differential rating other than minor advertising costs.

Council could achieve the same total revenue by applying a general rate to all categories, however the rate burden would fall differently than it currently does and is proposed to do.

Strategic implications

Shire of Ashburton Strategic Community Plan 2022-2032

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

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Council does not accept the Shire office recommendation.	Possible (3)	Moderate (3)	Moderate (9)	<u>Compliance</u> Short-term non-compliance but with significant regulatory requirements imposed.	Provide Council members with sufficient information for sound decision making.
Council sets the Rate in the dollar and Minimum payments too high (for any, or all, of the categories) causing community backlash.	Likely (4)	Moderate (3)	High (12)	<u>Reputation</u> Substantiated public embarrassment, moderate impact on community trust or moderate media profile.	Implementation of a communication strategy relating to increased rates will help mitigate this.
Council set the Rate in the dollar and Minimum payments too low (for any, or all, of the categories) resulting in an inability to maintain services, facilities, and infrastructure.	Rare (1)	Moderate (3)	Low (3)	<u>Interruption to Service</u> Medium term temporary interruption – backlog cleared by additional resources.	The development of long-term planning documents will help mitigate this.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is "Moderate to High" because of the likelihood of negativity generated regarding increased rates. Implementing a Communication Strategy may address the anticipated negativity.

Policy implications

ELM10 Financial Sustainability Policy

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

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to Differential Rates for the 2022-2023 financial year, Council,

- a Elects to apply Differential Rates for the 2022-2023 financial year,
- b Accepts the “Statement of Objects and Reasons for Differential Rates 2022-2023”, as contained at Attachment 12.5A,
- c Requests the Chief Executive Officer advertise, in accordance with Section 6.36 of the *Local Government Act 1995* the “Statement of Objects and Reasons for Differential Rates 2022-2023”, and
- d Requests the Chief Executive Officer report on any public submissions relating to the above advertising to Council for consideration as part of the Council report which proposes the adoption of the 2022-2023 Annual Budget.

13 People and Place reports

13.1 Conversion and Acquisition of Lot 500 Nameless Valley Road, Tom Price, from Unallocated Crown Land to Freehold / Leasehold Land Tenure

File reference	NAM.0500
Author's name	B Leavy
Author's position	Statutory Planning Officer
Author's interest	Nil
Authorising officer's name	T Matson
Authorising officer's position	Director People and Place
Authorising officer's interest	Nil
Name of applicant / respondent	Department of Planning, Lands and Heritage
Date report written	20 April 2022
Previous meeting reference	Agenda Item 12.8 (Minute 168/2020) Ordinary Council Meeting 13 October 2020

Summary

The Department of Planning, Lands and Heritage seek Council's comments on the conversion and acquisition of Unallocated Crown Land into freehold or leasehold land tenure.

The request from the Department of Planning, Lands and Heritage is to obtain the Council's comments on the conversion of land; being Lot 500 on DP 409463, from Unallocated Crown Land to an alternative land tenure (freehold or leasehold).

Council is requested to provide comments on the proposed conversion and subsequent acquisition.

Background

Lot 500 Nameless Valley Drive, Tom Price is a parcel of Unallocated Crown Land (UCL), consisting of no built form, predominantly covered in native vegetation and includes utility provisions across the site (fibre optics).



Figure 1: Aerial view of the Lot 500 Nameless Valley Drive and adjoining lots.

Council opposed the proposed sale of Unallocated Crown Land (UCL) within the Tom Price Townsite for Helicopter Operations at the June 2013 Ordinary Meeting of Council. The proposed site was UCL adjacent to Nameless Valley Drive in the vicinity of the road access to Mt Nameless walking track, BMX, and Speedway. An (at the time) unknown proponent proposed helicopter operations from the site however, due to the 'Rural' zoning and proximity to the wastewater treatment plant, it was determined the proposal would negatively impact on residential and tourist amenity at the proposed location.

In October 2016, Department of Planning, Lands and Heritage (DPLH) created Lot 501 (1,465 m²) and Lot 502 (2,069 m²) Nameless Valley Drive, registered a (road access) Easement on the Title and executed a Lease (N456248) with CompassWest Helicopters Pty Ltd.

In March 2020, Lease N456248 was transferred from CompassWest Helicopters Pty Ltd to RBH Real Estate Pty Ltd (RBH). RBH requested DPLH to vary the use of the lease to be 'Storage Facility/Depot/Laydown Area' from 'aerodrome'.

Following the transfer of the lease in early 2020, RBH requested freehold tenure (or leasehold if freehold is not supported) over UCL Lot 500 on Deposited Plan 409463 and the freehold conversion of Lease N456248 (being Lot 501 on DP 409463 and Lot 502 on DP 409463).

Council objected to the freehold conversion of Lot 500 on Deposited Plan 409463 and the freehold conversion of Lease N456248 (being Lot 501 and Lot 502 on DP 409463), noting the freehold tenure type was not supported due to lack of strategic direction for that type of land use within the locality, and leasehold tenure was the preferred option for those two lots. The decision by Council identified several matters that needed to be addressed, prior to a review, as follows:

That with respect to the Proposed Freehold Over Lot 500 on Deposited Plan 409463 and Freehold Conversion of Lease N456248, Council:

1. *Authorise the Chief Executive Officer to advise the Department of Planning, Lands and Heritage that Council object to the proposed freehold of Lot 500 on Deposited Plan 409463 and support leasehold only subject to:*
 - a. *A smaller portion of Lot 500 on Deposited Plan 409463 be subject to the proposal; and*
 - b. *Support from Summerstar Pty Ltd on the proposed leasehold and use; and*
 - c. *A Local Planning Scheme No. 7 scheme amendment by the proponent; and*
 - d. *Any use be subject to a to-be-assessed Special Control Area for the Tom Price Wastewater Treatment Plant; and*

2. *Authorise the Chief Executive Officer to advise the Department of Planning, Lands and Heritage that Council object to the proposed freehold conversion of Lease N456248 and support leasehold (only).*

Subsequently, the freehold conversion of L501 and L502 Nameless Valley Drive was supported by Council on 8 March 2022, subject to the following requirements being met:

That with respect to the proposed conversion of Lease N456248 (Lot 501 and Lot 502 Nameless Valley Drive, Tom Price) to freehold land tenure Council,

- a *Supports the proposal subject to the following conditions –*
 - i. *Prior to the sale and conversion of Lease N456248 to freehold land tenure the road access to the sites shall be formalised and sealed at the owner's expenses, and*

- ii. Upon completion of the formalisation and sealing of the road reserve the easement (road access) be removed from the Certificate of Title, and*
- b Requests the Chief Executive Officer to advise the Department of Planning, Lands and Heritage of Council's conditional support.*

Comment

Lot 500 Nameless Valley Drive (formally known as Lot 500 on DP 409463) is identified as UCL held and owned by the State of Western Australia. The proposal by RBH to convert and acquire the lot along Nameless Valley Drive is premature and has not considered the developability of the land or how it aligns within the strategic planning direction of the townsite.

Attachment 13.1A

The following seeks to further clarify the above:

Shire of Ashburton Local Planning Strategy

The Local Planning Strategy identifies that the site is designated for 'Rural' purposes and does not provide any premise for the industrial development of the site.

The Local Planning Strategy supports the development of Lot 41 and Lot 50 Nameless Valley Road for 'industrial development', noting that the land parcel between Lot 41 and Lot 66 (Tom Price Caravan Park), provides a buffer for any detrimental impacts on sensitive land uses.



Figure 2: An extract from the Shire of Ashburton Local Planning Strategy, noting the areas supported for industrial development near the proposed site (in blue).

Shire of Ashburton Local Planning Scheme No. 7 (LPS7)

The Local Planning Scheme No. 7 (LPS7) currently has the site zoned as 'Rural', and the Scheme identifies that the objective of the zone is:

Rural

This 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 LPS7 defines that a 'Storage facility/depot/laydown area' is a 'D' use within the rural zone, meaning that the use is not permitted unless the Local Government has exercised its discretion by granting planning approval.

The objectives of the industrial zoning are as follows:

Industry

This zone is for Industrial and associated land uses, providing for manufacturing, extraction or processing industries, public utilities,

storage or wholesaling or any business that can be considered within one of the 'Industrial' definitions in the Scheme.

Given that the objectives of the industrial zone recognise 'storage' as a predominantly industrial land use, supporting the development of such a use within a 'Rural' zone is not in accordance with the objectives of the zone.

It is also noted that the Applicant seeking to convert Lot 500, envisaged that the development would be of a similar nature to the development located adjacent within Lot 50 Nameless Valley Drive (noted as a Special Use Zone - Storage facility/depot/laydown area within LPS7).

Community Lifestyle and Infrastructure Plan (CLIP)

The Shire is currently undertaking the CLIP process for the townships of Tom Price and Paraburdoo. The overarching aim of CLIP is to provide a contextual vision for the future of the associated townships, focusing on several specific areas:

- Housing
- Civic and Social Services
- Greening the Town
- Sport and Recreation
- Economic – Retail, Commercial and Industry
- Tourism – Issues and Opportunities

The request by RBH seeking the conversion and acquisition of Lot 500, during the CLIP process should not be supported. As the release of land prior to finalisation of CLIP may prejudice the outcomes of CLIP and would not align with 'orderly and proper planning'.

Agenda Item 12.8 – 13 October 2020 Ordinary Council Meeting

The resolution by Council for the agenda item 18.2 at the October 2020 ordinary Council Meeting determined that several matters would need to be considered and addressed prior to the Council supporting leasehold land tenure of the site (being Lot 500). The matters to be resolved were as follows, with comments provided:

*(a) A smaller portion of Lot 500 on Deposited Plan 409463 be subject to the proposal;
and*

The area proposed to be converted and acquired by RBH is the total allotment of Lot 500 Nameless Valley Drive, being 4.79 hectares. The Applicant was proposing to include caveats to address the separation being sought from the Tom Price Caravan Park (Lot 66 Nameless Valley Drive, Tom Price). The proposed caveats do not factor in if the proposed area is developable or the extent of the area with which the caveats would impact the site.

(b) Support from Summerstar Pty Ltd on the proposed leasehold and use; and

The Shire has not been advised by Summerstar (operators of Tom Price Caravan Park at Lot 66 Nameless Valley Drive) of their support for the proposal, and until such time as correspondence is received it would be to the detriment on Lot 66 to support the development without understanding the impacts on the site.

Reserve – R 38762 is vested to the Shire of Ashburton for the purposes of a ‘Caravan Park and Chalets’.

(c) A Local Planning Scheme No. 7 scheme amendment by the proponent; and

No scheme amendment proposal has been lodged with the Shire.

It should be noted that due to the progression of the Shire’s new Local Planning Scheme and CLIP, lodging a scheme amendment would not be deemed ‘orderly’ and would potentially prejudice the scheme and the outcomes of the CLIP process.

(d) Any use be subject to a to-be-assessed Special Control Area for the Tom Price Wastewater Treatment Plant; and

An assessment for the site has not been undertaken to address the impacts or implications of the nearby Tom Price wastewater treatment plant and sewerage pond. Further to the above, the site is impacted by a considerable number of factors that will influence the design and layout of the development. This would include, but is not limited to:

- Hydrology
- Bushfire Impacts
- Access and Egress
- Topography
- Neighbouring sensitive land uses
- Utilities
- Tom Price Wastewater Treatment Plant and Tom Price Caravan Park Sewerage Expansion.

Supporting any form of conversion of land tenure for the site (being Lot 500 on DP 4094630) and acquisition, without completing the current CLIP process and addressing the matters initially identified by Council would prejudice the strategic planning direction being undertaken by the Shire and an ad-hoc approach to development.

Consultation

Manager Town Planning
Director People and Place

Statutory environment

Land Administration Act 1997 - section 74 (freehold) and 79 (leasehold)

74. Minister's powers as to sale of Crown land

- (1) The Minister may sell Crown land and may, without limiting the generality of that power —*
 - (a) invite expressions of interest in Crown land; and*
 - (b) invite public tenders for the purchase of Crown land; and*
 - (c) offer for sale or re-offer for sale Crown land at any time; and*
 - (d) withdraw Crown land from offer for sale at any time before acceptance of that offer; and*
 - (e) lodge positive covenants or restrictive covenants or memorials concerning the performance of conditions of sale of Crown land; and*
 - (f) sell Crown land by public auction, public tender, or private treaty; and*
 - (g) sell Crown land subject to easements or reservations; and*
 - (h) sell Crown land by way of terms contracts requiring instalment payments.*

- (2) Subject to this Part, the Minister may in relation to Crown land —*
 - (a) determine, and alter at any time before sale, conditions, and covenants on title, prices, reserve prices, terms, conditions, interest rates and penalty interest rates; and*
 - (b) require a performance bond in respect of any such sale; and*
 - (c) select by ballot successful applicants for the purchase of Crown land; and*
 - (d) pay a commission to a person acting on behalf of the Minister in the sale of Crown land.*

- (3) The Minister is not obliged to disclose any reserve price determined in relation to Crown land under subsection (2).*

79. Minister's powers as to lease of Crown land

- (1) *Subject to Part 7, the Minister may grant leases of Crown land for any purpose and may, without limiting the generality of that power —*
 - (a) *grant leases of Crown land by public auction, public tender, or private treaty; and*
 - (b) *fix the duration of any such lease; and*
 - (c) *determine rentals, premiums, conditions, and penalties in respect of any such lease; and*
 - (d) *require a performance bond in respect of any such lease.*

- (2) *The Minister may pay a commission to a person acting on behalf of the Minister in the granting of leases of Crown land.*

- (3) *Without limiting the generality of conditions referred to in subsection (1)(c), those conditions include —*
 - (a) *options for renewal of leases granted; and*
 - (b) *options to purchase the fee simple of the Crown land leased, under subsection (1), and conditions for the variation of those conditions.*

- (4) *The Minister may at any time extend the term of a lease, other than a pastoral lease, having effect under this Act or vary the provisions of such a lease.*

- (5) *Any sublease or other interest granted under a lease —*
 - (a) *the term of which is extended; or*
 - (b) *the provisions of which are varied, under subsection (4) continues to have effect insofar as it is permitted to do so by that extension or variation*

Financial implications

There are no known significant financial implications in relation to this matter.

Strategic implications

Shire of Ashburton Strategic Community Plan 2022-2032

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

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Council does not support leasehold / freehold of the site.	Unlikely (2)	Insignificant (1)	Low (2)	<u>Compliance</u> No noticeable regulatory or statutory impact	Provide Council with sufficient information to make an informed decision.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “Low” because the recommendation aligns with planning legislation and orderly and proper planning practices.

Policy implications

There are no known policy implications for this matter.

Voting requirement

Simple majority

Councillor interest declarations

[Will be completed by Agenda officer closer to the meeting]

Officer recommendation

That with respect to conversion and acquisition of Lot 500 Nameless Valley Road, Tom Price from Unallocated Crown Land to freehold / leasehold land tenure, Council does not support the leasehold or freehold conversion of Lot 500 on DP 4094630) as the proposal –

- a Is premature and would prejudice the Community Lifestyle and Infrastructure Plan (CLIP) process and is not deemed to be ‘orderly and proper planning’,
- b Has not adequately addressed the requirements within Item 12.8 of the April 2020 Ordinary Council Meeting,
- c Does not align with the strategic planning direction sought by the Shire of Ashburton Local Planning Strategy, and
- d Is not in accordance with the objectives of the zone.

13.2 Acceptance of Community Support Grant Applications

File reference	GS01
Author's name	T Matson
Author's position	Director People and Place
Author's interest	Nil
Authorising officer's name	T Matson
Authorising officer's position	Director People and Place
Authorising officer's interest	Nil
Name of applicant / respondent	Various
Date report written	21 April 2022
Previous meeting reference	Nil

Summary

The Shire recently promoted and invited applications for Community Support Grants, Signature Event Grants, and Major Event Grants, in accordance with Council Policy, with applications closing 31 March 2022.

These grants are provided as in-kind and / or financial assistance to enable community groups to deliver quality programs, community events and services.

At the close of the application period thirteen (13) applications were received for Community Support Grants and five (5) for signature events.

Four (4) of the Signature Event Applications have already been approved by Council during the budgetary process and were therefore not assessed during this process.

One of the Community Support Grant applicants was deemed to be ineligible when assessed against the Policy.

Council is requested to consider the grant applications.

Background

The Shire supports the following grants under its REC08 *Community Donations, Grants and Funding Policy* (Policy) -

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- Small Assistance Donations
These grants are available all year round. They offer up to \$500 per financial year to applicants. They are intended to assist residents and local organisations to participate in community-based activities or programs, sporting events, participation in regional or state championships or for community development type courses or events. These grants are determined under delegation by Officers.
- Community Support Grant
Offered in two funding rounds each year in July and February these grants are similar in purpose to Small Assistance Donations however they offer a value up to \$2500 and applications are considered by Council.
- Signature Event Grants
Are available to incorporated or unincorporated organisations up to \$10,000. They are only available during the February round and require Council approval.
- Major Event Grants are available for unincorporated organisations and are for major events with a value greater than \$10,000 and require Council approval.

At the close of the February 2022 round, thirteen (13) Community Support Grant applications were received, as follows –

- Onslow – One (1) application,
- Pannawonica – One (1) application,
- Paraburdoo – Three (3) applications, and
- Tom Price – Eight (8) applications.

Council's *REC08 Community Donations, Grants and Funding Policy* requires, as a minimum, to be a successful application the following must always be met –

- 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,
- Assistance is not available retrospectively,
- Funds are to be used only for the purpose for which they are given or via agreed variations,

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- Successful applicants are required to complete an acquittal report and submit this to the Shire within three (3) months on the agreed completion date, and
- Applicants who do not submit an acquittal will not be considered for future funding and may be requested to return unused funds.

Council may wish to provide funding to applications which did not / do not comply.

Comment

The Community Support Grant funding was promoted directly to clubs and organisations via email, public notice boards, the Shire of Ashburton website, and social media platforms.

All applications have been assessed on –

- the criteria outlined in Council Policy (*REC08 – Community Donations, Grants and Funding*),
- the general conditions, and
- the criteria and compliance information provided.

The summary of the applications are as follows –

Onslow

Onslow School P&C Association

- Project Book resources for Onslow on Protective Behaviours for Families and literacy for Onslow School
- Project estimate \$2,430.67
- Funding sought \$2,430.67
- In-Kind requested \$zero
- Compliant? Yes
- Suggested action: Approve Application

Pannawonica

Pannawonica Darts Club

- Project Darts Tournament – for accommodation for five attendees to the tournament in Port Headland
- Project estimate \$5,000.00
- Funding sought \$2,500.00
- In-Kind requested \$zero
- Compliant? Yes

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- Suggested action: Approve Application.

Paraburdoo

Paraburdoo Toy Library Association

- Project Physical Health and Wellbeing Toys
- Project estimate \$2,500.00
- Funding sought \$2,500.00
- In-Kind requested \$zero
- Compliant? Yes
- Suggested action: Approve Application

Paraburdoo Taipan Cricket Club

- Project Club Facility fees – hire of Peter Sutherland oval
- Project estimate \$3,196.80
- Funding sought \$0
- In-Kind requested \$2,000
- Compliant? Yes
- Suggested action: Approve Application to \$2,500. A previous small assistance grant of \$500 has been provided in the current financial year.

Paraburdoo Netball Association

- Project Northwest Netball Championship representation in the way of accommodation costs, registration fees etc.
- Project estimate \$5,000.00
- Funding sought \$2,500.00
- In-Kind requested \$zero
- Compliant? Yes
- Suggested action Approve Application

Tom Price

Tom Price Netball Association

- Project Northwest Netball Championship team uniforms
- Project estimate \$6,500.00
- Funding sought \$2,500.00
- In-Kind requested \$zero
- Compliant? No. Council's Policy stipulates items such as Uniforms are ineligible for funding under this grant.

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- Suggested action Decline the application.

Tom Price Needle, Sewing and Quilting Club

- Project Keepers Us Going – insurance and rent assistance
- Project estimate \$2,500.00
- Funding sought \$2,500.00
- In-Kind requested \$zero
- Compliant? Yes

- Suggested action Approve Application

Tom Price Community Arts and Cultural Centre

- Project Fire and safety equipment upgrade
- Project estimate \$7,785.00
- Funding sought \$2,500.00
- In-Kind requested \$zero
- Compliant? Yes

- Suggested action Decline the application. Items such as Fire and Safety Equipment are the responsibility of the owner of the building.

Tom Price Community Garden Inc

- Project Purchase large garden equipment
- Project estimate \$2,200.00
- Funding sought \$2,200.00
- In-Kind requested \$zero
- Compliant? Yes

- Suggested action Approve Application

Impala Kart Club

- Project Canteen Upgrade
- Project estimate \$5,000.00
- Funding sought \$2,500.00
- In-Kind requested \$zero
- Compliant? Yes

- Suggested action Approve Application

Tom Price Junior Soccer Club

- Project Pilbara Champs – funding for training
- Project estimate \$2,500.00
- Funding sought \$2,000.00
- Small Assistance \$500.00
- In-Kind requested \$zero
- Compliant? Yes

- Suggested action Approve application

Tom Price Bowling Club

- Project Supply and installation of synthetic surface
- Project estimate \$350,000.00
- Funding sought \$2,500.00
- In-Kind requested \$zero
- Compliant? Yes

- Suggested action It is recommended that this item is declined and is considered through the Community Lifestyle and Infrastructure Project.

Waitangi Day

- Project Waitangi Day 2023 – equipment and performer.
- Project estimate \$8,500.00
- Funding sought \$2,000.00
- Small Assistance \$500.00
- In-Kind requested \$zero
- Compliant? Yes

- Suggested action Approve Application

Five (5) applications for Signature Event Grants have been received.

Four (4) of these organisations have been pre-approved for funding in the current budget. These are grants of \$9,300 for each of the Tom Price Camp Draft Club Inc., Paraburdoo Red Dirt Rocks, Onslow Rodeo Association, and the Robe River Rodeo Association.

The fifth application for a Signature Event Grant has been received from the Tom Price Men's Softball Association. This application is for the purpose of hosting the 10th Annual Skins Softball Tournament in Tom Price. This Tournament is held in various locations each year and attracts teams from around Western Australia.

The Softball Association are requesting \$5,000 in funding and \$5,000 of in-kind support. The purpose of the application meets the criteria set out in the Policy. It is recommended the application be supported.

Consultation

Executive Leadership Team
Relevant Clubs and Associations

Statutory environment

Local Government Act 1995

Section 6.7 – Municipal fund

Money held in the municipal fund may be applied towards the performance of functions and the exercise of the powers conferred on the local government by the *Local Government Act 1995* or any other written law.

Financial implications

The adopted budget provides \$120,000 for both rounds of funding and the preapproved Signature event grants.

The total funding sought for the projects which have a suggested action to support (thirteen (13) applications), is \$23,130.67 in direct funding and \$1,000 in in-kind assistance. Should all applications be approved the total funding is \$30,630.67 and \$1,000 in kind.

The combined request for assistance (cash and in-kind) for Community Support Grants is \$33,232. The five (5) Signature Event Grants are collectively valued at \$47,200.

Should Council adopt the recommended resolution the General Ledger Account 111224 will be overspent by \$8,744.49. Sufficient funds are available in GL 11123. Donation to Community Groups Compliance. It is recommended \$8,744.49 is transferred to GL 111224 to cover the shortfall and be included in the upcoming Finance and Costing Review.

Strategic implications

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	People - We will support opportunities for the community to be safe, socially active, and connected.
Outcome	Communities connected with opportunities
Strategy	Support and develop sustainable clubs and groups, providing opportunities for meaningful participation in acts, culture, sport, and recreation.

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Unsuccessful applicants publicly criticise the Shire.	Possible (3)	Insignificant (1)	Low (4)	<u>Reputation</u> Unsubstantiated, localised minimal impact on community trust, low profile, or no media item.	Ensure appropriate Policy procedures are in place and followed. Officers to collaborate with Clubs to improve future applications.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is "Low" as the relevant Council Policy, which clearly articulates the requirements for successful applications, has been followed and adhered to.

Policy implications

REC08 Community Donations, Grants and Funding

This policy outlines the criteria for offering financial assistance to individuals, groups and associations limited in-kind and / or financial assistance to deliver programs, community events, facilities and / or services to directly benefits of the resident of the district.

Voting requirement

Simple majority

Councillor interest declarations

[To be confirmed by Council members]

Officer recommendation

That with respect to the Acceptance of Community Support Grant Applications, Council, in accordance with Council Policy *REC08 Community Donations, Grants and Funding*,

- a Declines the applications from the following groups noting Shire officers will consult with affected organisations and provide support for applications in future funding rounds –
 - Tom Price Netball Association,
 - Tom Price Community Arts and Cultural Centre,
 - Tom Price Bowling Club, and

- b Approves the applications from the following groups to the values, and for the summarised purposes, as shown below –
 - Onslow School P & C Association for \$2,430.67,
 - Pannawonica Darts Club for \$2,500,
 - Paraburdoo Toy Library Association for \$2,500,
 - Paraburdoo Taipan Cricket Club for \$2,000,
 - Paraburdoo Netball Association for \$2,500,
 - Tom Price Needle, Sewing and Quilting Club for \$2,500,
 - Tom Price Community Garden Inc for \$2,200,
 - Impala Kart Club for \$2,500,
 - Tom Price Junior Soccer Club for \$2,000,
 - Waitangi Day for \$2,000,

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- Tom Price Men's Softball Association for \$5,000 and \$50,00 of in-kind support, and
- c Acknowledge funding to be provided to the following organisations as per approval in the 2021-2022 Annual Budget
- Tom Price Camp Draft Club Inc - \$9,300,
 - Paraburdoo Red Dirt Rocks - \$9,300,
 - Onslow Rodeo Association - \$9,300,
 - Robe River Rodeo Association \$9,300, and
- d Include any budget adjustments resulting from the allocation of these funds as part of the April-May 2022 Finance and Costing Review.

13.3 Disposal of Caravan, Kayaks and Kayak Trailer

File reference	CP24
Author's name	D Fauntleroy
Author's position	Coordinator Communities
Author's interest	Nil
Authorising officer's name	T Matson
Authorising officer's position	Director People and Place
Authorising officer's interest	Nil
Name of applicant / respondent	Not Applicable
Date report written	26 April 2022
Previous meeting reference	Not applicable

Summary

The Shire owns a food preparation and service caravan as well as eight (8) kayaks on a custom trailer. These items are not required for current or future operational purposes and have not been used for over five (5) years and seven (7) years respectively.

The Onslow Tourism and Progress Association have expressed interest in acquiring these items.

It is recommended Council set aside Council Policy FIN23 Disposal of Property (Other than Land) and dispose of the food preparation and service caravan as well as eight (8) kayaks on a custom trailer to the Onslow Tourism and Progress Association.

Background

The Shire owns a custom-made caravan fitted out for food preparation and food service. The caravan was manufactured in 2000 and is registered to 1 August 2022. The caravan was last used in August 2016 and is stored at the Onslow Shire Depot.

The Shire also owns eight (8) kayaks with paddles housed in a custom trailer. These items were purchased for use in school holiday programs and other youth activities. The trailer was manufactured in 2009 by Dolphin Boats and Trailers and is currently unregistered. Records indicate that the kayaks were last used in 2014.

Comment

Caravan

The caravan has an independently estimated value of \$12,000 and was previously

used to provide canteen services at sporting activities and events where no kitchen was available. New shire facilities including kitchens at both the Onslow Multipurpose Courts and Onslow Sports Club have rendered this largely unnecessary. The Onslow Tourism and Progress Association have expressed interest in the caravan to assist in establishing opportunities for the provision of tea and coffee and food items at their activities, including bus tours and market days.

Current and future plans in the Shire's community development space have no operational requirements which necessitate use of the caravan, and it is not anticipated that a memorandum of understanding (MOU) for future use would be required.

The caravan is registered, however, is not in towable condition. The caravan would need to be checked for roadworthiness and tyres inflated before it could be removed from the Onslow Shire Depot.

Kayaks and trailer

The kayaks and custom trailer have an independently estimated value of \$1,500 and are no longer used for youth programs due to additional insurance requirements and risk management considerations. The kayaks have not been used in the past seven (7) years. The Onslow Tourism and Progress Association have expressed interest in these items which would allow them to offer an additional visitor experience.

The Shire has no current or future operational requirements that necessitate use of the kayak or custom trailer, and it is not anticipated that an MOU for future use of these items would be required.

The trailer housing the kayaks is not registered and would need to be checked for roadworthiness before it could be removed from the Onslow Shire Depot.

Options

Council has essentially three (3) options regarding the disposal of the items, with these being –

- Keep the items,
- Dispose of the items as per Council Policy FIN23 Disposal of Property (Other than Land) which would require a local public tender process with a subsequent report presented to Council for the caravan and, for the kayaks and kayak trailer the Chief Executive Officer can dispose of the items via a locally advertised expression of interest process which may comprise either an expression of interest or be on a "first in, first served" response basis, or
- Set aside Council Policy FIN23 Disposal of Property (Other than Land) and request the Chief Executive Officer transfer ownership to the Onslow Tourism

and Progress Association as both items are considered exempt items under the *Local Government Act 1995* as they have a market value less than \$20,000.

Shire officers believe the items should be put to better use than is currently happening and support the transfer to the Onslow Tourism and Progress Association.

Consultation

Director Corporate Services

Manager Assets and Programming

Onslow Tourism and Progress Association

Statutory environment

Local Government Act 1995

Section 3.58 Disposing of Property

This section sets out the parameters required to dispose of property, which includes –

- By auction,
- By public tender, or
- By private treaty (with associated advertising).

As required, should Council consent to disposing of the caravan, kayaks, and kayak trailer by public treaty, local public notice will be undertaken -

- a) Describing the property concerned; and
- b) Giving details of the proposed disposition; and
- c) Inviting submission to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and
- d) It consider any submission made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

Local Government (Functions and General) Regulations 1996

Regulation 30 Dispositions of property excluded from Act s. 3.58

Certain property can be disposed of without the need to go to auction, public tender, or private treaty (with advertising). This includes, amongst other property, -

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- Land valued under \$5,000,
- Property which did not meet the reserve price at auction, and
- Property with a market value of less than \$20,000.

Financial implications

Independent valuations have been received of \$1,500 for the kayaks and kayak trailer and \$12,000 for the caravan.

The kayak trailer is unregistered and incurs no ongoing expenses. An annual registration fee of \$24.40 is payable on the caravan.

Both items will need maintenance to enable them to be removed from Onslow Shire depot which is considered minor and within current plant maintenance budgets.

Strategic implications

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	Prosperity – We will advocate and drive opportunities for the community to be economically desirable, resilient, and prosperous.
Strategic Outcome	Sustainable commerce and tourism opportunities.
Strategy	Work collaboratively with tourism sector providers, Australia's North-West Tourism and Tourism WA to increase visitor spend, and length of stay, in the Shire.

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Community unhappy with transfer of assets	Possible (3)	Minor (2)	Moderate (6)	<u>Reputation</u> Substantiated, localised impact on community trust or low media item.	Engagement with community and transparency in transactions.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “Moderate” as other community groups may feel they have been excluded from acquiring the items.

Policy implications

FIN23 Disposal of property (Other than land)

This Council Policy provides guidance on the management of disposition of property (other than land).

The Policy states –

All furniture, equipment o goods up to \$20,000 in value, based on a ‘reasonable judgement’ valuation, shall be disposed of firstly through a local public tender process with a subsequent report presented to Council.

For items valued between \$1,000 and \$5,000 the Policy states –

... be offered to local community groups, sporting clubs or charities through a locally advertised expression of interest process which may comprise either an expression of interest or be on a “first in, first served” response basis.

Voting requirement

Simple majority

Councillor interest declarations

[Will be completed by Agenda officer closer to the meeting]

Officer recommendation

That with respect to the Disposal of Caravan, Kayaks and Kayak Trailer to the Onslow Tourism and Progress Association, Council,

- a Supports the disposal of property, being a 2000 Custom Build Caravan, registration AS 70234, and 2009 custom trailer with eight (8) kayaks,
- b In accordance with Section 3.58 of the *Local Government Act 1995* recognises the Caravan, Kayaks and Kayak Trailer have been independently valued and each have a market value of less than \$20,000, thereby making them exempt from legislated property disposition processes,
- c Elects to set aside Council Policy FIN23 Disposal of Property (Other than Land) for the purpose of disposing the Caravan, Kayaks and Kayak Trailer, and
- d Requests the Chief Executive Officer to arrange for the items to be made roadworthy and transfer of ownership of the identified Council assets to the Onslow Tourism and Progress Association for \$zero consideration.

14 Infrastructure Services reports

14.1 Application by Hastings Technology Metals Ltd to add Towera Road and Towera-Lyndon Road, Onslow, to Restricted Vehicle Network

File reference	RD0049
Author's name	M Fanning
Author's position	Director Infrastructure Services
Author's interest	Nil
Authorising officer's name	M Fanning
Authorising officer's position	Director Infrastructure Services
Authorising officer's interest	Nil
Name of applicant / respondent	Hastings Technology Metals Ltd
Date report written	24 March 2022
Previous meeting reference	Nil

Summary

This item is for Council to consider adding Towera Road and Towera-Lyndon Road, Onslow, to the Main Roads Western Australia Restricted Access Vehicle (RAV) network for the ore haulage from the Tangibana Project.

Main Roads WA have forwarded an application to the Shire to have the Towera Road and Towera-Lyndon Road, Onslow, added to the RAV network to cater for access by 'AB Triple' road trains – RAV Category 7 configuration.

Council is requested to approve the application to add Towera Road and Towera-Lyndon Road, Onslow, to the RAV network subject to Council entering a Road Use Agreement for Hastings Technology Metals Ltd to provide a full maintenance service whilst the Yangibana Project is in operation.

Background

Hastings Technology Metals Ltd (the applicant) have applied to Main Roads Western Australia (MRWA) to extend the Restricted Access Vehicle (RAV) network to include Towera Road and Towera-Lyndon Road, Onslow. These roads form part of their project delivery to haul product from the Yangibana site located in the Shire of Upper Gascoyne through to Onslow for processing and export. This application was to allow

up to 36.5m configuration vehicles to be utilised on the route. It is proposed there will be up to six (6) vehicle movements per day. The application was supported by a full route assessment by the Australian Roads Research Board (ARRB).

A copy of the RAV application and map of the proposed route is attached.

Attachment 14.1A

Attachment 14.1B

Comment

The applicant provided supporting route assessment documentation to support their application, which needed to be assessed against the MRWA Standard Restricted Access Vehicle Route Assessment Guidelines. Shire officers have reviewed the application to determine whether the proposed route complied with these guidelines.

Attachment 14.1C

Attachment 14.1D

In addition, the applicant has issued the Shires of Upper Gascoyne, Carnarvon, and Ashburton a draft Road Use Agreement (agreement) titled Road Access - Upgrade and Maintenance Deed for the management of the route while the project is active.

Attachment 14.1E

The intent is that the Road Use Agreement be signed by all three (3) local governments and the management of the roads, which form part of the route, be managed all under this single agreement.

The agreement has been reviewed by all Shires and is nearing consensus between all parties. The agreement includes the standard in which the roads will be upgraded and maintained for the life of the project.

For the Shire of Ashburton, the agreement will include gravel resheeting, intersection works and maintenance activities.

Consultation

MRWA HVS Staff

Hastings Technology Metal Ltd Project Staff

Shire of upper Gascoyne

Shire of Carnarvon

Statutory environment

Road Traffic (Vehicles) Act 2012

Division 3 - Access restrictions on certain vehicles that comply with mass or dimension requirements.

Main Roads Western Australia administer the Restricted Access Vehicle (RAV) network. Should the application pertain to a local government-controlled road, concurrence from the Council is sought.

The Council as the asset owner is requested to consider any restricted access vehicle (RAV) application and provide its consideration as to whether to include any proposed route onto the restricted access vehicle network.

The Council can place limited conditions onto a RAV approval. The standard local government condition used for these applications is the CA07 as follows:

The Shire of Ashburton supports the application for the above-mentioned roads to be included on the RAV 7 network on the basis that the roads are subject to a CA07 that stipulates the following:

Max Speed: 70k/ph.

Visibility: Lights must be turned on

All operators, as required by the Shire, must carry current written approval from the road asset owner permitting use of the road.

No operation on unsealed road segment when visibly wet, without the road owner's approval.

Direct radio contact must be maintained with other vehicles on or near the road (suggested channel 40)

Road Traffic Act 2008

Section 132 (4) of the *Road Traffic Act 2008* permits a local government and person who may become liable for the cost of repairs to enter into an agreement providing for the person to pay a compensation to the local government thereby avoiding being the subject of section 132 (2) proceedings.

Financial implications

All costs associated with the road use agreement will be borne by the proponent – Hasting Technology Metals Ltd, For the life of the haulage operation. There are mechanisms within the road use agreement which provide the Council the ability to draw on a security bond should works not be achieved. In addition, there are also mechanisms to resolve disputes and manage rain fall events within the agreement.

Strategic implications

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	Place - We will provide sustainable, purposeful, and valued built and natural environment opportunities for the community.
Strategic Outcome	Safe and interconnected transport networks for the community
Strategy	Manage roads, pathways, and other transport infrastructure according to need and use

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Other vehicle(s) colliding with vehicle	Possible (3)	Catastrophic (5)	High (15)	<u>People</u> Fatality, permanent disability	General road rules apply, in addition the route standard will be increase from Type 2 to Type 3. Road Use Agreement places operational and maintenance responsibility onto the proponent.
	Possible (3)	Moderate (3)	Moderate (9)	<u>Reputation</u> Substantiated, public embarrassment, moderate impact on community trust or moderate media profile	
Damage to road associated infrastructure by RAV's travelling in either direction	Almost Certain (5)	Moderate (3)	High (15)	<u>Property</u> Localised damage requiring external resources to rectify	

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “Moderate to High” in accordance with the likelihood and consequences if an incident involving a RAV was to occur.

Policy implications

ENG13 Road Management Policy

The Shire of Ashburton manages its road network to minimise preventable expenditure. This will at times preclude maximising efficiencies such as allowing access by Restricted Access Vehicles.

Voting requirement

Simple majority

Councillor interest declarations

[Will be completed by Agenda officer closer to the meeting]

Officer recommendation

That with respect to the Application by Hastings Technology Metals Ltd to add Towera Road and Towera-Lyndon Road, Onslow to the Restricted Access Vehicle, Council,

- a Requests the Chief Executive Officer to advise Main Roads Western Australia Heavy Vehicle Section Branch Council concurs with the application subject to the inclusion of condition CA07 as following:
 - o Max Speed 70k/ph.

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- Visibility Lights must be turned on

 - All operators, as required by the Shire, must carry current written approval from the road asset owner permitting use of the road.

 - No operation on unsealed road segment when visibly wet, without the road owner's approval.

 - Direct radio contact must be maintained with other vehicles on or near the road (suggested channel 40),
- b Only provides concurrence to the above Restricted Access Network approval on the provision Hastings Technology Metals Ltd enter into a Road Use Agreement under section 132 of the *Road Traffic Act 2008*, and
- c Delegates to the Chief Executive Officer the power to negotiate to enter into a Road Use Agreement and, once consensus is reached, the Shire President and Chief Executive Officer be authorised to engross the Road Use Agreement between the Shires of Upper Gascoyne, Carnarvon, Ashburton, and Hastings Technology Metals Ltd.

15 Projects and Procurement reports

15.1 Endorsement Of Ocean View Caravan Park Concept Design, Cost Estimate And Major Land Transaction Business Plan

File reference	SEC.0381
Author's name	C McGurk
Author's position	Director Projects and Procurement
Author's interest	Nil
Authorising officer's name	K Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Nil
Name of applicant / respondent	Not Applicable
Date report written	21 April 2022
Previous meeting reference	Confidential Agenda item 19.3 (Minute 18/2021) Ordinary Meeting of Council 16 February 2021 Confidential Agenda item 8.1 (Minute 211/2020) Special Meeting of Council 26 November 2020

Summary

At the Special Meeting of Council on 26 November 2020, Council endorsed the acquisition of Lot 381 on Deposited Plan 205462, Second Avenue, Onslow.

The Chief Executive Officer was delegated authority to undertake concept designs for Lot 381 Second Avenue, Onslow for expansion of the existing Ocean View Caravan Park.

Council is requested to endorse the concept design, cost estimate and business plan for the Ocean View Caravan Park expansion.

Background

Lot 381 Second Avenue, Onslow, is owned in freehold by the Shire of Ashburton after purchasing in early February 2021. The site (outline in the following aerial image) is 2.3666 hectares in size, relatively flat and boasts ocean and townsite views.



Lot 381 Second Avenue Onslow is recognised as a strategic site for tourism and related development within the Onslow Townsite with the site being zoned appropriately “Tourism” under the Shire of Ashburton Town Planning Scheme No.7.

Comment

The Ocean View Caravan Park (Phase 3) project entails the design and construction of a third Phase of the successful Ocean View Caravan Park, to satisfy the ever-increasing demand for holiday accommodation in Onslow. The key project driver is to have the new facility open to cater for the surge in demand for accommodation for the Lunar Eclipse in April 2023 and increased visitation. This is a unique opportunity to showcase Onslow as the hidden gem in the regional holiday destinations.

Lot 381 was acquired by the Shire in 2021 with the intent to further expand holiday accommodation options in Onslow in accordance with the Shire of Ashburton 2019 Economic Development Strategy.

Following completion of a Masterplan, including Chalets and Caravan sites, it is now intended to construct the first phase of caravan sites.

The Lot of approximately 2.4 hectares is held under Freehold Title and located 150 metres northwest of the existing Ocean View Caravan Park.

Access to this Lot will be via a gravel road, constructed over Lot 3504.

The Management Orders for this portion of Land are anticipated imminently as they have been approved in principle for issue to the Shire who are now awaiting formal correspondence from the Minister of Lands.

Concept design and costing has been completed for the development, showing a total expenditure of \$8.6 million predominantly in 2022-2023. An anticipated cashflow has been prepared by the Shire within the attached business plan document.

Attachment 15.1A

An assessment of the submitted Development Application is currently underway, after which consultant procurement and detailed design can commence. The construction works will be tendered on approval of the Shire 2022-2023 Annual Budget and works are anticipated to start on site by October 2022 latest – to achieve practical completion by the end of March 2023.

Legal advice obtained has advised the works proposed are considered a Major Land Transaction as defined in the *Local Government Act 1995*.

Consultation

Chief Executive Officer
Executive Leadership Team

Statutory environment

Local Government Act 1995

Section 3.59 Commercial enterprises by local governments

Before a local government commences a major trading undertaking, or enters a major land transaction, or enters a land transaction that is preparatory to entry into a major land transaction, it is to prepare a business plan.

The business plan is to include an overall assessment of the undertaking or transaction and other details, as legislated.

Following adoption of the business plan, Statewide public notice is required inviting submissions about the proposed undertaking or transaction be for a period not less than six (6) weeks after the notice is given.

After the last day for submissions, the local government is to consider any submissions made and may decide, by an absolute majority decision, to proceed with the undertaking or transaction as proposed or so it is not significantly different from what was proposed.

Local Government (Functions and General) 1996

Regulation 8A Amount prescribed for major land transactions; exempt land transactions prescribed (Act s. 3.59)

A major land transaction, as defined and applicable to the Shire of Ashburton, is \$2 million or more.

Financial implications

The Quantity Surveyed estimated value for the construction of the items outlined in the Business Plan equate to \$8.6 million.

The Cash Profit (excluding Depreciation) of operating the Caravan Park with the extension has been estimated at an average of \$437,320 per annum over ten (10) years, based on the following assumptions –

- Marginal revenue increases,
- Inflating expense increases,
- Full doubling of powered sites by 2023-2024, and
- Removal of all current overflow sites in 2022-2023.

The Net Profit (including Depreciation) is estimated at an average of \$117,320 per annum over ten (10) years, based on the same assumptions above.

It is difficult to gauge a recent comparative of success, or otherwise, of the Caravan Park due to many mitigating factors such as the impact of COVID-19, creation of Stage Two (2) (which interrupted service supply), and a significant undetected water leak in 2020-2021 to name a few.

Strategic implications

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	Prosperity – We will advocate and drive opportunities for the community to be economically desirable, resilient, and prosperous.
Strategic Outcome	Coordinated delivery of economic services and projects for the community.
Strategy	Develop and maintain key economic services partnerships, both internally and externally, to support Council’s vision.

Risk management

Risk has been assessed based on the Officer Recommendation.

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Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
If the business Plan is not approved this would further delay the project and will not be completed by April 2023 for the Solar Eclipse event.	Possible (3)	Major (4)	High (12)	<u>Reputation</u> Substantiated, public embarrassment, high impact on community trust, high media profile	Provide sufficient information for informed decision making such business Plan and financials.
If the business Plan is not approved projected profits will not be realised.	Likely (4)	Moderate (3)	High (12)	<u>Financial</u> \$1 million to \$5 million	Financials estimated on current trends from 2020-2021 and 2021-2022 shows positive steady income revenue.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “High” because there is community expectation for the Shire to provide tourist facilities to capitalise on the local economy for such an influx of visitors to the region for the Solar Eclipse in April 2023, which will also showcase Onslow for future visits.

Policy implications

There are no known policy implications in relation to this matter

Voting requirement

Simple majority

Councillor interest declarations

[Will be completed by Agenda officer closer to the meeting]

Officer recommendation

That with respect to endorsement of the Ocean View Caravan Park Concept Design, Cost Estimate and Business Plan, Council,

- a Endorses the Concept Design, Cost Estimate, and Business Plan, as included at Attachment 15.1A,
- b In accordance with Section 3.59 of the *Local Government Act 1995*, requests the Chief Executive Officer seek submissions on the Business Plan, via Statewide public notice, for a period not less than six (6) weeks after the notice is given,
- c Requests the Chief Executive Officer report to Council, after the close of the submission period, for Council to consider any submissions made and determine whether to proceed or not with the proposal, and
- d Authorises the Chief Executive Officer to continue with preliminary works on Lot 381 on Deposited Plan 205462, Second Avenue, Onslow, in preparation of the expansion of the Ocean View Caravan Park.

16 Councillor agenda items / notices of motions

Nil

17 New business of an urgent nature introduced by Council decision

To be informed at the meeting.

18 Confidential matters

Nil

19 Next meeting

The next Ordinary Council Meeting will be held at 1:00pm on Tuesday 14 June 2022 at Ashburton Hall, Ashburton Avenue, Paraburadoo.

20 Closure of meeting

There being no further business, the Presiding Member closed the meeting at x:xxpm.