



Shire of Ashburton
Ordinary Council Meeting
Confirmed Minutes
(Public)

Clem Thompson Sports Pavilion, Stadium Road,
Tom Price

12 July 2022
1:00pm



**Shire of Ashburton
Ordinary Council Meeting**

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

K Donohoe
Chief Executive Officer
14 July 2022

These minutes were confirmed by Council as a true and accurate record of proceedings at the Ordinary Council Meeting held on Tuesday 12 July 2022.

Presiding Member

Date

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 1:03pm.

In accordance with regulations 14C(2)(b) of the *Local Government (Administration) Regulations 1996*, Councillor M Lynch is unable to physically attend the meeting today. As the Shire President I have conferred with Councillor Lynch and am satisfied he meets the requirements to attend via electronic means.

As Shire President, in accordance with regulation 14C(2)(c)(ii) of the *Local Government (Administration) Regulations 1996*, I authorise Councillor M Lynch to attend the meeting via electronic means, noting he is in instantaneous communication with the meeting, and in a place that is not open to members of the public.

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

The Shire President welcomed Hon. Peter Foster MLC to 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 (via electronic means from 1:33pm)
Cr A Smith	Tom Price Ward
Cr T Mladenovic	Tom Price Ward
Cr L Rumble	Paraburdoo Ward
Cr A Sullivan	Paraburdoo Ward
Cr M Gallanagh	Pannawonica 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
J Bray	Manager Governance
A Furfaro	Governance Officer
N Jeffrey	Executive Assistant Corporate Services

Guests

Nil

Members of the public

One (1)

Members of the media

Nil

3.2 Apologies

Nil

3.3 Approved leave of absence

Cr J Richardson	Tableland Ward	12 July 2022
Cr R de Pledge	Ashburton Ward	12 July 2022

4 Question time

4.1 Response to previous questions taken on notice

Nil

4.2 Public question time

Nil

5 Declaration by members

5.1 Due consideration by Councillors to the agenda

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

The Presiding Member requested the Chief Executive Officer read aloud the following correspondence from the Department of Local Government, Sport and Cultural Industries and noted each Councillor had been provided a copy -



Department of
**Local Government, Sport
and Cultural Industries**

Our ref E22089489
Enquiries Troy Hancock
Phone (08) 6552 1624
Email legislation@dlgsc.wa.gov.au

Mr Kenn Donohoe
Chief Executive Officer
Shire of Ashburton

E: Andrea.Furfaro@ashburton.wa.gov.au

Dear Mr Donohoe

I refer to your correspondence dated 7 July 2022 and advise that, in accordance with the authority delegated by the Minister for Local Government, I have approved your application, under section 5.69(3) of the *Local Government Act 1995* (the Act).

Approval is granted to Cr Rumble, Cr Mladenovic, Cr Smith, and Cr Lynch to fully participate in the discussion and decision making relating to:

18.2 - EXECUTION OF LOCAL GOVERNMENT PARTNERSHIP AGREEMENT BETWEEN THE SHIRE OF ASHBURTON AND PILBARA IRON (RIO TINTO)

Conditions of approval:

- 1. The approval is only valid for the 12 July 2022 Ordinary Council Meeting when agenda item 18.2 is considered;*
- 2. The abovementioned Councillors must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;*
- 3. The Chief Executive Officer (CEO) is to provide a copy of the Department of Local Government, Sport and Cultural Industries (DLGSC) letter of approval to the abovementioned Councillors;*
- 4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;*
- 5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the DLGSC, to allow the DLGSC to verify compliance with the conditions of this approval; and*
- 6. The approval granted is based solely on the interests disclosed by the abovementioned Councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.*

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

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Kirsty Martin'.

KIRSTY MARTIN
VEXECUTIVE DIRECTOR – LOCAL GOVERNMENT
11 July 2022

5.2 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*.

18.1 – Chief Executive Officer 2021/2022 Performance Review and 2022/2023 Proposed Key Performance Indicators

Declarant	Kenn Donohoe
Declaration of Interest	Financial – CEO Annual Performance Review. CEO Contract Review.

18.2 – Execution of Local Government Partnership Agreement between the Shire of Ashburton and Pilbara Iron (Rio Tinto)

Declarant	Cr M Gallanagh
Declaration of Interest	Financial – My husband both work for Rio Tinto, in company owned housing, with share collectively and individually to a value greater than \$10,000.

Declarant	Cr M Lynch
Declaration of Interest	Indirect Financial – I am an employee and tenant of Rio Tinto. I am paid a salary by Pilbara Iron.

Declarant	Cr T Mladenovic
Declaration of Interest	Indirect Financial – My partner is an employee of Rio Tinto, and we live in subsidised Rio Tinto housing provided as part of his employment.

Declarant	Cr L Rumble
Declaration of Interest	Financial – Share holder of greater than \$10,000 in value.

Declarant	Cr A Smith
Declaration of Interest	Indirect Financial – My husband is an employee with Rio Tinto with shares valued over the prescribed amount. My husband's employment with Rio Tinto provides him with subsidised housing and utilities in which I reside too.
Declarant	Cr A Sullivan
Declaration of Interest	Financial – I and my husband hold shares above the prescribed amount. I and my husband live in subsidised housing provided by Rio Tinto. I and my husband are employees of Rio Tinto.

6 Announcements by the Presiding Member and Councillors without discussion

On behalf of Council, the President, Cr Kerry White, thanked the Director of Infrastructure Services, Mr Matthew Fanning, for all his work during his time at the Shire of Ashburton and congratulated him on his appointment to the position of Chief Executive Officer at Shire of Mingenew.

7 Petitions / Deputations / Presentations

7.1 Petitions

Nil

7.2 Deputations

Nil

7.3 Presentations

Nil

8 Applications for leave of absence

Nil

9 Confirmation of minutes

9.1 Confirmation of Council meetings

That with respect to the confirmation of minutes, Council confirms the minutes of the Ordinary Council Meeting held 14 June 2022, as attached.

Attachment 9.1A

Council Decision	089/2022
Moved	Cr L Rumble
Second	Cr A Sullivan
That Council confirm the minutes of the Ordinary Council Meeting held in Ashburton Hall, Ashburton Avenue, Paraburdoo on 14 June 2022 as a true and accurate record, as include in Attachment 9.1A	
Carried 6/0	

9.2 Receipt of committee and other minutes

Nil

9.3 Recommendations of committee meetings – En bloc

Nil

9.4 Recommendations of committees

Nil

10 En bloc resolutions

10.1 Agenda items adopted en bloc

Nil

11 Office of the Chief Executive Officer reports

11.1 Proposed Regrant Of Section 91 Licence And Clearing Permit Duration Extension Application – Invitation To Comment – Balla Balla Infrastructure Group Pty Ltd/ Forge Resources Swan Pty Ltd

File reference	ED75
Author's name	J Hunter
Author's position	Property Services Officer
Author's interest	Nil
Authorising officer's name	R Wright
Authorising officer's position	Manager Land & Asset Compliance
Authorising officer's interest	Nil
Name of applicant / respondent	Balla Balla Infrastructure Group Pty Ltd (BBI) (on behalf of Forge Resources Swan Pty Ltd)
Date report written	22 June 2022
Previous meeting reference	No previous meetings

Summary

The Shire of Ashburton has received a request from the Department of Planning, Lands and Heritage (DPLH) to provide any advice/comments the Shire may have regarding a proposal from Balla Balla Infrastructure Group Pty Ltd (BBI) (on behalf of Forge Resources Swan Pty Ltd) to grant a renewal of a section 91 *Land Administration Act 1997* (LAA) Licence over several Crown Land parcels for a term of twenty-four (24) months.

The Shire also received a related invitation to comment, from the Department of Water and Environmental Regulation (DWER) regarding an application from Forge Resources Swan Pty Ltd to amend Clearing Permit CPS 6244/3 under section 51KA of the *Environmental Protection Act 1986* (the EP Act). The amendment application proposes to extend the duration of the permit by twelve (12) months.

Council is requested to endorse the proposed response to the request.

Background

Section 91 Licence:

The Department of Planning, Lands and Heritage (DPLH) is considering a proposal from Balla Balla Infrastructure Group Pty Ltd (BBI) (on behalf of Forge Resources Swan Pty Ltd) to grant a section 91 *Land Administration Act 1997* (LAA) Licence over several Crown Land parcels for a term of 24 months for the permitted use of:

“To enter upon and remain on and use the Licence Area, with such vehicles, machinery, plant or equipment as is reasonably necessary for the purpose of low impact ground disturbing investigative activities and access associated with assessing the suitability of rail and associated infrastructure within the Licence Area, and for those purposes to clear and use temporary access tracks and do incidental works.”

If approved the Licence will be a renewal of an existing licence, held by Forge Resources Swan Pty Ltd for the same permitted use which commenced on 24 June 2020 for a term of 24 months and previously renewed in 2018. The Licence will be renewed on substantially the same terms and conditions, with its area now being reduced.

The Licence stretches approximately 163 kilometres from the Shire of Ashburton to the southern boundary of Reserve 53650 (‘Harbour Purposes’ – Port of Balla Balla) in the City of Karratha.

Clearing permit:

The Department of Water and Environmental Regulation (DWER) has received an application from Forge Resources Swan Pty Ltd to amend Purpose Permit CPS 6244/3 under section 51KA of the *Environmental Protection Act 1986* (the EP Act). The amendment application proposes to extend the duration of the permit by 12 months and modify Condition 5 of the current permit, which prescribes that no native vegetation may be cleared after 24 December 2021. The modification to Condition 5 would enable clearing for a further 12 months. This amendment application has been given the reference CPS 6244/4.

The permit holder is authorised to clear native vegetation for the purpose of geotechnical, water and other investigations including associated access tracks.

Past proposals:

The Shire was previously consulted on the licence, requesting comments in relation to the proposed section 91 LAA licence grant on 17 January 2020.

The comments provided by the Shire to the DPLH regarding the licence were:

“The Shire requests consultation be undertaken with affected pastoral lessees and ideally advice given by the Licence Holder of any machine/personnel movement due to the close proximity to homesteads.

Due to unknown asbestos deposits in the vicinity of Roebourne-Wittenoom Road, it is Council’s position that the Shire of Ashburton should not be required to bear any burden of any future compensation claims associated with asbestos exposure related to the Balla Balla Project.”

It is the Shire’s understanding that the original section 91 licence and related clearing permit (6244_1) were approved in 2014 and have had multiple renewals/duration extensions and minor amendments over the years.

Comment

List of properties within the Shire of Ashburton:

Below is a list of the properties that are within the proposed licence area.

	Land Description	Extent	Volume	Folio
1	Lot 83 DP 238012 subject to Pastoral Lease N049532	Part	3067	489
2	Unnumbered Unallocated Crown Land – PIN 1180830	Part	N/A	N/A
3	Unnumbered Unallocated Crown Land – PIN 1017624	Whole	N/A	N/A
4	Unnumbered Unallocated Crown Land – PIN 1180829	Whole	N/A	N/A
5	Lot 52 DP 238012 subject to Pastoral Lease N049532	Part	3074	330
6	Unnumbered Unallocated Crown Land – PIN 1019499	Part	N/A	N/A
7	Roebourne/Wittenoom Road – PIN 11732078	Part	N/A	N/A
8	Unnumbered Unallocated Crown Land – PIN 1019500	Part	N/A	N/A

9	Unnamed Dedicated Road – PIN 11732085	Part	N/A	N/A
10	Unnumbered Unallocated Crown Land – PIN 1019502	Part	N/A	N/A
11	Unnamed Dedicated Road – PIN 11732086	Whole	N/A	N/A
12	Unnamed Dedicated Road – PIN 11732087	Whole	N/A	N/A

Attachment 11.2A contains mapping of the proposed licence and clearing permit area.

The Council has had discussions with the Department of Jobs, Tourism, Science and Innovation in relation to several junior miners (BBI is one of these companies) and that stranded resources located within the Shire are exported via an alternative location. The State Government may choose to consider whether a conglomerate of these junior miners could be convened to establish an iron ore export facility to the north of Onslow town site.

Attachment 11.2A

Consultation

Development Control Unit
Town Planning
Infrastructure Services
Projects and Procurement
People and Place

Internal referral:

After internal referral and consultation within the relevant Shire departments there were no comments or concerns raised with either the proposed section 91 renewal or the proposed Clearing Permit duration extension.

The Shire's proposed response is that of no objections and some general comments (see officers' recommendation).

Statutory environment

Section 91 of the *Land Administration Act 1997*
Section 51KA of the *Environmental Protection Act 1986*

Financial implications

There are no financial implications as the applicant is responsible for all associated costs with the licence.

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	Appropriate, inviting, and diverse employee accommodation and land management opportunities.
Strategy	Assess mining and resource tenure and agreements to ensure the community is not negatively impacted.

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
The Shire and the Council is not consulted and provides no response	Unlikely (2)	Insignificant (1)	Low (2)	<u>Compliance</u> No noticeable regulatory or statutory impact.	Adopt Officers Recommendation to provide advice and general comment.

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 it is not the Shire/Council making the decision regarding the proposals, the Shire is only consulted as part of the referral process. This application is only for investigative activities and access associated with assessing the suitability of rail and associated infrastructure within the Licence Area.

Policy implications

There are no policy implications.

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the proposed regrant of section 91 and clearing permit duration extension application – invitation to comment, Council, endorse the following response:

- a The former townsite of Wittenoom and surrounding area is registered as a contaminated site (Wittenoom Asbestos Management Area - WAMA) and should not be visited by Balla Balla Infrastructure Group Pty Ltd/ Forge Resources Swan Pty Ltd and contractors/suppliers. The Shire does not support any works/travel within the WAMA given the serious human health impacts associated with exposure to asbestos fibres,
- b Due to known and unknown asbestos deposits in the vicinity of Roebourne-Wittenoom Road, it is Council's position that the Shire of Ashburton should not be required to bear any burden of any future compensation claims associated with asbestos exposure related to the Balla Balla Project,
- c Any activities that are in close proximity to public roads require traffic management,
- d Consent from landowners/pastoral companies should be obtained prior to accessing or undertaking works on pastoral lands,
- e Where possible existing or previously cleared access tracks will be utilised and areas of environmental significance or known habitat of threatened species will be avoided,
- f Aboriginal Heritage Inquiry System (AHIS) and National Native Title Tribunal (NNTT) should be consulted regarding native title and to ensure sites of Aboriginal Heritage significance are not impacted without consent, and
- g The Department of Planning, Lands and Heritage - Aboriginal Heritage should be consulted for further information related to the provisions of the *Aboriginal Heritage Act 1972*.

Council Decision 090/2022

Moved Cr A Smith

Second Cr T Mladenovic

That with respect to the proposed regrant of section 91 and clearing permit duration extension application – invitation to comment, Council, endorse the following response:

- a The former townsite of Wittenoom and surrounding area is registered as a contaminated site (Wittenoom Asbestos Management Area - WAMA) and should not be visited by Balla Balla Infrastructure Group Pty Ltd/ Forge Resources Swan Pty Ltd and contractors/suppliers. The Shire does not support any works/travel within the WAMA given the serious human health impacts associated with exposure to asbestos fibres,**
- b Due to known and unknown asbestos deposits in the vicinity of Roebourne-Wittenoom Road, it is Council's position that the Shire of Ashburton should not be required to bear any burden of any future compensation claims associated with asbestos exposure related to the Balla Balla Project,**
- c Any activities that are in close proximity to public roads require traffic management,**
- d Consent from landowners/pastoral companies should be obtained prior to accessing or undertaking works on pastoral lands,**
- e Where possible existing or previously cleared access tracks will be utilised and areas of environmental significance or known habitat of threatened species will be avoided,**
- f Aboriginal Heritage Inquiry System (AHIS) and National Native Title Tribunal (NNTT) should be consulted regarding native title and to ensure sites of Aboriginal Heritage significance are not impacted without consent, and**
- g The Department of Planning, Lands and Heritage - Aboriginal Heritage should be consulted for further information related to the provisions of the *Aboriginal Heritage Act 1972*.**

Carried 6/0

11.2 Onslow Towards a Visitor Economy

File reference	ED01
Author's name	P Hanlon
Author's position	Manager Business and Economic Development
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	22 June 2022
Previous meeting reference	Not applicable

Summary

Onslow - Towards a Visitor Economy is a positioning paper that sets a strategic vision for the industry.

The Shire of Ashburton is committed to the prosperity of the community and this document will enhance advocacy efforts as well as set a vision to grow the visitor economy in Onslow.

Council is requested to receive the positioning paper and endorse the document as a strategic visioning paper and key advocacy item.

Background

Prosperity is one of the four pillars included in the Shire of Ashburton Strategic Community Plan 2022-2032, which states that we will advocate and drive opportunities for the community to be economically desirable, resilient, and prosperous. Sustainable commerce and tourism opportunities is a key strategy adopted in the pursuit of this objective.

The Shire's Economic and Tourism Development Strategy 2019 was developed to compliment and assist with delivering outcomes aligned to the Strategic Community Plan. Given the impact of COVID-19 on Australian tourism, the Shire has prepared the positioning paper '*Onslow - Towards a Visitor Economy*' to highlight the potential of Onslow as a visitor destination as well as set the future strategic direction of visitor economy development.

This paper also considers the importance of the strategic direction of both the State Government of Western Australia and the Australian Government.

Furthermore, 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. This paper will assist in advocacy efforts as it highlights projects that will aid in the growth of the visitor economy.

The document, '*Onslow - Towards a Visitor Economy*' is attached.

Attachment 11.2A

Comment

The Shire of Ashburton continues to be a driving force of the Pilbara region and the Western Australian economy. Our Shire delivered 12% or \$38.6M of WA's Gross Regional Product and 1.9% of Australia's Gross Domestic Product. This contribution is dominated by the mining and resources sector.

Whilst Onslow has experienced significant investment in the past decade on the back of Chevron's Wheatstone and BHP's Macedon LNG projects.

Development WA's Pilbara Vernacular Handbook highlights that prior to the construction of the Wheatstone LNG project, Onslow was unique in the Pilbara. Rather than larger-scale resource industries with a fly-in fly-out employment base, Onslow's industry base consisted of small-scale operations employing local people.

Despite large industry investment, this historical context of small-scale industry and retaining a liveable town centre remains critically important to the community. Development WA recognised that tourism was the industry which has the potential to bring economic prosperity outside of the dominance of gas projects and provide a variety of employment opportunities and a longer-term lifestyle for residents.

Why the visitor economy?

In 2018, the Western Australian Local Government Association (WALGA) completed an Economic Development Framework project to facilitate a strategic approach to economic development in the sector. This project found that whilst economic development doesn't have a consistent definition, local economic development usually focuses on building up the economic capacity of an area in order to improve quality of life. Economic development therefore focuses on quality outcomes while economic growth focuses on the quantity of outcomes.

THRIVE 2030 Strategy: <https://www.austrade.gov.au/news/publications/thrive-2030-strategy>

The Visitor Economy delivers quality outcomes for the community and industry. The term 'visitor economy' is used to reflect a more contemporary definition of tourism, that includes people traveling not just for leisure, but for business, work, education and visiting friends and relatives. It includes industries that directly service visitors, such as accommodation, transport, tours and attractions, as well as indirectly, such as retail, medical and food production.

The visitor economy is crucial for Onslow and the Shire of Ashburton. The visitor economy does not occur in isolation, but rather strengthens resource investment by delivering long term liveable communities.

'Australia's visitor economy plays a critical role in driving our economy, wellbeing and sense of national identity. It generates jobs, trade, investment, and creates opportunities in cities and regions. It also contributes to communities by driving socioeconomic development and inclusive growth – providing diversity in employment, opportunities for innovation, supporting the arts, culture and sport, and delivering amenities that benefit local populations as well as visitors.'

Strengthening Future Investment – Natural Resources & Hydrogen Industry

The Shire of Ashburton is focused on improving the liveability of our community. The Regional Australia Institute's 'Understanding Regional Liveability Discussion Paper 2019' highlighted that there are six indicators of liveability:

- Health services
- Education services
- Cost of living
- Amenity
- Connections to community, friends and place
- Lifestyle and opportunity.

The Institute found that liveability plays an important role in the decision-making process to move to or to stay in regional Australia.

Onslow currently has a strong industrial economy with Chevron's Wheatstone and BHP's Macedon LNG projects and Onslow Salt's operations providing employment opportunities. Furthermore, with the expected growth of the Hydrogen Industry, Onslow's future economy prospects are strong. The Shire of Ashburton is committed to securing the long-term future of Onslow by ensuring the community has the amenity, vibrancy, and lifestyle in place to underpin future Hydrogen Industry expansion.

The visitor economy is seen as a sustainable opportunity to deliver these long-term benefits to the community and to sustain a strong industry workforce.

Consultation

Chief Executive Officer
Director Projects and Procurement

Statutory environment

Local Government Act 1995

Section 2.7 Role of Council

The council governs the local government's affairs and is responsible for the performance of the local government's functions.

Local Government Act 1995

5.56 Planning for the future

A local government is to plan for the future of the district.

Financial implications

There are no financial implications specifically regarding the adoption of the recommendation. Each project identified in the document will have its own financial impact which must be considered on a case by case basis.

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 Support initiatives to add value to, and improve marketing of, local business.

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 ensuring the document is aligned 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. Each of the specific projects in the document should be fully costed on a case-by-case basis, consistently reviewed and managed and included in the Council’s long term financial plan.

Policy implications

There are no policy implications.

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to Onslow Towards a Visitor Economy, Council;

- a Receive the document, as included at Attachment 11.2A, and
- b Endorse the document as a strategic visioning paper and key advocacy item.

Council Decision	091/2022
Moved	Cr L Rumble
Second	Cr A Smith
That with respect to Onslow Towards a Visitor Economy, Council;	
a	Receive the document, as included at Attachment 11.2A, and
b	Endorse the document as a strategic visioning paper and key advocacy item.
Carried 6/0	

12 Corporate Services reports

12.1 Monthly Schedule of Accounts Paid

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	24 June 2022
Previous meeting reference	Not applicable

Summary

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

The purpose of this Report is to present the –

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

Attachment 12.1A

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

Financial implications

Payments included on the Schedule of Accounts Paid have been undertaken 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	10,665,758.84
Superannuation / Payroll (Direct Debits)	187,746.41
Cheques	0
Credit Cards	6097.15
Bank Fees and Charges	1,973.03
<u>Municipal Fund Total</u>	10,861,575.43
<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 May 2022, as included at Attachment 12.1A.

Council Decision	092/2022
Moved	Cr L Rumble
Second	Cr A Sullivan
That with respect to the Monthly Schedule of Accounts Paid, Council, in accordance with <i>Local Government (Financial Management) Regulations 1996</i> Regulation 13 confirms the Monthly Schedule of Accounts Paid for May 2022, as included at Attachment 12.1A.	
Carried 6/0	

12.2 Monthly Financial Statements – May 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	24 June 2022
Previous meeting reference	Not applicable

Summary

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

The purpose of this Report is to present the Statement of Financial Activity for the month ended April 2022 as well as provide budget amendments 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

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.

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

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

Financial implications

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

Amendments to the 2021-2022 Annual Budget, with an overall effect of \$nil.

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
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:

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

Absolute majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the Monthly Financial Statements, Council, in accordance with *Local Government (Financial Management) Regulations 1996* regulation 34 accepts the Statement of Financial Activity, and associated documentation, for May 2022, as included at Attachment 12.2A.

Council Decision	093/2022
Moved	Cr L Rumble
Second	Cr A Smith
That with respect to the Monthly Financial Statements, Council, in accordance with <i>Local Government (Financial Management) Regulations 1996</i> regulation 34 accepts the Statement of Financial Activity, and associated documentation, for May 2022, as included at Attachment 12.2A.	
Carried 6/0	

12.3 Review of Elected Member Policies

File reference	GV20
Author's name	Jasmine Bray
Author's position	Manager Governance
Author's interest	Nil
Authorising officer's name	Nathan Cain
Authorising officer's position	Director Corporate Services
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	23 June 2022
Previous meeting reference	Agenda item 12.5 (Minute 55/2021) Ordinary Council Meeting 20 April 2021

Summary

Recent events have identified insufficient clarity in the policy content in relation to the extent of allowable reimbursement for travel costs.

The purpose of this item is to present a summary of the issues identified and recommend improvements to Council policy ELM05 – Continuing Professional Development – Elected Members and propose a new Elected Member Entitlements Policy.

The proposed policies will provide clarity on the extent of entitlements available to elected members.

Background

At its meeting held 20 April 2021, Council resolved (Minute 55/2021) in part as follows:

“That with respect to the Policy Review due to Local Government Act 1995 Amendments, Council:

- 2. In accordance with the Local Government Act 1995 section 5.128 (Policy for continuing professional development) adopts Council policy ELM05 Continuing professional development – Elected members, as modified ATTACHMENT 12.5B;*

3. *In accordance with the Local Government Act 1995 section 5.128 (Policy for continuing professional development) removes Council policy ELM06 Councillor accommodation, travel, and incidental expenses whilst on Council business; ATTACHMENT 12.5C;”*

The result of this resolution was that Council policy – ELM06 Councillor Accommodation, Travel, and Incidental Expenses whilst on Council Business (as included at Attachment 12.3A) was removed from the policy manual and the relevant clauses were incorporated into the new Council policy ELM05 – Continuing Professional Development – Elected Members (as included at Attachment 12.3B).

Attachment 12.3A

Attachment 12.3B

Comment

Council policy ELM05 – Continuing Professional Development – Elected Members has been reviewed due to uncertainty relating to the extent of reimbursement for motor vehicle travel expenses when travelling for Council business outside of the statutory requirement of travel to and from Council and committee meetings.

As part of this policy review, several Western Australian local government's policies were examined to ensure best practice. The majority of local government's selected held the structure for elected member policies as follows (although some with slightly different titles):

- Elected Member Continuing Professional Development Policy – detailing training and professional development available to elected members (including travel whilst on professional development).
- Elected Member Entitlements – detailing all allowances, reimbursement of expenses and entitlements available to elected members including meeting fees, uniforms, childcare, motor vehicle travel etc.

It is proposed to follow this same format to provide clarity to elected members, staff and the community.

Proposed Elected Member Continuing Professional Development Policy

The proposed Elected Member Continuing Professional Development Policy details the extent of training and professional development provided by the Shire including compulsory training, continuing professional development and statutory reporting.

In addition, provisions relating to travel, accommodation and ancillaries whilst attending professional development have been included to clarify what costs will be met by the Shire.

This policy is required by section 5.128 of the *Local Government Act 1995* and may only be adopted/amended by an absolute majority vote at Council.

Attachment 12.3C

Proposed Elected Member Entitlements Policy

All entitlements relating to reimbursement of expenses are currently provided for in Council policy ELM05 – Continuing Professional Development – Elected Members although not all related to professional development.

Also, there is currently a separate Council policy ELM15 – Elected Member Business Wear (as included at Attachment 12.3D) which details uniform available to elected members upon request.

The proposed Elected Member Entitlements Policy details the extent of all entitlements provided by the Shire including, but not limited to, meeting fees, allowances, travel, childcare and uniform.

The purpose of the new policy is to provide clear guidance on elected member entitlements and ensure elected members are remunerated for out-of-pocket expenses in performing their functions in their capacity as an elected member, in accordance with regulation 32 of the *Local Government (Administration) Regulations 1996*.

Attachment 12.3D

Attachment 12.3E

As part of the review of all Council policies, a new policy template is being developed in accordance with the Shire's Corporate Style Guide. The Council policy numbering system is also under review. Once finalised the proposed policies will be transferred to the new template and the numbering will be adjusted administratively.

All other policies relating to elected members will be considered in the full policy manual review which will be presented to the Council for adoption in the coming months.

Consultation

Elected members
Chief Executive Officer
Director Corporate Services

Statutory environment

Local Government Act 1995

Section 2.7(2)(b) – Role of council

The council is to determine the local government's policies.

Section 5.128(2) and (3) – Policy for continuing professional development

Council may amend the policy for continuing professional development (absolute majority required). When preparing an amendment to the policy, the form or content of the policy must comply with any prescribed requirements.

Section 5.98(2) – Fees etc. for council members

Regulation 32 – Expenses that may be approved for reimbursement

Council may approve the reimbursement of expenses (and the extent of reimbursement) incurred by an elected member in performing a function in their capacity as an elected member.

Financial implications

Elected member professional development and entitlements are provided for in the Annual Budget.

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 deliver 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
Failure to provide statutory allowances and reimbursement of expense due to unclear policies.	Likely (4)	Moderate (3)	High (12)	<u>Compliance</u> Short term non-compliance but with significant regulatory requirements imposed.	Council to adopt proposed policies to ensure clarity for elected members, staff and the community.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is "High" due to the significant implications for the Shire should elected members not receive statutory allowances and reimbursement of expenses or should elected members seek to claim reimbursements for that expenditure not covered within the policy.

Policy implications

The proposed amendments will revoke Council policies ELM05 – Continuing Professional Development – Elected Members and ELM15 – Elected Member Business Wear and introduce two new policies with clear guidance on entitlements available to elected members.

Voting requirement

Absolute majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to Council policy ELM05 – Continuing Professional Development – Elected Members, Council;

- a. Remove Council policies:
 - i ELM05 – Elected Member Continuing Professional Development, as included at Attachment 12.3B; and
 - ii ELM15 – Elected Member Business Wear, as included at Attachment 12.3D.
- b. Adopt Council policies:
 - i Elected Member Continuing Professional Development, as included at Attachment 12.3C; and
 - ii Elected Member Entitlements, as included at Attachment 12.3E.

Council Decision 094/2022

Moved Cr M Gallanagh

Second Cr L Rumble

That with respect to Council policy ELM05 – Continuing Professional Development – Elected Members, Council;

- a. Remove Council policies:**
 - i ELM05 – Elected Member Continuing Professional Development, as included at Attachment 12.3B; and**
 - ii ELM15 – Elected Member Business Wear, as included at Attachment 12.3D.**
- b. Adopt Council policies:**
 - i Elected Member Continuing Professional Development, as included at Attachment 12.3C; and**
 - ii Elected Member Entitlements, as included at Attachment 12.3E.**
- c. Amend policy ‘Elected Member Entitlements’ clause 2.4 in relation to business cards, to now be one (1) box of business cards with Shire crest.**

Reason for change

Councillors requested to only have business cards with the Shire crest.

Carried 6/0

13 People and Place reports

13.1 Clearance of Conditions 1-3 and 5-8 of Subdivision Application - WAPC 438-20 | Lot 1240 Killawarra Drive, Tom Price

File reference	KIL.1240 WIL.0049
Author's name	Benjamin Leavy
Author's position	Statutory Planning Officer
Author's interest	Nil
Authorising officer's name	Ben McKay
Authorising officer's position	Manager Town Planning
Authorising officer's interest	Nil
Name of applicant / respondent	Brook and Marsh Pty Ltd. - Licensed Surveyors
Date report written	20 June 2022
Previous meeting reference	No previous Council Meeting reference

Summary

A request to clear conditions of subdivision application – Western Australian Planning Commission (WAPC) 438-20 have been lodged by Brook and Marsh Pty Ltd. – Licensed Surveyors for Lot 1240 Killawarra Drive, Tom Price. As the defined clearing agency for the requested conditions, the Shire must be satisfied that the conditions being sought for clearance have been undertaken, completed, or will be completed in a timely manner.

The conditions of a subdivision approval are required to be cleared and evidence provided to the WAPC to allow the commission to endorse the diagram or plan of survey, in accordance with section 145 of the *Planning and Development 2005*, prior to Landgate releasing the Certificate of Title.

The request is seeking the Shire's clearance of the conditions.

Council is requested to support the clearance of the conditions, in accordance with the Officers Recommendation to clear the appropriate conditions of subdivision approval WAPC 438-20.

Background

Subdivision Application – WAPC 438-20

A subdivision application referral (WAPC 438-20) was received from the Western Australian Planning Commission by the Shire on 18 June 2020. The application was for a 10 lot survey-strata subdivision.

Referral comments were provided to the Western Australian Planning Commission under delegated authority, supporting the application subject to conditions and advice notes on 17 July 2020.

Attachment 13.1A

Development and Building Applications

The Shire has previously received and approved a development application (DA 20-43) and building applications for Stage 1 of the development on the site, consisting of four (4) dwellings.

Comment

A request has been submitted by the Shire from Brook and Marsh Pty Ltd. – Licensed Surveyors on behalf of the owner, seeking to clear several conditions that form part of the approved subdivision application – WAPC 438-20.

Attachment 13.1B

The request seeks to clear the following conditions of subdivision approval - WAPC 438-20:

1. *Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications, and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:*
 - a. *Lots can accommodate their intended use; and*
 - b. *Finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting. (Local Government)*

2. *Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission. (Local Government)*
3. *Information is to be provided to demonstrate that the measures contained in Section 4.0; Table 5A of the bushfire management plan Version 1.0, Reference 5104, dated April 2016 have been implemented during subdivisional works. This information should include a completed 'Certification by Bushfire Consultant' from the bushfire management plan. (Local Government)*
5. *A 4.24 metre truncation is to be provided at the junction of the access way and the proposed rear Lots 4, 7 and 8. (Local Government)*
6. *A 2.12 metre truncation is to be provided at the junction of the access way and the Wilgerup Place road reserve. (Local Government)*
7. *Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government)*
8. *An area(s) of land at least 389m² in area, in a position to agreed with the Western Australian Planning Commission, being shown on the diagram or plan of survey (deposited plan) as a reserve for Public Open Space and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without payment of compensation by the Crown. (Local Government)*

The conditions of a subdivision approval are required to be cleared and evidence provided to the WAPC to allow the Commission to endorse the diagram or plan of survey, in accordance with section 145 of the *Planning and Development 2005*, prior to Landgate releasing the Certificate of Title.

Clearance of Infrastructure Conditions

The request was referred to the Shire's Infrastructure Team to provide specialised comments on the clearance of Conditions 1, 2, 5, 6 and 7. They have acknowledged the requested conditions to be cleared and are satisfied that the imposition of conditions within the Development Application and Building Applications are adequate to meet the requirements of the conditions proposed to be undertaken post-subdivision.

However, further clarification around Condition 5 was sought by the Applicant. It was noted that the initial survey-strata plan submitted to the Shire as part of the subdivision application did not comply with the requirements of Condition 5, and an amended plan was requested to be submitted addressing the non-compliance.

Discussions were undertaken with the Applicant, WAPC and the Shire regarding the condition and its relevance, given the required modifications needed to make the development compliant.

The WAPC provided the following response:

"I have been informed that all the Shire needs to do is to note in its clearance letter that the conditions aren't relevant and to clear the rest of the conditions.

Please feel free to forward this to the Shire."

The proposed truncations required to be provided for the development as per the condition, would result in a configuration of the lot sizes and dimensions that may result in lot size areas that are non-compliant with the R-Codes and provide no substantial benefit to vehicle manoeuvring or sightlines. The proposed development, as approved, already provides truncations for those purposes, just not to the extent of a 3m x 3m (4.24m) truncation internally within the site.

The reasoning for the inclusion of the 4.24m truncations was not correctly defined. As such, it is determined that given the adequate area is provided within the head of the access way, the requirement for the truncations in this instance are not warranted and an amended plan is not required to be provided.

The proposed dimensions for the current truncations being 2.83m on the submitted plan is deemed adequate in this instance.

Clearance of Town Planning Conditions

The request was referred to the Shire's Town Planning Team to provide specialised comments on the clearance of Condition 3 and Condition 8.

Condition 3

It is demonstrated that the submitted updated Bushfire Attack Level (BAL) report recognises the fuel loading on the site, to meet the minimum requirements of the regulations and State Planning Policies. It is deemed that the new BAL report meets the requirements set out within Condition 3 and should be cleared.

The compliance with the identified BAL rating will be assessed within the Building Application process and will be required to comply with the AS3959.

Condition 8

It is demonstrated that, payment has been received by the Shire for a cash-in-lieu payment of the provision of Public Open Space on the site instead of ceding land to the Crown, in accordance with advice note 2 of WAPC 438-20, as follows;

- 2. In regard to Condition 8, provisions of Section 153 of the Planning and Development Act 2005 provide that arrangements can be made, subject to further approval of the Western Australian Planning Commission, for a cash-in-lieu contribution by the landowner/applicant to the local government.*

It is deemed that the cash-in-lieu payment for the provision of Public Open Space provided to the Shire meets the requirements set out within Condition 8 and should be cleared.

Consultation

Director Infrastructure Services
Director People and Place
Manager Town Planning

Statutory environment

Planning Development Act 2005

145. Diagram or plan of survey of approved plan of subdivision, approval of

- (1) *A person to whom approval of a plan of subdivision has been given may, within the prescribed period —*
- (a) *submit to the Commission in the prescribed manner and form a diagram or plan of survey of the subdivision, accompanied by the prescribed fee; and*
 - (b) *request the Commission to approve the diagram or plan of survey of the subdivision.*
- (2) *In subsection (1) —*
prescribed period means —
- (a) *in relation to a plan of subdivision creating more than 5 lots, the period of 4 years after the Commission approved the plan of subdivision; and*
 - (b) *in any other case, the period of 3 years after the Commission approved the plan of subdivision.*
- (3) *If a subdivision is being carried out in stages, a diagram or plan of survey of the subdivision may be submitted to the Commission under subsection (1) in relation to a stage of subdivision.*
- (4) *Subject to subsection (6), if the Commission is satisfied that —*
- (a) *the diagram or plan of survey is in accordance with the plan of subdivision approved by the Commission; and*
 - (b) *if that approval was given subject to conditions —*
 - (i) *the conditions have been complied with or will be complied with at the time a certificate of title is created or registered; or subdivision or the subdivision as a whole, have been complied with or will be complied with at the time a certificate of title is created or registered,*
- the Commission is to endorse its approval on the diagram or plan of survey.*
- (5) *The Commission is to try to deal with the request under subsection (1)(b) within the period of 30 days after the day on which the request is made to the Commission or within such longer period after that day as may be agreed in writing between the Commission and the person making the request.*
- (6) *If, in the case of a diagram or plan of survey submitted in relation to a stage of subdivision, the Commission is of the opinion that, because of planning considerations, it is not appropriate to approve the diagram or plan of survey, the Commission may refuse to endorse its approval on the diagram or plan of survey.*

- (7) *If, at the expiration of the period referred to in subsection (1), a diagram or plan of survey of the subdivision has not been submitted to the Commission, the approval of the plan of subdivision ceases to have effect and the diagram or plan of survey cannot be submitted to the Commission under this section.*

153. Setting aside land for open space or payment in lieu

- (1) *The Commission may under section 143(1)(c) impose either of the following conditions on the approval of a plan of subdivision of land —*
- (a) *a requirement that a specified portion of the land be set aside and vested in the Crown for parks, recreation grounds or open spaces generally;*
 - (b) *a requirement that the owner of the land make a payment to the local government in whose district the land is situated of a sum that represents the value of a specified portion of the land in lieu of a requirement to set aside and vest in the Crown that portion of the land for parks, recreation grounds or open spaces generally.*
- (2) *The Commission must not impose a requirement referred to in subsection (1)(b) unless the local government in whose district the land is situated has been consulted.*
- (3) *The Commission must not impose a requirement referred to in subsection (1)(b) in respect of a plan of subdivision that creates fewer than 3 lots.*
- (4) *If the Commission has imposed a condition referred to in subsection (1)(a) on an approval of a plan of subdivision, the Commission may, with the agreement of the local government in whose district the land is situated, consent to the owner of the land making a payment to the local government of a sum that represents the value of a portion of the land in lieu of setting aside that portion.*
- (5) *This section does not limit any other condition that the Commission may impose under section 143(1)(c).*

154. Money paid in lieu of open space, application of

- (1) *All money received by a local government under section 153 is to be paid into a separate reserve account established and maintained under the Local Government Act 1995 section 6.11 for the purposes set out in subsection (2)(a) to (d).*
- (2) *The money is to be applied —*
- (a) *for the purchase of land by the local government for parks, recreation grounds or open spaces generally, in the locality in which the land included in the plan of subdivision referred to in section 153 is situated;*
or

- (b) in repaying any loans raised by the local government for the purchase of any such land; or*
 - (c) with the approval of the Minister, for the improvement or development as parks, recreation grounds or open spaces generally of any land in that locality vested in or administered by the local government for any of those purposes; or*
 - (d) with the approval of the Commission, in reimbursing an owner (the **first owner**) of land included in a joint subdivision agreement for land that has been set aside and vested for parks, recreation grounds or open space where —*
 - (i) the first owner set aside a greater proportion of land than another owner (the **second owner**); and*
 - (ii) as a consequence, the local government and the Commission approved of the second owner paying to the local government a sum in lieu of land being set aside for that purpose and that sum, or the relevant proportion of that sum, being reimbursed to the first owner for the excess proportion of land set aside by the first owner.*
- (3) If interest is earned from the investment of moneys held under subsection (1), that money is to be applied for a purpose set out in subsection (2).*

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 supports the clearance of subdivision conditions.	Possible (3)	Insignificant (1)	Low (3)	Compliance No noticeable regulatory or statutory impact.	Support Officers Recommendation
Council does not support the clearance of subdivision conditions.	Possible (3)	Minor (2)	Moderate (6)	Financial Impact \$10,000 - \$100,000	Support Officers Recommendation
	Possible (3)	Insignificant (1)	Low (3)	Reputation - (Social/Community) Unsubstantiated, localised low impact on community trust, low profile or no media item.	Support Officers Recommendation

The following Risk Matrix has been applied:

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

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

The perceived level of risk is "Low-Moderate" as failure to support the clearance of the subdivision application conditions has associated risks that may result in legal proceedings.

Policy implications

There are no known policy implications for this matter.

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the subdivision application - WAPC 438-20 at Lot 1240 Killawarra Drive, Tom Price, Council;

- a Support the clearance of Conditions 1-3 (inclusive) and Conditions 5-8 (inclusive);
- b Authorise the Statutory Planning Officer to forward a letter to the Western Australian Planning Commission regarding point (a) above; and
- c Authorise the Statutory Planning Officer to forward a letter to Brook and Marsh Pty Ltd. - Licensed Surveyors regarding point (a) above.

Council Decision 095/2022

Moved Cr A Smith

Second Cr T Mladenovic

That with respect to the subdivision application - WAPC 438-20 at Lot 1240 Killawarra Drive, Tom Price, Council;

- a Support the clearance of Conditions 1-3 (inclusive) and Conditions 5-8 (inclusive);**
- b Authorise the Statutory Planning Officer to forward a letter to the Western Australian Planning Commission regarding point (a) above; and**
- c Authorise the Statutory Planning Officer to forward a letter to Brook and Marsh Pty Ltd. - Licensed Surveyors regarding point (a) above.**

Carried 6/0

14 Infrastructure Services reports

Nil

15 Projects and Procurement reports

Nil

16 Councillor agenda items / notices of motions

Nil

17 New business of an urgent nature introduced by Council decision

Nil

Procedural motion

Moved Cr M Gallanagh
Second Cr L Rumble

That Council, at 1:30pm, pursuant to Clause 6.2 of the *Shire of Ashburton Standing Orders Local Law 2012* consider the following confidential items behind closed doors,

- 18.1 Chief Executive Officer 2021/2022 Performance Review and 2022/2023 Proposed Key Performance Indicators**
- 18.2 Execution of Local Government Partnership Agreement between the Shire of Ashburton and Pilbara Iron (Rio Tinto).**

Carried 6/0

Members of the public and all Shire Officers, except the Governance Officer, left the meeting at 1:30pm.

18 Confidential matters

Kenn Donohoe declared a financial interest and left the meeting at 1:30pm.

Cr M Lynch joined the meeting via electronic means at 1:33pm.

18.1 Chief Executive Officer 2021/2022 Performance Review and 2022/2023 Proposed Key Performance Indicators

File reference	PE.CEO01
Author's name	A Heraty
Author's position	Manager Human Resources
Author's interest	Nil
Authorising officer's name	Cr. K White
Authorising officer's position	Shire President
Authorising officer's interest	Nil
Name of applicant / respondent	N/A
Date report written	17 June 2022
Previous meeting reference	Not applicable

Summary

The performance of the Chief Executive Officer is to be reviewed at least once per year of employment.

The purpose of this report is to formalise the recent review of the performance of the Chief Executive Officer and agree to and confirm future key performance criteria.

Council is requested to formally endorse the review of the performance of the Chief Executive Officer and endorse the future key performance criteria.

Confidentiality

This report is confidential in accordance with section 5.23 of the *Local Government Act 1995* because it deals with matters affecting section 5.23 (2) (a):

“a matter affecting an employee or employees.”

Council Decision 096/2022

Moved Cr M Gallanagh

Second Cr L Rumble

That with respect to the Chief Executive Officer, Mr. Kenn Donohoe's Performance Review and Key Performance Criteria, Council, in accordance with section 5.38 and 5.39A of the *Local Government Act 1995*,

- a Notifies the Chief Executive Officer, Mr. Kenn Donohoe, his overall performance for the period under review was rated as "Exceeds Performance Requirements",**
- b Agree to the recommended Key Performance Criteria for the 2022/2023 review period and notifies Mr. Kenn Donohoe, accordingly, as included at Confidential Attachment 18.1A,**
- c Accepts Mr. Kenn Donohoe's recommendation that the value of any salary review as a result of this year's performance appraisal be allocated to staff training and recognition as Mr. Kenn Donohoe sees fit and that a budget allocation for funding, an equivalent of 2%, of Mr. Kenn Donohoe's salary be allocated to this purpose, and**
- d Schedules the next review of performance to commence by 1 June 2023 and be completed by the July 2023 Ordinary Council Meeting.**

Carried 7/0

Shire officers returned to the meeting at 1:37pm.

Cr M Lynch, Cr T Mladenovic and Cr A Smith declared an indirect financial in this matter.

Cr L Rumble, Cr A Sullivan, and Cr M Gallanagh declared a financial interest in this matter.

The Minister for Local Government permitted Cr M Lynch, Cr A Smith, Cr L Rumble, Cr T Mladenovic to fully participate and have voting rights in this matter.

Cr A Sullivan and Cr M Gallanagh left the meeting at 1:37pm.

18.2 Execution of Local Government Partnership Agreement between the Shire of Ashburton and Pilbara Iron (Rio Tinto)

File reference	CS22
Author's name	Ty Matson
Author's position	Director People and Place
Author's interest	Nil
Authorising officer's name	Kenn Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Nil
Name of applicant / respondent	Rio Tinto via (Pilbara Iron Company (Services) Pty Ltd)
Date report written	3 July 2022
Previous meeting reference	Agenda Item 10.2 (Minute No 11167) – Ordinary Meeting of Council 18 April 2012 Agenda Item 13.2 (Minute No 11457) – Ordinary Meeting of Council 13 March 2013 Agenda Item 13.2 (Minute No. 11611) – Ordinary Meeting of Council 21 August 2013 Agenda Item 13.3 (Minute No 11612) – Ordinary Meeting of Council 21 August 2013 Agenda Item 13.2 (Minute No 11672) – Ordinary Meeting of Council 16 October 2013 Agenda Item 16.1 (Minute No 206/2017) Ordinary Meeting of Council 20 June 2017 Agenda Item 14.1 Ordinary Meeting of Council 16 March 2021

Summary

This item presents to Council for consideration of a new partnership agreement between Rio Tinto Iron Ore and the Shire of Ashburton. This partnership agreement is to replace the expired Community Infrastructure and Services Partnership (CISP) that operated from 2012 to 2022.

The CISP was an agreement between the parties to provide funding to deliver services and infrastructure into the towns of Paraburdoo, Pannawonica, and Tom Price. Funding was provided by Rio Tinto and projects and services delivered by the Shire.

Council is requested to endorse the new agreement that will operate for a period of 10 years.

Confidentiality

This report is confidential in accordance with section 5.23 of the *Local Government Act 1995* because it deals with –

“a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting, and information about the business, professional, commercial or financial affairs of a person”

Council Decision 097/2022

Moved Cr L Rumble
Second Cr T Mladenovic

That with respect to the proposed Local Government Partnership Agreement 2022-2032 between the Shire of Ashburton and Rio Tinto (Pilbara Iron Company (Services) Pty Ltd), that Council,

- a Notes the terms of the Local Government Partnership Agreement are still to be finalised and will be presented to Council with all relevant documents at a future meeting of Council, and**
- b Authorises the Chief Executive Officer or his delegate to continue to negotiate the terms of the Local Government Partnership Agreement 2022-2032 and the Terms of Reference for the Strategic Leadership Group and the Tactical Advisory Group.**

Carried 5/0

Procedural motion

Moved **Cr T Mladenovic**

Second **Cr A Smith**

That Council, at 1:44pm, move out from behind closed doors.

Carried 5/0

Members of the public returned to the meeting at 1:44pm.

The Presiding Member, read aloud the Council decisions made behind closed doors.

19 Next meeting

The next Ordinary Council Meeting will be held at 1:00pm on Tuesday 9 August 2022 at Council Chambers, Onslow Shire Complex, Second Avenue, Onslow.

20 Closure of meeting

There being no further business, the Presiding Member closed the meeting at 1:45pm.