



Confirmed Minutes

Ordinary Council Meeting

Tuesday, 11 October 2022

Date:	Tuesday 11 October 2022
Time:	1:00pm
Location:	Ashburton Hall, Ashburton Avenue, Paraboradoo
Distribution Date:	Friday 14 October 2022



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

A handwritten signature in blue ink, appearing to read "K Donohoe".

K Donohoe
 Chief Executive Officer
 14 October 2022

These minutes were confirmed by Council as a true and accurate record of proceedings at the Ordinary Council Meeting held on Tuesday 11 October 2022.

Presiding Member

A handwritten signature in black ink, appearing to read "K. M. White".

Date

8/11/2022

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 1:00pm.

1.1 Acknowledgement Of Country

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

2 Announcement Of Visitors

Nil

3 Attendance

3.1 Present

Elected Members:	Cr K White Cr M Lynch Cr R De Pledge Cr L Rumble JP Cr A Sullivan Cr J Richardson Cr A Smith Cr T Mladenovic	Shire President (Presiding Member), Onslow Ward Deputy Shire President, Tom Price Ward Ashburton Ward Paraburdoo Ward Paraburdoo Ward Tableland Ward Tom Price Ward Tom Price Ward
Employees:	K Donohoe T Dayman S Kane T Matson C McGurk A Lennon J Murphy	Chief Executive Officer A / Director Corporate Services A / Director Infrastructure Director People and Place Director Projects and Procurement Manager Media and Communications Executive Assistant People and Place
Guests:	Nil	
Members of Public:	There were 4 members of the public in attendance at the commencement of the meeting.	
Members of media:	There were 0 members of the media in attendance at the commencement of the meeting.	

3.2 Apologies

Cr Melanie Gallanagh Pannawonica Ward 11 October 2022

3.3 Approved Leave Of Absence

Nil

4 Question Time

4.1 Response To Previous Public Questions Taken On Notice

Nil

4.2 Public Question Time

M Tollic

Question: My family and I have used the little kids track at the Tom Price Lions Park and have seen the new pump track. I would like for this infrastructure to be replicated for the community of Paraburdoo. I have spoken to several community members through work, school and playgroup and this infrastructure would be greatly utilised by the whole community of Paraburdoo. I suggest near the skatepark or the Federation Park as these are central areas of the community with plenty of space and shade.

How can we get this to happen in Paraburdoo?

Shire President

Response: This can be considered as part of next year's annual budget. The Shire could consider funding this project from the Community Lifestyle and Infrastructure Plan (CLIP) or another funding body. The Shire is unable to commence this project until the annual budget is adopted however, planning may commence prior.

R Taniora

Question: Is the Shire going to get onboard and assist the swimming club in getting some club rooms? We previously had club rooms.

Shire President

Response: The Shire consists of four towns and we need to ensure that all towns have the required facilities. This can be considered for inclusion in the Long-Term Financial Plan as a future project however, the Shire will need to wait for funding. Once funding is secured, infrastructure can be provided to meet the community's needs.

5 Declaration By Members

5.1 Due Consideration By Councillors To The Agenda

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

5.2 Declaration Of Interest

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

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

The following declarations of interest are disclosed –

No declarations of interest were submitted.

6 Announcements By The Presiding Member And Councillors Without Discussion

Nil

7 Petitions / Deputations / Presentations

7.1 Petitions

Nil

7.2 Deputations

Nil

7.3 Presentations

Nil

8 Applications for Leave of Absence

Council Decision 134/2022

Moved Cr L Rumble

Second Cr A Smith

That with respect to applications for leave of absence, Council grants a leave of absence to Cr Alana Sullivan for 8 November 2022.

Carried 8/0

9 Confirmation Of Minutes

9.1 Confirmation of Council Minutes

That with respect to the confirmation of minutes, Council confirms the minutes of the Ordinary Council Meeting held 13 September 2022, as included in Attachment 9.1.1.

Attachment 9.1.1

Council Decision 135/2022

Moved Cr T Mladenovic

Second Cr A Sullivan

That with respect to the confirmation of minutes, Council confirms the minutes of the Ordinary Council Meeting held 13 September 2022, as included in Attachment 9.1.1.

Carried 8/0

9.2 Receipt of Committee and other Minutes

Nil

10 En Bloc Council Resolutions

10.1 Agenda Items Adopted En Bloc

Nil

11 Office of the Chief Executive Officer Reports

11.1 New Storage Facility Request and Lease – Paraburdoo Amateur Swimming Club

File Reference	RC39572
Applicant or Proponent(s)	Paraburdoo Amateur Swim Club
Author	N Niven, Lease and Accommodation Officer
Authorising Officer	R Wright, Manager Land & Asset Compliance
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author – Nil
	Authorising Officer - Nil
Attachments	1. Rio Tinto Letter of Support

1. Report Purpose

Council is required to consider the proposal from the Paraburdoo Amateur Swimming Club (PASC) to install a new storage and club facility at one of their preferred locations in Paraburdoo.

The purpose of this report is to submit to Council the proposed locations for the club and storage facility.

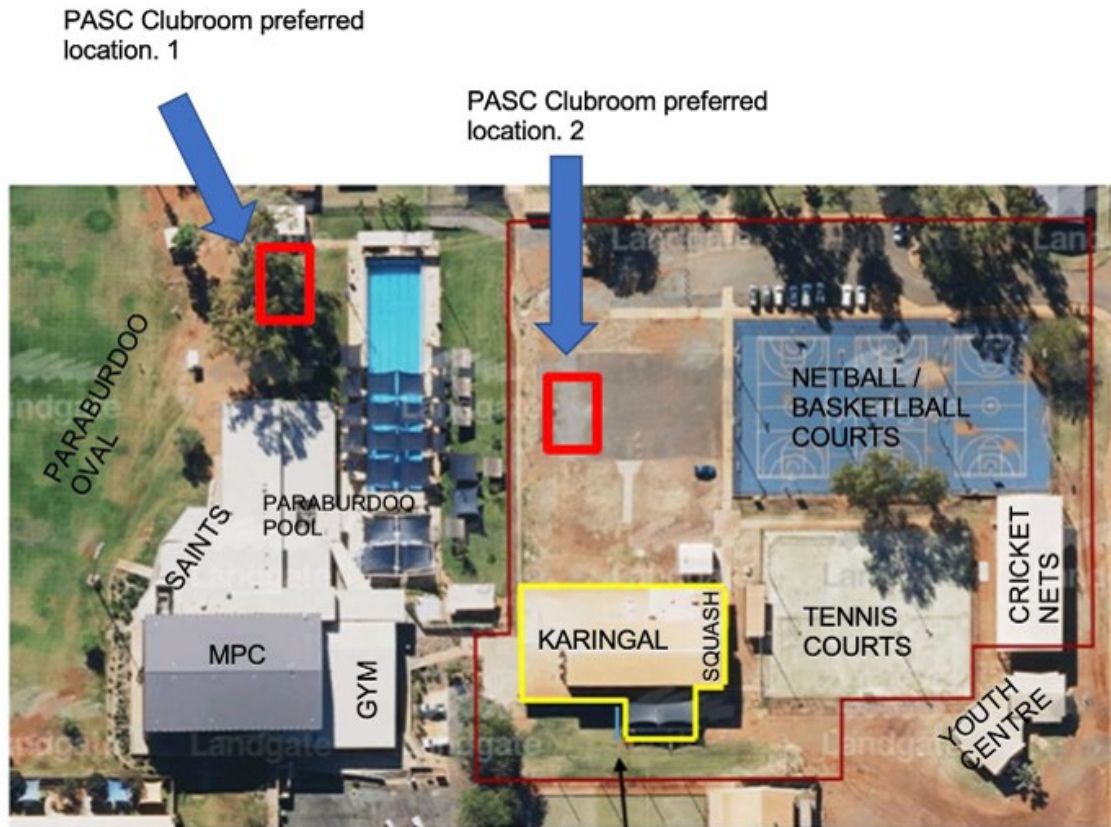
Council is requested to accept the proposed storage and clubroom proposal for the reasons outlined within this report.

2. Background

The PASC approached Rio Tinto to provide in-kind support (Attachment 1 refers) towards the purchase and installation of a purpose-built demountable to be used as a clubroom and storage facility at one of two locations on Shire of Ashburton (the Shire) managed Reserves being:

- Lot 555 Fortescue Road, Paraburdoo on Deposited Plan 411246, being Reserve 39572 purposed for Public Recreation with power to lease for any term not exceeding 21 years, subject to the consent of the Minister for Lands (Location 1); or
- Lot 88 Anzac Place, Paraburdoo on Deposited Plan 190513, being Reserve 42129 purposed for Sports Centre and Community Hub (CHUB), with power to lease for any term not exceeding 21 years, subject to the consent of the Minister for Lands (Location 2).

See the below plan for the preferred locations presented by the PASC.



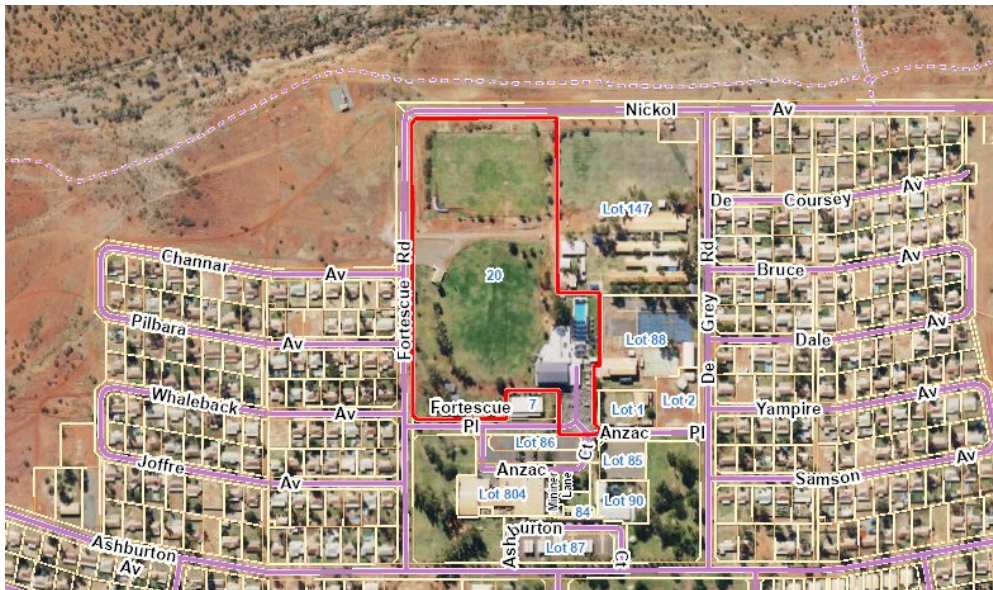
3. Comments

Location 2



Location 2 is not supported as this area has been set aside for a future capital works project.

Location 1



Location 1 is supported in principle, with discussions over recent months between the Shire and Rio Tinto on behalf of the PASC clarifying the following:

- The PASC understands they are responsible for all ongoing maintenance costs of the infrastructure in accordance with the funding conditions from Rio Tinto.
- As there are no separate utility meters, the PASC would be responsible for applying for the new utility meters. Rio Tinto will guide them in this process and may look to build the cost for installation of those meters into the funding proposal.
- The PASC has advised that year-round access would be beneficial, however understand that the closing of the pool may inhibit this and are open to negotiation with the Shire on what may be the preferred option. It is the Shire’s preference to allow access to the facility only during pool operational hours.
- The PASC has requested external access to the facility, including vehicle access for loading and unloading of equipment. This will require licencing the area that adjoins the cricket nets (shown below) and alteration of fencing/installing secured gate access, which will be at the PASC’s cost.
- Recent installation of reticulation has been undertaken at this location by the Shire. Any removal, repositioning or capping of any impacted reticulation will need to be undertaken at the PASC’s cost.



4. Implications To Consider

Administration proposes the following lease conditions, should the lease be supported.

Lease	Ground lease
Premises:	Portion of Lot 555 Fortescue Road, Paraburdoo
Permitted Purpose:	Storage, clubroom, and ancillary purposes
Lease Term:	5 years
Commencement Date:	The date of execution of the lease
Option Term 1:	5 years
Lease Rental:	\$500 annually in accordance with <i>REC05 – Community Leases and Licence Agreements of Shire Assets (Facilities, Buildings and Land)</i> .
Outgoings:	Lessee responsibility (separately metered)
Lessee Fit out and Services:	Lessee responsibility
Local Government Rates	100% discount in accordance with REC05
Building Insurance:	Lessee responsibility
Public Liability Insurance:	Lessee responsibility - \$20 million
Maintenance:	Lessee to keep and maintain every part of the internal areas of the lease premises including all ceiling panels, lighting and electrical installations, doors, windows, floor coverings and all other fixtures and fittings in good and substantial repair and condition.
Cleaning:	Lessee responsibility
Structural Maintenance:	Lessee responsibility

Lease preparation and costs	The lease will be prepared by the Shire at its cost, with each party to pay its own costs for lease review and negotiation.
Assignment or subletting	Consent of the Minister for Lands must be obtained to any assignment, subletting, mortgage or charge of the leasehold estate in the premises, in addition to the consent of the Lessor in accordance with section 39.1 of the <i>Land Administration Act 1997</i> .
Special Conditions	<ul style="list-style-type: none"> • Lease only allowable during pool operating hours. • Lessee to install utility meters at its cost. • Vehicle access only for loading and unloading of equipment (no patron access) via licenced area on portion of Lot 555. • Alteration of fencing/installing secured gate access at Lessee's cost. • Any removal, repositioning or capping of any impacted reticulation will need to be undertaken at the PASC's cost. • On expiry or termination of a lease the Lessee may be directed to remove all Lessee's improvements at the Lessee's cost.

4.1 Consultation

Projects and Procurement

Communities

Facilities

Department of Planning, Land and Heritage

4.2 Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective 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 Plan for diverse land, housing, and development opportunities.

4.3 Council Policy

REC05 – Community Leases and Licence Agreements of Shire Assets (Facilities, Buildings and Land) Policy

This policy aims to encourage and support volunteerism and physical activity in clubs and associations by providing community lease and licence agreements to groups that contribute to the community.

Community lease and licence agreements optimise use of community facilities, catering for storage, meeting rooms, recreation areas and reserves.

4.4 Financial

Current Financial Year

All application fees, maintenance costs, improvements and outgoings associated with the facility would be the responsibility of the PASC.

Future Financial Year(s)

Any future lease fee that would apply would be in line with *REC05 – Community Leases and Licence Agreements of Shire Assets (Facilities, Buildings and Land) Policy* and fees and charges.

4.5 Legislative

Section 30 of the *Local Government (Functions and General) Regulations 1996*

This disposition of property is excluded from advertising under section 3.58 of the *Local Government Act 1995* as:

- (b) the land is disposed of to a body, whether incorporated or not —
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body’s transactions.

4.6 Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Reputation	The community misses out in a facility that they have identified as being required.	Possible (3)	Moderate (3)	Moderate (5-9)	Adopt officer's recommendations.

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

5. Voting Requirements

Simple majority

Officer Recommendation

That with respect to the Application for Storage and Club Facility – Paraburdoo Amateur Swimming Club, Council,

1. Authorises the Chief Executive Officer to sign a Development Application and any associated documentation to allow the assessment of construction of a clubroom and storage facility on a portion of Lot 555 Fortescue Road, Paraburdoo (Reserve 39572); and
2. Subject to the approval of the Development Application, authorises the Chief Executive Officer to enter into a ground lease and licence with the Paraburdoo Amateur Swimming Club over a portion of Lot 555 Fortescue Road, Paraburdoo (Reserve 39572) subject to the consent of the Minister for Lands.

Council Decision	136/2022
Moved	Cr L Rumble
Second	Cr A Sullivan
That with respect to the Application for Storage and Club Facility – Paraburdoo Amateur Swimming Club, Council,	
<ol style="list-style-type: none"> 1. Authorises the Chief Executive Officer to sign a Development Application and any associated documentation to allow the assessment of construction of a clubroom and storage facility on a portion of Lot 555 Fortescue Road, Paraburdoo (Reserve 39572); and 2. Subject to the approval of the Development Application, authorises the Chief Executive Officer to enter into a ground lease and licence with the Paraburdoo Amateur Swimming Club over a portion of Lot 555 Fortescue Road, Paraburdoo (Reserve 39572) subject to the consent of the Minister for Lands. 	
Carried 8/0	

12 Corporate Services Reports

12.1 Monthly Schedule of Accounts Paid – August 2022

File Reference	FM03
Applicant or Proponent(s)	Not Applicable
Author	T Dayman, Acting Director Corporate Services
Authorising Officer	K Donohoe, Chief Executive Officer
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author - Nil
	Authorising Officer - Nil
Attachments	1. Accounts for Payment and Credit Cards

1. Report Purpose

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

The purpose of this report is to present the –

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

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

1. 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.

2. Comments

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

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

Description	Amount \$
<u>Municipal Fund</u>	
Electronic Funds Transfers	4,370,994.79
Superannuation / Payroll (Direct Debits)	300,31.65
Cheques	750.00
Credit Cards	4941.86
Bank Fees and Charges	2,286.13
<u>Municipal Fund Total</u>	4,679,204.43
<u>Trust Fund</u>	
Electronic Funds Transfers	0.00
<u>Trust Fund Total</u>	0.00

3. Implications To Consider

3.1 Consultation

Executive Leadership Team

Finance Team

3.2 Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective Inspiring Governance

Strategic Outcome Exemplary team and work environment

Strategy Highly functioning Shire team who effectively manages Shire resources to build strong communities

3.3 Council Policy

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.

3.4 Financial

Current Financial Year

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

Future Financial Year(s)

Nil

3.5 Legislative

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.

3.6 Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Compliance	Council does not accept the Shire officer recommendation.	Unlikely (2)	Minor (2)	Low (1-4)	Provide Councillors with sufficient information for decision making.

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

4. Voting Requirements

Simple majority

Officer Recommendation

That with respect to Monthly Schedule of Accounts Paid, Council, in accordance with regulation 13 of the *Local Government (Financial Management) Regulations 1996*, confirms the Monthly Schedule of Accounts Paid for August 2022, as attached.

Council Decision	137/2022
Moved	Cr T Mladenovic
Second	Cr L Rumble
That with respect to Monthly Schedule of Accounts Paid, Council, in accordance with regulation 13 of the <i>Local Government (Financial Management) Regulations 1996</i>, confirms the Monthly Schedule of Accounts Paid for August 2022, as attached.	
Carried 8/0	

12.2 Monthly Financial Statements – August 2022

File Reference	FM03
Applicant or Proponent(s)	Not Applicable
Author	T Dayman, Acting Director Corporate Services
Authorising Officer	K Donohoe, Chief Executive Officer
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author - Nil
	Authorising Officer - Nil
Attachments	1. Monthly Financial Statements – August 2022

1. Report Purpose

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 August 2022 as well as provide budget amendments recommendations.

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

2. 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.

3. Comments

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

4. Implications To Consider**4.1 Consultation**

Executive Leadership Team

Middle Management Group

Finance Team

4.2 Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective Inspiring Governance

Strategic Outcome Exemplary team and work environment

Strategy Highly functioning Shire team who effectively manages Shire resources to build strong communities

4.3 Council Policy

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.

4.4 Financial

Current Financial Year

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

Future Financial Year(s)

Nil

4.5 Legislative

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.

4.6 Risk Management

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

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

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

5. Voting Requirements

Simple majority

Officer Recommendation

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

Council Decision	138/2022
Moved	Cr A Smith
Second	Cr T Mladenovic
<p>That with respect to Monthly Financial Statements, Council, in accordance with regulation 34 of the <i>Local Government (Financial Management) Regulations 1996</i>, accepts the Statement of Financial Activity and associated documentation for August 2022, as attached.</p>	
Carried 8/0	

12.3 2022 Policy Review

File Reference	GV20
Applicant or Proponent(s)	Not Applicable
Author	J Bray, Manager Governance
Authorising Officer	T Dayman, Acting Director Corporate Services
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. Policies with Minor Amendments 2. Proposed Workplace Health and Safety Policy

1. Report Purpose

It is good governance for Council to regularly review its policies.

The purpose of this report is to provide details of the comprehensive review that has been undertaken by the Administration.

Council is requested to adopt the policies presented which have had minor amendments and the new Workplace Health and Safety Policy which replaces EMP17 Occupational Health and Safety.

2. Background

Council’s policies were last reviewed in 2019. The current policies are available for viewing on the Shire’s [website](#).

3. Comments

A comprehensive review of Council’s policies has been undertaken.

Policies have been recommended to be either retained, retained with amendments or repealed.

The following policies have been reviewed and only minor formatting and grammatical changes have been made:

- ADM04 Digital Information and Records
- ADM08 Community Engagement
- ADM12 Closure of Certain Facilities – Christmas/New Year Period
- ELM13 Execution of Documents and Affixing the Common Seal
- ELM20 History Collection Policy
- FIN07 Investment Policy
- FIN24 Financial Hardship
- REC01 Consumption of Alcohol on Shire of Ashburton Owned and Managed Properties
- REC07 Tourism Policy for the Shire of Ashburton.

In addition to those policies with minor amendments, two policies were identified as requiring urgent attention being the new Workplace Health and Safety Policy and the Media and Communications Policy.

The Workplace Health and Safety Policy is a legislative requirement, and the adoption is considered urgent as the new *Work Health and Safety Act 2020* was implemented earlier this year. This policy will replace EMP17 Occupational Health and Safety.

There are certain sections in the current Media and Communications Policy that are ambiguous, specifically relating to what employees can and cannot do. This is in conflict with the wording in our Employee Code of Conduct and highlights an immediate risk for the Shire from an employee relations perspective as we will not be able to effectively performance manage any Shire employee for a breach of this policy, as it currently stands.

The policies have been transferred into the new template, designed in accordance with the Shire's Corporate Style Guide. Due to the significant formatting changes to allow for this, amendments to policies have not been tracked.

Where possible, titles of policies have been simplified for ease of reference and searchability for elected members, employees and the community.

Policy numbers have been removed to eliminate confusion when a policy is repealed and leaves a gap in the numbering system.

4. Implications To Consider

4.1 Consultation

All elected members, the Executive Leadership Team and policy managers were consulted in the review.

4.2 Strategic Community Plan

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.

4.3 Council Policy

This report relates to the review of 11 Council policies.

4.4 Financial

Current Financial Year

Nil

Future Financial Year(s)

Nil

4.5 Legislative

In accordance with section 2.7 of the *Local Government Act 1995*, the Council is responsible for determining the local government’s policies.

4.6 Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Compliance	Policies are out of date/inconsistent with relevant legislation.	Likely (4)	Moderate (3)	High (10-16)	Adopt the policies detailed in this report and implement a system for the regular review.
Reputation	Customer complaints when policy content doesn’t reflect current processes.	Possible (3)	Minor (2)	Moderate (6-9)	Adopt the policies detailed in this report and implement a system for the regular review.

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

5. Voting Requirements

Simple majority

Officer Recommendation

That with respect to the 2022 Policy Review, Council,

1. Adopts the amended policies as attached:
 - (a) Digital Information and Records
 - (b) Community Engagement
 - (c) Closure of Facilities – Christmas/New Year
 - (d) Execution of Documents and Affixing the Common Seal
 - (e) History Collection
 - (f) Investments
 - (g) Financial Hardship COVID-19
 - (h) Consumption of Alcohol on Shire Property
 - (i) Tourism Support and Promotion
 - (j) Communications and Media.
2. Adopts the new Workplace Health and Safety Policy which replaces EMP17 Occupational Health and Safety.

Council Decision **139/2022**

Moved **Cr M Lynch**

Second **Cr A Smith**

That with respect to the 2022 Policy Review, Council,

- 1. Adopts the amended policies as attached:**
 - (a) Digital Information and Records**
 - (b) Community Engagement**
 - (c) Closure of Facilities – Christmas/New Year**
 - (d) Execution of Documents and Affixing the Common Seal**
 - (e) History Collection**
 - (f) Investments**
 - (g) Financial Hardship COVID-19**
 - (h) Consumption of Alcohol on Shire Property**
 - (i) Tourism Support and Promotion**
 - (j) Communications and Media.**
- 2. Adopts the new Workplace Health and Safety Policy which replaces EMP17 Occupational Health and Safety.**

Carried 8/0

12.4 Local Government Reforms

File Reference	GV02
Applicant or Proponent(s)	Not Applicable
Author	J Bray, Manager Governance
Authorising Officer	T Dayman, Acting Director Corporate Services
Previous Meeting Reference	Ordinary Council Meeting – 14 December 2021 (195/2021)
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	Nil

1. Report Purpose

Council is required to provide a decision on how it will proceed with the proposed local government reforms in relation to ward boundary and elected member representation review.

The purpose of this report is to provide details of the proposed reforms in relation to stronger local democracy and community engagement.

Council is requested to determine the process to be followed for the ward boundary review in preparation for the 2023 local government elections.

2. Background

In November 2021, the Department of Local Government, Sport and Cultural Industries released a local government reform package for consultation. The reform package was based on six (6) themes being:

1. Earlier intervention, effective regulation, and stronger penalties
2. Reducing red tape, increasing consistency and simplicity
3. Greater transparency and accountability
4. Stronger local democracy and community engagement
5. Clear roles and responsibilities
6. Improved financial management and reporting.

At its meeting held 14 December 2014, Council endorsed the Shire of Ashburton (the Shire) local government reform submission paper to the Department.

3. Comments

The Department has considered all submissions and has proposed amendments to the original proposed reforms. These are detailed on the Department's [website](#).

On Wednesday, 21 September 2022, the Minister for Local Government wrote to local government Chief Executive Officers in relation to Theme 4 – Stronger local democracy and community engagement reform proposals, specifically relating to the impact on the 2023 ordinary local government elections and the conduct of ward boundary and representation reviews.

The advice outlines two approaches.

Firstly, local governments can commence a ward boundary and representation review now, with a view to gazetting the changes in time for the elections. Submissions need to be made to the Local Government Advisory Board by 14 February 2023.

Alternatively, local governments may choose the reform pathway, which may involve the following:

- all wards being abolished
- the number of positions set at the maximum allowed (under the reforms (including a directly elected president)
- a directly elected mayor or president.

Under this option, local governments will be able to conduct a ward and representation review after the election to re-introduce wards (applicable to band 1 and 2 local governments).

Local governments are required to advise the Department of their intended option by 28 October 2022.

As requested by the Local Government Advisory Board and required by clause 6, Schedule 2.2 of the *Local Government Act 1995*, the Shire has already commenced the ward boundary and representation review. A consultant has been engaged to undertake the review and work has commenced. The consultation paper is proposed to be presented to Council at the November 2022 Ordinary Council Meeting.

As the review has already commenced it is proposed to continue with this process. The review will take into consideration the proposed reforms and will make recommendations to Council in line with the reforms.

4. Implications To Consider

4.1 Consultation

The Chief Executive Officer and Director Corporate Services have been consulted in relation to this item.

4.2 Strategic Community Plan

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	Coordinated delivery of organisational leadership and performance excellence for the benefit of the community.
Strategy	Provide professional leadership and advice to assist Council.

4.3 Council Policy

Nil

4.4 Financial

Current Financial Year

The conduct of the ward boundary and representation review is estimated to cost \$15,000 and has been included in the 2022/2023 Annual Budget.

Future Financial Year(s)

Nil

4.5 Legislative

In accordance with clause 6, Schedule 2.2 of the *Local Government Act 1995*, the local government must review its ward boundaries and representation within every eight (8) years.

4.6 Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Compliance	The Shire doesn't advise the Department which option it will be proceeding with in relation to ward boundary and representation review.	Unlikely (2)	Minor (2)	Low (1-4)	Council endorses the Officer's recommendation.
Reputation	Council does not continue with the current ward boundary and representation review commenced by the consultant.	Possible (3)	Minor (2)	Moderate (6)	Council endorses the Chief Executive Officer to continue with the review.

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

5. Voting Requirements

Simple majority

Officer Recommendation

That with respect to the Local Government Reforms, Council, endorses the Chief Executive Officer to continue with the ward boundary and representation review, taking into consideration the proposed reforms.

Council Decision 140/2022

Moved Cr A Smith

Second Cr L Rumble

That with respect to the Local Government Reforms, Council, endorses the Chief Executive Officer to continue with the ward boundary and representation review, taking into consideration the proposed reforms.

Carried 7/1

12.5 Fees and Charges Amendment

File Reference	FM29
Applicant or Proponent(s)	Not Applicable
Author	T Dayman, Acting Director Corporate Services
Authorising Officer	K Donohoe, Chief Executive Officer
Previous Meeting Reference	Special Council Meeting 28 July 2022 - Item 6.1 – 099/2022
Disclosure(s) of interest	Author - Nil
	Authorising Officer - Nil
Attachments	Nil

1. Report Purpose

In accordance with section 6.16 of the *Local Government Act 1995*, Council may impose and recover a fee or charge for any goods and 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.

The purpose of this report is to amend several Onslow Community Garden fees and charges.

Council is requested to accept the amended Onslow Community Garden fees and charges for 2022-2023.

2. Background

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

Council adopted the 2022-2023 fees and charges, effective 1 July 2022 at its Ordinary Council Meeting held on 10 May 2022.

Amendments were made to the 2022-2023 fees and charges which was adopted as part of the Annual Budget adoption at the Special Council Meeting held on 28 July 2022.

3. Comments

The fees and charges adopted on 28 July 2022 included charges for the Onslow Community Garden.

A recent review of the Onslow Community Garden fees and charges identified the need to review the hire description as well as correction to the set fees.

Current			Proposed		
Description	Basis of Charge	Fee	Description	Basis of Charge	Fee
Onslow Community Garden – Kitchen Fee	Per Hire	\$22.50	To be removed		
Commercial / Business Operator Use, with Kitchen	Per Hire	\$109	Commercial / Business Operator Use, with Kitchen and pizza oven	Per Hire	\$20
Charitable / Community / Sporting Group Use, with Kitchen	Per Hire	\$55	Charitable / Community / Sporting Group Use, with Kitchen and pizza oven	Per Hire	\$10

To ensure compliance, Council is requested to endorse the amendment to the above fees and charges and give local public notice of its intention to do so and effective date.

4. Implications To Consider

4.1 Consultation

Director Projects and Procurement

Facilities Team

4.2 Strategic Community Plan

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	Provide cost effective financial management and value for money.

4.3 Council Policy

There are no policy implications for this item.

4.4 Financial

Current Financial Year

Income generated from fees and charges.

Future Financial Year(s)

Nil

4.5 Legislative

Local Government Act 1995

Section 6.6 – 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 6.19 – Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

4.6 Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Reputation	That the incorrect fees and charges is imposed onto customers.	Insignificant (1)	Low (3)	Low (1-5)	Council endorses amended fees and charges.

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

5. Voting Requirements

Absolute majority

Officer Recommendation

That with respect to the Fees and Charges Amendment for the Onslow Community Garden, Council,

1. In accordance with section 6.16 of the *Local Government Act 1995*, amends the current Schedule of Fees and Charges, effective 24 October 2022, as follows:

Deletions –

- Onslow Community Garden – Kitchen Fee, Per Hire, \$22.50
- Commercial / Business Operator Use, with Kitchen, Per Hire, \$109.00
- Charitable / Community / Sporting Group Use, with Kitchen, Per Hire \$55.00

Additions –

- Commercial / Business Operator Use, with Kitchen and pizza oven, Per Hire, \$20.00
- Charitable / Community / Sporting Group Use, with Kitchen and pizza oven, Per Hire, \$10.00

2. In accordance with section 6.19 of the *Local Government Act 1995*, gives local public notice of the amendment to the fees and charges.

Council Decision **141/2022**

Moved **Cr L Rumble**

Second **Cr T Mladenovic**

That with respect to the Fees and Charges Amendment for the Onslow Community Garden, Council,

1. In accordance with section 6.16 of the *Local Government Act 1995*, amends the current Schedule of Fees and Charges, effective 24 October 2022, as follows:

Deletions –

- **Onslow Community Garden – Kitchen Fee, Per Hire, \$22.50**
- **Commercial / Business Operator Use, with Kitchen, Per Hire, \$109.00**
- **Charitable / Community / Sporting Group Use, with Kitchen, Per Hire \$55.00**

Additions –

- **Commercial / Business Operator Use, with Kitchen and pizza oven, Per Hire, \$20.00**
- **Charitable / Community / Sporting Group Use, with Kitchen and pizza oven, Per Hire, \$10.00**

2. In accordance with section 6.19 of the *Local Government Act 1995*, gives local public notice of the amendment to the fees and charges.

Carried 8/0

12.6 2022 Local Law Review

File Reference	LE33
Applicant or Proponent(s)	Not Applicable
Author	J Bray, Manager Governance
Authorising Officer	T Dayman, Acting Director Corporate Services
Previous Meeting Reference	Ordinary Council Meeting 8 March 2022 – Item 12.4 (024/2022)
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	Nil

1. Report Purpose

Council is required to undertake a formal review of local laws at least once every eight (8) years.

The purpose of this report is to consider any submissions made during the public consultation period in accordance with section 3.16 of the *Local Government Act 1995*.

Council is requested to determine the course of action to be taken in relation to each of the Shire of Ashburton's local laws.

2. Background

Section 3.16 of the *Local Government Act 1995* (the Act) requires local governments to undertake a review of their local laws at least once every eight (8) years.

A list of the local laws currently in place, when they were made/gazetted, and comments regarding them were reported to Council at its meeting held on 8 March 2022. Council resolved to initiate the review and call for public submissions for a six-week period as required by section 3.16 of the Act.

The current Shire of Ashburton local laws can be found on the [website](#).

3. Comments

The local law review was advertised for public comment for the period 7 April 2022 to 3 June 2022. At the close of the public consultation, no comments were received.

Although there were no comments from the public it is considered good practice to keep local laws as up to date and as contemporary as they reasonably can be, while others can simply be left as is. A summary of proposed action is detailed in the table below.

Local law	Gazettal and amendment dates	Action to be taken
Fencing Local Law 2014	11 April 2014, p1039 28 November 2014, p4414	No further action required.
Cemeteries Local Law 2013	8 March 2013, p1180 15 November 2013, p5237	No further action required.
Activities on Thoroughfares and Public Places and Trading Amendment Local Law 2013	5 April 2013, p1401 15 November 2013, p5257	Merge with Local Government Property and Swimming Pools Local Laws to create a new local law.
Parking and Parking Facilities Local Law 2013	5 April 2013, p1425	No further action required.
Local Government Property Local Law 2013	5 April 2013, p1445 15 November 2013, p5257	Merge with Activities on Thoroughfares and Public Places and Trading and Swimming Pools Local Laws to create a new local law.
Health Local Law 2013	5 April 2013, p1355	No further action required.
Standing Orders Local Law 2012	8 March 2013, p1143	No further action required.
Swimming Pools, Public Management and Control Local Law 2000	3 November 2000, p6105	Merge with Local Government Property and Activities on Thoroughfares and Public Places and Trading Local Laws to create a new local law.
Control of Cats Local Law 1998	3 June 1998, p3031	Replace with new local law that reflects the <i>Cat Act 2012</i> and associated regulations.
Extractive Industries Local Law 2013	8 March 2013, p1161	To be repealed as its application is limited. Mining and similar activity is regulated under State legislation and anything that is not or where required, can be better regulated by conditions that may be imposed as part of a development approval under the Shire's Local Planning Scheme.
Dogs Local Law 2012	8 March 2013, p1170	No further action required.

The Shire has now complied with the local law review requirements.

The process to make, amend or repeal a local law is separate to the formal review and is set out in section 3.12 of the Act. This requires Council to initiate any changes, advertise them, consider submissions and then decide to make the local law or amendment local law. The proposed changes to local laws summarised above will therefore be brought before Council on a case-by-case basis shortly.

4. Implications To Consider

4.1 Consultation

The local law review was advertised for public comment for the period 7 April 2022 to 3 June 2022. No submissions were received.

Consultation with the relevant Shire officers was also undertaken. The results of this consultation has determined the action to be taken in relation to each local law.

4.2 Strategic Community Plan

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.

4.3 Council Policy

Nil

4.4 Financial

Current Financial Year

Costs associated with the creation of the proposed local laws and amendment local laws has been included in the annual budget.

Future Financial Year(s)

Nil

4.5 Legislative

Section 3.16 of the *Local Government Act 1995* requires local governments to carry out a review of its local laws within a period of eight (8) years from the day when the local laws commenced and to determine whether it considers it should be repealed or amended.

Section 3.12 of the *Local Government Act 1995* sets out the procedure which must be followed, in the sequence it is described in making a local law (be it new, amendment or repeal).

4.6 Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Compliance	Failure to review local laws within the required timeframe.	Possible (3)	Moderate (3)	Moderate (5-9)	Council finalises the review of local laws process, as recommended.
Reputation	Failure to regularly review and maintain local laws.	Possible (3)	Moderate (3)	Moderate (5-9)	Council finalises the review of local laws process, as recommended.

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

5. Voting Requirements

Absolute majority

Officer Recommendation

That with respect to the 2022 Local Law Review – results of public consultation period, Council,

1. Considers the outcome of local law reviews undertaken pursuant to section 3.16 of the *Local Government Act 1995* and determines the:
 - (a) Following local laws be repealed and replaced with new local laws:
 - (i) Activities on Thoroughfares and Public Places and Trading Amendment Local Law 2013,
 - (ii) Local Government Property Local Law 2013,
 - (iii) Swimming Pools, Public Management and Control Local Law 2000, and
 - (iv) Control of Cats Local Law 1998.
 - (b) Extractive Industries Local Law 2013 be repealed.
 - (c) Following local laws require no further action:
 - (i) Fencing Local Law 2014,
 - (ii) Cemeteries Local Law 2013,
 - (iii) Parking and Parking Facilities Local Law 2013,
 - (iv) Health Local Law 2013,
 - (v) Standing Orders Local Law 2012, and
 - (vi) Dogs Local Law 2012.
2. Notes that proposals to create new and repeal local laws will be presented for consideration in due course pursuant to section 3.12 of the *Local Government Act 1995*.

Council Decision **142/2022**

Moved **Cr T Mladenovic**

Second **Cr L Rumble**

That with respect to the 2022 Local Law Review – results of public consultation period, Council,

1. Considers the outcome of local law reviews undertaken pursuant to section 3.16 of the *Local Government Act 1995* and determines the:

(a) Following local laws be repealed and replaced with new local laws:

(i) Activities on Thoroughfares and Public Places and Trading Amendment Local Law 2013,

(ii) Local Government Property Local Law 2013,

(iii) Swimming Pools, Public Management and Control Local Law 2000, and

(iv) Control of Cats Local Law 1998.

(b) Extractive Industries Local Law 2013 be repealed.

(c) Following local laws require no further action:

(i) Fencing Local Law 2014,

(ii) Cemeteries Local Law 2013,

(iii) Parking and Parking Facilities Local Law 2013,

(iv) Health Local Law 2013,

(v) Standing Orders Local Law 2012, and

(vi) Dogs Local Law 2012.

2. Notes that proposals to create new and repeal local laws will be presented for consideration in due course pursuant to section 3.12 of the *Local Government Act 1995*.

Carried 8/0

12.7 Financial and Costing Review – September 2022

File Reference	FM03
Applicant or Proponent(s)	Not Applicable
Author	T Dayman, Acting Director Corporate Services
Authorising Officer	K Donohoe, Chief Executive Officer
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author - Nil
	Authorising Officer - Nil
Attachments	1. Financial and Costing Review - September 2022

1. Report Purpose

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

The purpose of this report is to present the outcomes of the recent Finance and Costing Review (FACR) 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 includes proposed amendments to the Annual Budget.

2. Background

Shire officers have recently undertaken a FACR for the current financial year. The review, although not a statutory obligation, is considered best practice towards achieving sound oversight of Council's financial position versus budget estimates.

The review is based on year-to-date actual expense and revenue, along with 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 funds and over and under achievement of income targets for the benefit of all stakeholders to ensure sound fiscal management of remaining projects and programs.

3. Comments

The 2022-2023 Annual Budget was adopted at the Ordinary Council Meeting on 29 July 2022 as a balanced budget (i.e., all available funds are offset by an equal amount of expense).

The recent FACR process commenced in September 2022 and included a review of each service area with the appropriate responsible officers, with the overall aim of achieving a \$nil impact and continual delivery of a balanced budget.

The general practice is for identified expense savings and revenue windfalls to be offset against increases in forecast costs, with any remaining funds used towards new essential projects/services not identified in the Annual Budget. Finally, any difference remaining is offset by movements of funds to/from reserve accounts, which ultimately will generate a balanced budget.

Regional Waste Facility

One of the significant proposed budget amendments relates to the income from the Regional Waste Facility which was budgeted to receive \$3,164,400. Due to the status of the facility, this level of income will not be achieved in this financial year and as a result a budget amendment of \$2,964,400 is proposed reducing the income to \$200,000.

The 2022-2023 Annual Budget also included the amount of \$270,100 being transferred to the Regional Waste Facility Reserve based on the expected profit of the facility. The reduction of income has directly impacted Council's ability to set aside these funds in a reserve and therefore is proposed as a budget amendment.

The FACR process focused on finding potential savings throughout the budget to compensate for the loss of income from the Regional Waste Facility and ensure a balanced budget is achieved.

Chart of Accounts Remapping

Prior to adopting the 2022-2023 Annual Budget, a new Chart of Accounts was developed and designed based on business unit accounting principles. The preparation of the Annual Budget was based on the prior Chart of Accounts and required remapping to the new format. For a majority of the budget, it was simply a remap from the old general ledger and/or jobs to the new, which was easily applied. A number of accounts required a remapping of one to many, due to the design of the new chart. Due to time restraints of designing the new chart and adopting the budget, this remapping was not 100% updated.

The FACR process aimed to identify remapping issues and make the required adjustments, which can have a direct impact on general ledger budget provisions however, have an overall budget impact of \$nil. These types of adjustments may continue throughout the year as staff become familiar with the new chart.

For the ease of Council's review, movements relating to Chart of Accounts mapping are identified in the attachment with the classification of "COA Budget Mapping".

Employee Costs

A review of employee costs has not occurred in this current FACR process. Based on current vacancy trends it is anticipated savings will arise. A detailed review will occur for the Annual Budget Review early in the new calendar year.

Summary

The table below provides an overview of net proposed amendments for each directorate. The totals represent a net of income, operating expense, capital expense, as well as movement in loans and reserve balances.

Directorate	Current Budget (Net) \$	End-of-Year Forecast (Net) \$	Proposed Amendments (Net) \$
Opening Position	11,464,289	11,464,289	0
Chief Executive’s Office	8,716,300	8,802,630	(633,670)
Corporate Services	(68,304,165)	(69,044,374)	(740,209)
Infrastructure Services	27,900,300	28,968,864	1,068,564
People and Place	6,830,600	6,915,055	84,455
Projects and Procurement	25,292,500	25,513,360	220,860
Less Non-Cash Movements	13,479,952	13,479,952	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 aims to provide a balanced budget, which has been achieved.

Proposed Budget Amendments

The FACR process identified several proposed budget amendments, and new items for inclusion in the current budget.

A local government is required to authorise, in advance by an absolute majority decision, expense for an additional purpose which is not already included in the Annual Budget.

The following is a list of new items, which have been assessed by the Executive Leadership Team (totalling \$32,692), and are proposed for inclusion in the amended Annual Budget, which are offset by reduced expense and increased revenue in other areas –

Income

- CF12004 General Purpose Grant (\$464,009)
- CF12005 Untied Road Grant (\$ 40,654)
- FN18007 Insurance Claims reimbursements (\$ 50,000)
- ED24081 Tourism Initiatives Funding (\$381,499)

Expense

- GV22006 Governance Advertising \$ 10,000
- GV23001 Governance Legal \$ 10,000
- GV23501 Governance Consultancies \$130,000
- CS22007 Customer Service Minor Assets \$ 6,554
- TV22004 ITC Services Printing and Stationery \$ 80,000
- TV22007 ICT Services Minor Assets \$ 15,000
- OD24012 Industrial Services \$102,800
- OD24013 Work Health and Safety \$ 10,000
- LA22007 Land and Assets Compliance Minor Assets \$ 3,000
- LA23001 Land and Assets Compliance Legal \$ 20,000

• MC22008 Media and Communications Subscriptions and Publications	\$ 41,000
• MC24009 Media and Communications Corporate Documents	\$ 40,000
• AS22009 Assets and Programming Meetings and Travel	\$ 5,000
• LX22004 Plant Overheads Printing and Stationery	\$ 5,000
• TX22009 Town Maintenance Overheads Meetings and travel	\$ 10,000
• WX22009 Waste Services Meetings and Travel	\$ 10,000
• RW23001 Pilbara Waste Services Legal	\$100,000
• CM22008 Communities Subscriptions and Publications	\$ 3,000
• LQ22004 Library Services Pannawonica Printing and Stationery	\$ 2,500
• PC22008 Procurement Subscriptions and Publications	\$ 13,000
• PC21004 Procurement Recruitment	\$ 8,000
• FO25308 Facilities Onslow Depot Facility	\$ 60,200
• FP25308 Facilities Paraburdoo Depot Facility	\$ 34,500
• FT25308 Facilities Tom Price Depot Facility	\$120,100
• FP26304 Aquatic Facilities	\$ 94,700

Capital

• ED30202 Furniture & Equipment – New	\$9,500
• CM31503 Town Infrastructure – New	\$25,000

It should be noted that some of the above new items are as a result of addressing chart of accounts remapping issues, transferring to correct general ledgers that currently do not have a budget allocation.

A comprehensive list of budget amendments has been attached for Council's consideration.

Included within the attached amendments are the following significant increases to original budget items.

- General Purpose and United Road Grant increase from \$0 to \$504,663
Reason: Advance payment received in prior year; funding represents remaining allocation for the financial year.
- Transfer to Reserve - Regional Waste Facility decrease from \$270,100 to 0
Reason: Due to decrease in anticipated funding
- Tourism Initiatives Funding increase from \$0 to 381,499
Reason: BHP funding to be allocated to Onslow Tourism project
- Tourism Initiatives expenditure decrease from \$1,708,500 to \$1,578,100
Reason: Onslow Water Tank correction to carried forward amount plus additional funds \$155,000
Visitor Marketing and Promotions reduction due to BHP funding expenditure being allocated other Onslow Tourism project \$200,000
- Residential Property Rent increase from \$24,500 to \$205,138
Reason: Revised assessment of rental derived from residential properties.

- Infrastructure Services Consultancies decrease from \$1,121,000 to \$471,000
Reason: Identified savings to cover deficit
- Capital Funding - Economic Major - Projects decrease from \$212,400 to \$62,400
Reason: Removal of Funding - Park in a Day Cenotaph
- Capital Funding - Transport - Major Projects increase from \$2,092,400 to \$2,542,400
Reason: Main Roads NORA Funding - Bindi Bindi Project
- Roads – Renewal increase from \$5,013,100 to \$6,067,100
Reason: Increase budget for Roebourne - Wittenoom Road Works (TBA) \$604K
New project - Bindi Bindi Road Renewal \$450k
- Parks and Recreation – Upgrade increase from \$2,718,000 to \$2,868,000
Reason: Increase budget provision for Tom Price Skate Park Expansion \$150K
- Regional Roads decrease from \$4,380,300 to \$2,661,381
Reason: Decrease in budget provision for maintenance of regional roads
- Local Roads decrease from \$876,000 to \$624,883
Reason: Decrease in budget provision for maintenance of Local Roads
- Regional Waste Facility revenue decrease from \$3,164,400 to \$200,000
Reason: Due to status of operations of the site a reduction of revenue will occur.
- Regional Waste Facility legal increase from \$0 to \$100,000
Reason: Provision for anticipated legal costs.
- WTO - Chevron - Agreement Delivery increase from \$232,700 to \$458,855
Reason: Passion of the Pilbara budget allocation \$250K
- Inspire - Rio Tinto - Agreement Delivery expenditure decrease from \$578,800 to \$432,000.
Reason: Decrease in budget provision to deliver programs
- Ocean View Caravan Park Stage 3 Increase from \$3,260,000 to \$3,710,000
- Ocean View Caravan Park Stage 2 Decrease from \$982,200 to \$532,200
Reason, identified savings to be reallocated to stage 3 to cover anticipated costs.

4. Implications To Consider

4.1 Consultation

Executive Leadership Team

Middle Management Group

Finance Team

4.2 Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	Performance
Strategic Outcome	Appropriate, sustainable, and transparent management of community funds
Strategy	Plan effectively for financial sustainability.

4.3 Council Policy

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.

4.4 Financial

Current Financial Year

The net result of all proposed amendments to the Annual Budget is \$nil.

Future Financial Year(s)

Nil

4.5 Legislative

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 already included in the Annual Budget, is authorised in advance by Council resolution or authorised in advance by the Shire President in an emergency.

4.6 Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Interruption to service	Potential reduction in the quality of assets provided and services delivered if the Budget Amendments are not adopted.	Possible (3)	Major (4)	High (10-16)	Provide Councillors with sufficient information for sound decision making

Reputation (social/community)	Negative public perception if works are not completed due to funding issues	Possible (3)	Moderate (3)	Moderate (5-9)	Provide Councillors with sufficient information for sound decision making
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Based on the inherent risk rating and risk treatments, the residual risk to the Shire is considered to be high.

5. Voting Requirements

Absolute majority

Officer Recommendation

That with respect to Finance and Costing Review – September 2022, Council,

1. In accordance with section 6.8 of the *Local Government Act 1995*, approves the following for inclusion in the 2022-2023 Annual Budget:

Income

- CF12004 General Purpose Grant (\$464,009)
- CF12005 Untied Road Grant (\$ 40,654)
- FN18007 Insurance Claims reimbursements (\$ 50,000)
- ED24081 Tourism Initiatives Funding (\$381,499)

Expense

- GV22006 Governance Advertising \$ 10,000
- GV23001 Governance Legal \$ 10,000
- GV23501 Governance Consultancies \$130,000
- CS22007 Customer Service Minor Assets \$ 6,554
- TV22004 ITC Services Printing and Stationery \$ 80,000
- TV22007 ICT Services Minor Assets \$ 15,000
- OD24012 Industrial Services \$102,800
- OD24013 Work Health and Safety \$ 10,000
- LA22007 Land and Assets Compliance Minor Assets \$ 3,000
- LA23001 Land and Assets Compliance Legal \$ 20,000
- MC22008 Media and Communications Subscriptions and Publications \$ 41,000
- MC24009 Media and Communications Corporate Documents \$ 40,000
- AS22009 Assets and Programming Meetings and Travel \$ 5,000
- LX22004 Plant Overheads Printing and Stationery \$ 5,000
- TX22009 Town Maintenance Overheads Meetings and travel \$ 10,000
- WX22009 Waste Services Meetings and Travel \$ 10,000
- RW23001 Pilbara Waste Services Legal \$100,000
- CM22008 Communities Subscriptions and Publications \$ 3,000
- LQ22004 Library Services Pannawonica Printing and Stationery \$ 2,500
- PC22008 Procurement Subscriptions and Publications \$ 13,000
- PC21004 Procurement Recruitment \$ 8,000

- FP26304 Aquatic Facilities \$ 94,700
- FO25308 Facilities Onslow Depot Facility \$ 60,200
- FP25308 Facilities Paraburdoo Depot Facility \$ 34,500
- FT25308 Facilities Tom Price Depot Facility \$120,100

Capital

- ED30202 Furniture & Equipment – New \$9,500
- CM31503 Town Infrastructure – New \$25,000

2. Endorses amendments to the 2022-2023 Annual Budget, as included in attachment 1 and summarised below by management area, with amounts in brackets representing a benefit to the organisation, which results in an overall \$nil budget variance:

Office of the CEO

- Office of the CEO \$ 0
- Airport Services (\$ 3,500)
- Business and Economic Development (\$ 519,399)
- Organisational Development \$ 0
- Land and Asset Compliance (\$ 102,771)
- Media And Communications (\$ 8,000)
- (\$ 633,670)

Corporate Services

- Corporate Services (\$ 125,000)
- Finance (\$ 50,000)
- Governance \$ 129,554
- ICT Services \$ 80,000
- Corporate Funding (\$ 774,763)
- (\$ 740,209)

Infrastructure Services

- Infrastructure Services (\$ 675,000)
- Assets and Programming \$ 5,000
- Plant \$ 5,000
- Town Maintenance (\$ 274,800)
- Roads and Civil Projects (\$ 1,066,036)
- Waste Services \$ 3,074,400
- \$ 1,068,564

People and Place

- People & Place Services \$ 0
- Regulatory Services (\$ 43,000)
- Development Services (\$ 40,000)
- Communities \$ 87,455
- Library Services \$ 0
- (\$ 84,455)

Project and Procurement

• Projects and Procurement	\$ 8,000
• Facilities	<u>\$ 212,860</u>
	\$ 220,860

Forecast Budget position \$ 0

Council Decision	143/2022
Moved	Cr M Lynch
Second	Cr A Sullivan
That with respect to Finance and Costing Review – September 2022, Council,	
1. In accordance with section 6.8 of the <i>Local Government Act 1995</i>, approves the following for inclusion in the 2022-2023 Annual Budget:	
Income	
• CF12004 General Purpose Grant	(\$464,009)
• CF12005 Untied Road Grant	(\$ 40,654)
• FN18007 Insurance Claims reimbursements	(\$ 50,000)
• ED24081 Tourism Initiatives Funding	(\$381,499)
Expense	
• GV22006 Governance Advertising	\$ 10,000
• GV23001 Governance Legal	\$ 10,000
• GV23501 Governance Consultancies	\$130,000
• CS22007 Customer Service Minor Assets	\$ 6,554
• TV22004 ITC Services Printing and Stationery	\$ 80,000
• TV22007 ICT Services Minor Assets	\$ 15,000
• OD24012 Industrial Services	\$102,800
• OD24013 Work Health and Safety	\$ 10,000
• LA22007 Land and Assets Compliance Minor Assets	\$ 3,000
• LA23001 Land and Assets Compliance Legal	\$ 20,000
• MC22008 Media and Communications Subscriptions and Publications	\$ 41,000
• MC24009 Media and Communications Corporate Documents	\$ 40,000
• AS22009 Assets and Programming Meetings and Travel	\$ 5,000
• LX22004 Plant Overheads Printing and Stationery	\$ 5,000
• TX22009 Town Maintenance Overheads Meetings and travel	\$ 10,000
• WX22009 Waste Services Meetings and Travel	\$ 10,000
• RW23001 Pilbara Waste Services Legal	\$100,000
• CM22008 Communities Subscriptions and Publications	\$ 3,000
• LQ22004 Library Services Pannawonica Printing and Stationery	\$ 2,500
• PC22008 Procurement Subscriptions and Publications	\$ 13,000
• PC21004 Procurement Recruitment	\$ 8,000
• FP26304 Aquatic Facilities	\$ 94,700

- FO25308 Facilities Onslow Depot Facility \$ 60,200
- FP25308 Facilities Paraburdoo Depot Facility \$ 34,500
- FT25308 Facilities Tom Price Depot Facility \$120,100

Capital

- ED30202 Furniture & Equipment – New \$ 9,500
- CM31503 Town Infrastructure – New \$25,000

2. Endorses amendments to the 2022-2023 Annual Budget, as included in attachment 1 and summarised below by management area, with amounts in brackets representing a benefit to the organisation, which results in an overall \$nil budget variance:

Office of the CEO

- Office of the CEO \$ 0
- Airport Services (\$ 3,500)
- Business and Economic Development (\$ 519,399)
- Organisational Development \$ 0
- Land and Asset Compliance (\$ 102,771)
- Media And Communications (\$ 8,000)
- (\$ 633,670)

Corporate Services

- Corporate Services (\$ 125,000)
- Finance (\$ 50,000)
- Governance \$ 129,554
- ICT Services \$ 80,000
- Corporate Funding (\$ 774,763)
- (\$ 740,209)

Infrastructure Services

- Infrastructure Services (\$ 675,000)
- Assets and Programming \$ 5,000
- Plant \$ 5,000
- Town Maintenance (\$ 274,800)
- Roads and Civil Projects (\$ 1,066,036)
- Waste Services \$ 3,074,400
- \$ 1,068,564

People and Place

- People & Place Services \$ 0
- Regulatory Services (\$ 43,000)
- Development Services (\$ 40,000)
- Communities \$ 87,455
- Library Services \$ 0
- (\$ 84,455)

<u>Project and Procurement</u>	
• Projects and Procurement	\$ 8,000
• Facilities	\$ 212,860
	\$ 220,860
Forecast Budget position	\$ 0
	Carried 8/0

13 People and Place Reports

13.1 Consent to advertise draft Local Planning Scheme No.8

File Reference	LP10.8.0
Applicant or Proponent(s)	Not Applicable
Author	B McKay, Manager Town Planning
Authorising Officer	T Matson, Director People & Place
Previous Meeting Reference	Ordinary Council Meeting 20 April 2021 - Item 13.2 – 62/2021
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. Draft Scheme Text 2. Scheme Maps

1. Report Purpose

Council is required to have a Local Planning Scheme, which is the principal statutory document of the local planning framework and is the mechanism for achieving the Shire of Ashburton's (the Shire) aims and objectives through informing decision making with respect to development.

The purpose of this report is to consider the draft Local Planning Scheme No.8 (LPS8), which has been prepared to replace the existing Local Planning Scheme No.7 (LPS7) in accordance with the recommendations of the Shire's Local Planning Strategy and the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

Council is requested to endorse the draft Local Planning Scheme No.8 (LPS8) for the purpose of undertaking public advertising including requesting that the Western Australian Planning Commission (WAPC) approve the draft LPS8 for public advertising.

2. Background

Local planning schemes are subject to compliance with the State Government's statutory and strategic planning framework. In particular, the *Planning and Development Act 2005* and the Regulations.

The Regulations provide a Model Scheme Template (MST) which local planning schemes must conform to, however the Shire's existing LPS7 has not been updated to incorporate the new MST format. The Regulations also provide 'Deemed Provisions' which are a series of requirements that automatically apply to all local planning schemes.

The Shire's existing LPS7 was gazetted on 24 December 2004. The Regulations require schemes to be reviewed every five years. A scheme review is a multi-staged process. The first stage is the preparation of a Local Planning Strategy (Strategy), as required by regulation 11(1) of the Regulations.

A Strategy sets out the long-term planning direction for the local government and provides the rationale for the zoning and classification of land under the scheme. Council resolved to prepare a Strategy which, following formal consultation during 2018 and 2019, was approved by Council in November 2020. The Strategy was subsequently approved by the WAPC in June 2021.

The Strategy recommends that a LPS8 be prepared and on 20 April 2021, Council resolved:

“to prepare Local Planning Scheme No.8 pursuant to Regulation 19(1) of the Planning and Development (Local Planning Schemes) Regulations 2015 and Section 72(1) of the Planning and Development Act 2005.”

3. Comments

A local planning scheme comprises two elements; a ‘Scheme Text,’ which sets out the written requirements of the scheme, and a ‘Scheme Map,’ which applies zoning and residential density codes to land throughout the local government (as attached).

The WAPC, through the regulations provides a MST to guide the preparation of new local planning schemes. The purpose of the MST is to provide consistency in local planning implementation throughout Western Australia, giving local governments a clear and concise template for the preparation of a new local planning scheme.

The Regulations also provide ‘Deemed Provisions’ which are a series of requirements automatically read into all local planning schemes. A significant number of clauses within LPS7 have been overwritten by the Deemed Provisions in the Regulations, meaning that some of the text in the current scheme is effectively meaningless. The new scheme will delete these provisions. The planning matters now regulated by the Deemed Provisions that were previously regulated by local planning schemes include:

- Clearly defining where development approval is required and establishing what use and development of land is exempt from local government development approval;
- Setting out the process for submitting, assessing, determining, and reviewing of development approval by the local government;
- The process for preparing, amending and revoking local planning policies;
- Preparing, amending and rescinding subordinate planning tools: The Scheme’s Development Plans are replaced with Structure Plans, Activity Centre Plans, and Local Development Plans;
- Assessing applications for development approval in a bushfire risk area;
- Local government enforcement powers;
- Delegation of powers; and
- Provision of forms.

Accordingly, any scheme text relating to these matters within the LPS7 should have been removed, as it has no statutory authority and may conflict with the Deemed Provisions. While these Deemed Provisions have legal effect and provide the Shire’s statutory planning framework, the actual scheme text remains unchanged until the overwritten clauses are deleted via the adoption of a new scheme or scheme amendment. This has caused some confusion, particularly for developers and others using current version of the scheme.

Furthermore, Council endorsed the Strategy on 10 November 2020. The Strategy provides justification and rationale for preparing and gazettal of a new scheme, as the document proposes a number of actions and recommendations that are required to be incorporated into a new scheme.

Should Council resolve to endorse the draft LPS8 for public advertising, the next step is to submit the draft LPS8 to the Environmental Protection Authority for comment and to the WAPC for review and consent to advertise. The WAPC has 90 days to advise whether they consent to advertising or require modifications to the scheme prior to advertising.

Following the WAPC’s certification, the Regulations require the Shire to advertise the draft LPS8 for a minimum of 90 days. Communication with the public will be via traditional and digital means, including newspaper adverts as required by the Regulations. Submissions will be analysed and may result in modifications to the draft LPS8, which will be presented to Council for endorsement at a future Ordinary Council Meeting.

Following a decision by Council to adopt draft LPS8 for the purpose of undertaking public consultation it is advisable that any proposal for amendment to LPS7 should not be initiated by Council. Any proposal for amendment to LPS7 received should be treated as a submission on draft LPS8.

4. Implications To Consider

4.1 Consultation

Executive Leadership Team

Department of Planning Lands and Heritage

4.2 Strategic Community Plan

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 and development. planning

4.3 Council Policy

A comprehensive review of all Local Planning Policies will be undertaken once LPS8 is adopted.

4.4 Financial

Current Financial Year

There are no financial implications for this matter.

Future Financial Year(s)

There are no financial implications for this matter.

4.5 Legislative

Planning and Development Act 2005

Part 72 of the Act provides the ability for the Shire to prepare and adopt a local planning scheme for the district.

Part 73 of the Act sets out the matters/content dealt with as part of a local planning scheme. LPS8 has been prepared in a manner consistent with these provisions.

The Act provides the power for the Minister for Planning to require a local government to adopt a local planning scheme. The Shire resolved to prepare a new local planning scheme on 20 April 2022.

Planning and Development (Local Planning Schemes) Regulations 2015

Part 4 outlines the process for which the Shire must follow when preparing a local planning scheme.

4.6 Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Compliance	The Council refuse to approve draft LPS8 for advertising or require major changes prior to advertising.	Minor (2)	Unlikely (2)	Low (1-4)	Accept officer's recommendation.
Compliance	The WAPC refuse to approve draft LPS8 for advertising or requires major changes prior to advertising.	Minor (2)	Unlikely (2)	Low (1-4)	Accept officer's recommendation.

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

5. Voting Requirements

Simple majority

Officer Recommendation

That with respect to Consent to advertise draft Local Planning Scheme No.8, Council,

1. Pursuant to regulation 21(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, proceeds to advertise the draft Local Planning Scheme No.8 (LPS8) included in attachment 1 without modifications.
2. Delegates powers to the Chief Executive Officer to achieve the requirement of regulation 21 and 22 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, with regards to LPS8 as follows:
 - (a) refer the draft Local Planning Scheme No.8 to the Environment Protection Authority to consider if Local Planning Scheme No.8 needs to be assessed pursuant to Section 48A of the *Environmental Protection Act 1986*.
 - (b) provide two copies of Local Planning Scheme No.8 to the Western Australian Planning Commission and seek the Commission's approval to advertise the scheme without modification, pursuant to regulation 21(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
 - (c) make modifications to Local Planning Scheme No.8 to the satisfaction of the Environmental Protection Authority and/or Western Australian Planning Commission prior to commencement of advertising.
 - (d) undertake community consultation and invites submissions on the draft Local Planning Scheme No.8 for a period not less than 90 days, following approval of the Western Australian Planning Commission to advertise, pursuant to regulation 22 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
 - (e) report back to Council at the expiry of the consultation period with a final version of Local Planning Scheme No.8, with or without modifications, having regard to any submissions made.
 - (f) endorse a general position that following the endorsement of draft Local Planning Scheme No.8 for public consultation, no further amendments to Local Planning Scheme No.7 will be initiated, unless there are compelling reasons to do so.

Council Decision **144/2022**

Moved **Cr M Lynch**

Second **Cr A Sullivan**

That with respect to Consent to advertise draft Local Planning Scheme No.8, Council,

- 1. Pursuant to regulation 21(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, proceeds to advertise the draft Local Planning Scheme No.8 (LPS8) included in attachment 1 without modifications.**
- 2. Delegates powers to the Chief Executive Officer to achieve the requirement of regulation 21 and 22 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, with regards to LPS8 as follows:**
 - (a) refer the draft Local Planning Scheme No.8 to the Environment Protection Authority to consider if Local Planning Scheme No.8 needs to be assessed pursuant to Section 48A of the *Environmental Protection Act 1986*.**
 - (b) provide two copies of Local Planning Scheme No.8 to the Western Australian Planning Commission and seek the Commission's approval to advertise the scheme without modification, pursuant to regulation 21(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
 - (c) make modifications to Local Planning Scheme No.8 to the satisfaction of the Environmental Protection Authority and/or Western Australian Planning Commission prior to commencement of advertising.**
 - (d) undertake community consultation and invites submissions on the draft Local Planning Scheme No.8 for a period not less than 90 days, following approval of the Western Australian Planning Commission to advertise, pursuant to regulation 22 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
 - (e) report back to Council at the expiry of the consultation period with a final version of Local Planning Scheme No.8, with or without modifications, having regard to any submissions made.**
 - (f) endorse a general position that following the endorsement of draft Local Planning Scheme No.8 for public consultation, no further amendments to Local Planning Scheme No.7 will be initiated, unless there are compelling reasons to do so.**

Carried 8/0

13.2 Shire of Ashburton Construction Camp Location

File Reference	NAM.0041
Applicant or Proponent(s)	Shire of Ashburton
Author	B McKay, Manager Town Planning
Authorising Officer	T Matson, Director People & Place
Previous Meeting Reference	Special Council Meeting 17 August 2021 - Item 6.4 – 140/2021 Ordinary Council Meeting 14 December 2021 - Item 11.2 – 196/2021 Ordinary Council Meeting 8 March 2022 - Item 18.1 – 032/2022
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	Nil

1. Report Purpose

At the September 2022 Ordinary Council Meeting, a proposal was presented to construct a short term construction camp in Tom Price for the purpose of housing workers on Shire of Ashburton (Shire) related projects. Council resolved to request the Chief Executive Officer to further investigate the former Shire camp on Nameless Valley Drive (Reserve 38467) as an alternative.

The purpose of this report is to provide Council with information received regarding this site and the future options for Council.

It is recommended that Council request the Chief Executive Officer to write to the Minister for Lands and request a change of purpose of Reserve 38467 from “Experimental Farm and Gravel” to “Short Term Tourism and Key Worker Accommodation, Experimental Farm and Gravel”, with Power to Lease. This will allow for the construction of the camp on the site.

2. Background

Reserve 38467 is vested to the Shire for the purposes of “Experimental Farm and Gravel” and has been the subject of interest by a third-party operator who approached the Shire over 18 months ago, with the intention of constructing short term accommodation for workers and tourists.

With this in mind, at the 17 August 2021 Special Council Meeting, Council resolved to,

- 1. Request the Minister for Lands change the purpose of Reserve 38467 from "Experimental Farm and Gravel" to "Short Term Tourism and Key Worker Accommodation, Experimental Farm and Gravel", with Power to Lease.*

Following the Council decision, the proponent requested the entire reserve be leased. Part of the reserve had been leased by Council to the Ashburton Aboriginal Corporation (AAC) in July 2015. The AAC lease was for the permitted use of “Experimental Farm” for a period of 10 years.

Shire officers approached AAC requesting they surrender their lease for portion of Reserve 38467. The AAC consented to the surrender in principle, advising it wished for the Shire to explore alternative sites.

At the 14 December 2021 Ordinary Council Meeting, Council resolved to endorse the Deed of Surrender and Variation of portion of Reserve 38467 and explore an alternative area in Tom Price for AAC on similar terms to the surrendered lease. The report noted Reserve 38467 would then be leased or sold to a third-party operator.

At the 14 December 2021 Ordinary Council Meeting, Council resolved to,

- a Endorse the Deed of Surrender and Variation of portion of 41 (Reserve 38467) Nameless Valley Drive, Tom Price,*
- b Authorise the Shire President and the Chief Executive Officer to affix the Common Seal to, and execute the Deed of Surrender and Variation between the Shire of Ashburton and Ashburton Aboriginal Corporation,*
- c Authorise the Chief Executive Officer to investigate, advertise and execute a future lease with the Ashburton Aboriginal Corporation for an alternative area in Tom Price on similar terms to the surrendered lease, and*
- d Notes Reserve 38467 is proposed to be leased or sold to a third-party operator for future tourist and worker accommodation, and a further update will be provided to Council on this item.*

Following this Council decision, the Proponent confirmed they wished to purchase the Reserve in freehold, of which Council needed to endorse the surrender of the Management Order for the reserve for it to be sold by the Department of Lands, Planning and Heritage (DPLH) to the Proponent.

At the 8 March 2022 Ordinary Council Meeting, Council resolved to,

- a Authorises the payment of the financial offer, as outlined in this report, to the Ashburton Aboriginal Corporation to agree to the surrender of the lease, and contribute towards relocation costs, on the bases the Proponent reimburse the Ashburton Aboriginal Corporation for costs of fencing, and other capital invested, into the Reserve,*
- b Endorses the surrender of the Management Order over Reserve 38467 to allow the sale of Reserve 38467 as freehold land to the Proponent, as outlined in this report, and*
- c Authorises the Chief Executive Officer to sign the Statutory Declaration regarding any possible contamination of the Reserve to comply with the Department of Planning, Lands and Heritage request, and the Contaminated Sites Act 2003.*

A critical restraint on the Shire's ability to deliver capital projects within Tom Price and Paraburdoo is the lack of suitable short-term accommodation to house construction workers. The Shire made inquiries with DPLH to identify suitable land to construct a small temporary, short term accommodation facility in Tom Price.

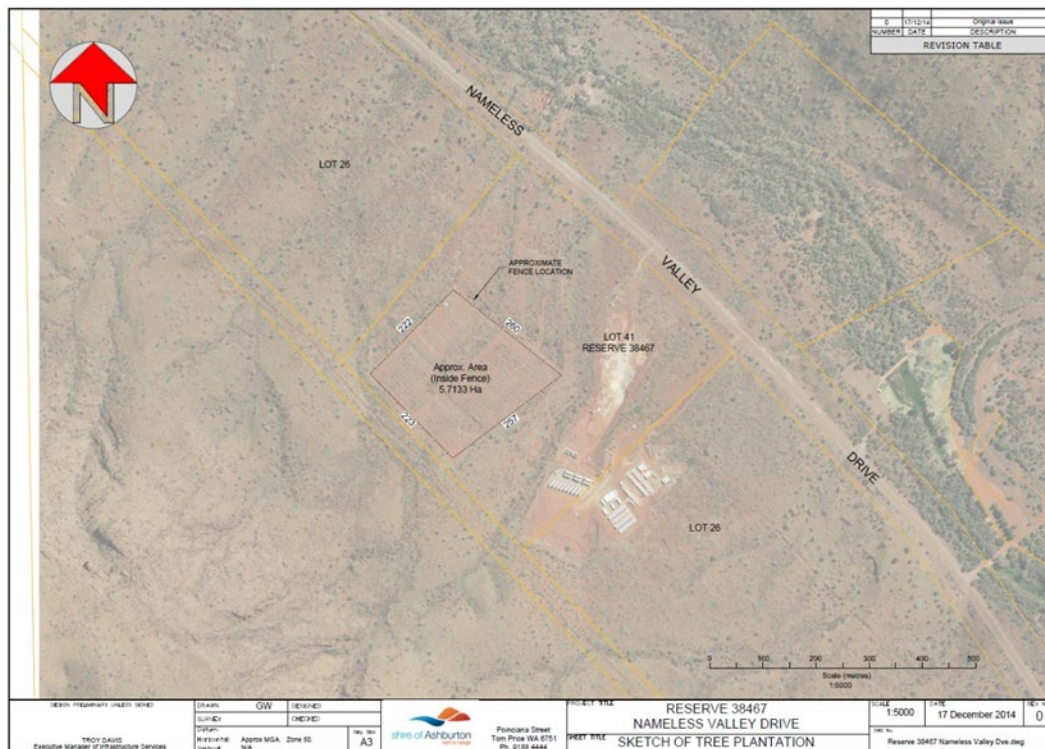
Following initial discussions, DPLH requested a business case along with the location two potential sites for investigation purposes. Referrals were finalised with no objections received for either site.

Subsequently a report was presented to the 13 September 2022 Ordinary Council Meeting, requesting a preferred location. At that meeting Council decided further investigation of the former Shire camp, on Reserve 38467 be undertaken and presented to a future meeting.

3. Comments

DPLH have advised that Australis are no longer pursuing tenure over Reserve 38467 due to objections from the Department of Mines, Industry Regulation and Safety.

As a result, Reserve 38467 is now available for consideration as a suitable site for the development of a construction camp.



4. Implications To Consider

4.1 Consultation

Executive Leadership Team
 Department of Planning, Lands and Heritage

4.2 Strategic Community Plan

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.

4.3 Council Policy

There are no known policy implications for this matter.

4.4 Financial

Current Financial Year

There are no financial implications for this matter.

Future Financial Year(s)

Costs associated with the construction of a camp are yet to be determined.

4.5 Legislative

Land Administration Act 1997

Section 51 – Request cancellation or change of purpose or amend the boundaries of a reserve

Subject to sections 42, 43 and 45, the Minister may, by order, cancel, change the purpose of, or amend the boundaries of, or the locations or lots comprising, a reserve.

4.6 Risk Management

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

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

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

5. Voting Requirements

Simple majority

Officer Recommendation

That with respect to Shire of Ashburton Construction Camp Location, Council,

1. Authorises the Chief Executive Officer to request the Minister for Lands change the purpose of Lot 41, Nameless Valley Drive, Tom Price (Reserve 38467) from "Experimental Farm and Gravel" to "Short Term Tourism and Key Worker Accommodation, Experimental Farm and Gravel", with Power to Lease; and
2. Request the Chief Executive Officer to develop a business case for Council's consideration for the development of a key worker accommodation facility.

Council Decision	145/2022
Moved	Cr M Lynch
Second	Cr T Mladenovic
That with respect to Shire of Ashburton Construction Camp Location, Council,	
<ol style="list-style-type: none"> 1. Authorises the Chief Executive Officer to request the Minister for Lands change the purpose of Lot 41, Nameless Valley Drive, Tom Price (Reserve 38467) from "Experimental Farm and Gravel" to "Short Term Tourism and Key Worker Accommodation, Experimental Farm and Gravel", with Power to Lease; and 2. Request the Chief Executive Officer to develop a business case for Council's consideration for the development of a key worker accommodation facility. 	
Carried 8/0	

13.3 Pre-Lodgement of Section 91 Application – Mulga Downs – Proposed Rail Spur Investigation Corridor]

File Reference	RV41; ED01
Applicant or Proponent(s)	Roy Hill Infrastructure
Author	B McKay, Manager Town Planning
Authorising Officer	T Matson, Director People & Place
Previous Meeting Reference	Ordinary Council Meeting 8 February 2022 - Item 13.1 – 8/2022
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	<ol style="list-style-type: none"> 1. Letter from Roy Hill Infrastructure 2. Current and Previously Supported S91 Areas. 3. Proposed Investigation Corridor

1. Report Purpose

Council is required to consider the request from Roy Hill Infrastructure (RHI) for the purposes of allowing RHI to access lands within the Shire of Ashburton's (the Shire) administrative boundary, to facilitate and undertake investigative works for a proposed new rail line within the defined area for a period of two (2) years.

The purpose of this report is to consider correspondence that has been received from RHI requesting the support of the Shire by way of a non-exclusive Section 91 Licence.

Council is requested to support the 'Consent to Grant of Rail Investigation Licence' and provide RHI a non-exclusive Section 91 Licence.

2. Background

A request from RHI was received by the Shire on 6 September 2022, seeking the Shire's support prior to the lodgement of a Section 91 Licence Application (under the *Land Administration Act 1997*) to the Department of Planning, Lands and Heritage (DPLH). Please see attachment 1.

RHI is in the pre-feasibility phase of its Mulga Iron Ore Project and other projects in the Central Pilbara, and is considering viable haulage options, such as a railway spur line or haul road extending from new deposits to the railway.

To facilitate decisions on a final haulage option and route, RHI intends to apply for section 91 Licences under the *Land Administration Act 1997* (Investigation Licence) to provide land access for investigation studies.

At the 8 February 2022 Ordinary Council Meeting, Council supported a Section 91 Licence slightly north of the current investigation corridor, for a similar purpose. The attachment 2 shows the area in relation to the current application.

3. Comments

The proposed Investigation Corridor will consist of four abutting Investigation Licences (referenced as Section 1 to 4) to form a continuous licensed corridor approximately 23km in length and 1000m wide. Please see attachment 3.

The proposed investigation studies will guide detailed engineering design to further reduce the corridor and confirm the location of a preferred centreline. The proposed non-exclusive Section 91 Licence would allow RHI to undertake the following:

- Geophysical, geotechnical, and hydrogeological drilling;
- Digging test pits and costeans;
- Taking of borrow (e.g., soil, gravel, or sand);
- Track clearing; and
- Environmental and Aboriginal heritage survey investigations

The information collected will be used in the preparation of detailed proposals for the construction and operation of either a railway spur line or haul road.

The Section 91 Licence application is lodged with the Department of Planning, Lands and Heritage who are the decision makers.

In assessing the matter, the Department of Planning, Lands and Heritage should be advised the following matters need to be considered, during the investigative works and, if road haulage is to be undertaken, during construction and operational stages:

- The proposed operation of M47/1621 (currently R 47/12-1) does not clearly indicate the impacts of the investigative and operational impacts on the surrounding local road network, including Roebourne-Wittenoom Road and Mulga Downs Road. Utilisation of Shire roads will require a user agreement to ensure these roads are maintained to an adequate safe and trafficable standard considering the additional traffic movements which may occur from this project.
- The location of the proposed mining tenement within proximity of the Wittenoom Asbestos Management Area (WAMA) and subsequent water flows, need to consider the impacts of asbestos spillage emanating from the contaminated site, particularly, utilisation of the Roebourne-Wittenoom Road and Mulga Downs Road.

The proposed investigation area will not directly impact any Shire assets and infrastructure, as the study area is predominantly located within Mulga Downs pastoral lease area (PL N050370).

4. Implications To Consider

4.1 Consultation

Executive Leadership Team

4.2 Strategic Community Plan

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.

4.3 Council Policy

There are no known policy implications for this matter.

4.4 Financial

Current Financial Year

There are no known significant financial implications for this matter.

Future Financial Year(s)

There are no known significant financial implications for this matter.

4.5 Legislative

Section 91 of the *Land Administration Act 1997* allows the Minister to grant a licence on Crown land that can coexist with pastoral leases.

4.6 Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Reputation	External Stakeholders are aggrieved by the decision to support the s91 Licence.	Possible (3)	Insignificant (1)	Low (1-4)	Accept officer's recommendation.
Environmental	The occurrence of asbestos may impact the project.	Possible (3)	Insignificant (1)	Low (1-4)	Accept officer's recommendation.

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

5. Voting Requirements

Simple majority

Officer Recommendation

That with respect to the Pre-Lodgement of Section 91 Application – Mulga Downs – Proposed Rail Spur Investigation Corridor, Council,

1. Authorises the Chief Executive Officer to sign the Consent to Grant of Rail Investigation Licence, as attached (Attachment 1), and
2. Authorises the Chief Executive Officer to advise the Department of Planning, Lands and Heritage of the following 'Advice Notes' as part of the attached prolongment of the Section 91 Licence Application –
 - i The proponent should be advised the use of any Shire of Ashburton owned roads during the investigative, construction and operational phases of the project will require a road user agreement (between both parties, to the Shire's satisfaction), to ensure the impacted roads are maintained to an adequate, safe, and trafficable standard considering the additional traffic movements which may occur from this project.
 - ii The proponent should be advised, given the proximity of the proposed mining lease M47/1621 to the Wittenoom Asbestos Management Area (WAMA), subsequent water flows and Contaminated Site ID No. 20175 and ID No. 73903, consideration of the impacts of asbestos spillage emanating from the contaminated sites need to be considered.
 - iii The proponent should be advised of the need to monitor and report on the impact of ground water extraction.

Council Decision 146/2022

Moved Cr L Rumble

Second Cr T Mladenovic

That with respect to the Pre-Lodgement of Section 91 Application – Mulga Downs – Proposed Rail Spur Investigation Corridor, Council,

- 1. Authorises the Chief Executive Officer to sign the Consent to Grant of Rail Investigation Licence, as attached (Attachment 1), and**
- 2. Authorises the Chief Executive Officer to advise the Department of Planning, Lands and Heritage of the following ‘Advice Notes’ as part of the attached prolongment of the Section 91 Licence Application –**
 - i The proponent should be advised the use of any Shire of Ashburton owned roads during the investigative, construction and operational phases of the project will require a road user agreement (between both parties, to the Shire’s satisfaction), to ensure the impacted roads are maintained to an adequate, safe, and trafficable standard considering the additional traffic movements which may occur from this project.**
 - ii The proponent should be advised, given the proximity of the proposed mining lease M47/1621 to the Wittenoom Asbestos Management Area (WAMA), subsequent water flows and Contaminated Site ID No. 20175 and ID No. 73903, consideration of the impacts of asbestos spillage emanating from the contaminated sites need to be considered.**
 - iii The proponent should be advised of the need to monitor and report on the impact of ground water extraction.**

Carried 8/0

14 Infrastructure Services Reports

14.1 Purchase of New Medium Size Tractor and Reach Arm Deck

File Reference	EM01
Applicant or Proponent(s)	Not Applicable
Author	C Hurstfield, Manager Town Maintenance
Authorising Officer	S Kane, Acting Director Infrastructure Services
Previous Meeting Reference	132/2021 - Control of Leucaena "Weed" Trees
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. Sample Photos of Tractor and Reach Arm Deck

1. Report Purpose

Council is requested to consider the purchase of a new medium size tractor and reach arm deck.

The purpose of this report is to seek Council support to increase resources available for staff to combat weed control in and around Tom Price, Paraburdoo and Onslow.

Council is requested to approve the transfer of funds from the Plant Reserve to enable the purchase of a new medium size tractor and reach arm tractor for use in controlling weeds.

2. Background

A contractor was engaged to carry out clearing of roadside vegetation along Banjima Drive in May 2022 (approximately 28km) at a cost of approximately \$180,000. Staff still have a minimum of 40km of roadside vegetation to maintain on an annual basis.

Investigations have been carried out regarding the viability of purchasing a medium size tractor and reach arm deck to carry out weed mitigation works around the roads and drains in Tom Price, Paraburdoo and Onslow.

3. Comments

When not engaged in weed control operations, this tractor will also be available to assist with slashing operations off-road in areas currently inaccessible due to existing tractors being fitted with turf tyres that are not appropriate for off-road use. It is also proposed to purchase a set of turf tyres for the new tractor to allow it to be used to assist in maintaining ovals where required.

4. Implications To Consider

4.1 Consultation

The Shire of Ashburton's Town Maintenance Coordinators and Fleet Manager have been consulted regarding this proposal to ensure that appropriate plant is specified for purchase.

4.2 Strategic Community Plan

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	Attractive and sustainable townscapes offering opportunities for all communities.
Strategy	Ensure parks, gardens and open spaces are appropriately managed according to their need and use.

4.3 Council Policy

ELM21 Tree Management Overview Policy requires the management of trees to ensure public and private infrastructure protection, and motorist and pedestrian safety.

4.4 Financial

Current Financial Year

There was no funding allocated for the purchase of a medium size tractor and reach arm deck included in the adopted 2022/23 Annual Budget. It is proposed to transfer \$450,000 from the Plant Reserve to allow for the purchase of this plant.

Future Financial Year(s)

Expenses such as fuel, parts and servicing to operate the medium size tractor and reach arm deck will be included as part of operating expenses in future budget submissions.

4.5 Legislative

Section 6.8(1) of the *Local Government Act 1995* states that the local government must not incur expenditure from its municipal fund for a purpose which was not included in the annual budget unless it is authorised in advance by Council.

4.6 Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Natural environment	Uncontrolled spread of Leucaena "weed" trees and other weeds.	Likely (4)	Major (4)	High (10-16)	Purchase medium size tractor fitted with reach arm mower that is able to remove Leucaena trees from public reserves including open drains then treat with appropriate herbicide to minimise regrowth.

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

5. Voting Requirements

Absolute majority

Officer Recommendation

That with respect to the Purchase of New Medium Size Tractor and Reach Arm Deck, Council, in accordance with section 6.8 of the *Local Government Act 1995*, approves the transfer of \$450,000 from the Reserve Fund (Account No. RF43114) to Plant-Transport General (Account No. LX30512), to allow for the purchase of a new medium size tractor and reach arm deck.

Council Decision 147/2022

Moved Cr L Rumble

Second Cr R De Pledge

That with respect to the Purchase of New Medium Size Tractor and Reach Arm Deck, Council, in accordance with section 6.8 of the *Local Government Act 1995*, approves the transfer of \$450,000 from the Reserve Fund (Account No. RF43114) to Plant-Transport General (Account No. LX30512), to allow for the purchase of a new medium size tractor and reach arm deck.

Carried 8/0

15 Projects and Procurement Reports

Nil

16 Councillor Agenda Items / Notices of Motion

Nil

17 Recommendations From Committee

Nil

18 New Business Of An Urgent Nature Introduced By Council Decision

Nil

19 Confidential Matters

Procedural motion

Moved Cr L Rumble

Second Cr R De Pledge

That Council, at 1:35pm, pursuant to Clause 6.2 of the *Shire of Ashburton Standing Orders Local Law 2012* consider the following confidential items behind closed doors,

19.1 Outstanding Rates Write-off and Proposed Disposal/Divestment of Unallocated Crown Land Lot 14 Camp Road and Lots 15 and 16 Turee Way (DP 216685), Paraburdoo

Carried 8/0

19.1 Outstanding Rates Write-off and Proposed Disposal/Divestment of Unallocated Crown Land Lot 14 Camp Road and Lots 15 and 16 Turee Way (DP 216685), Paraburdoo

File Reference	TUR.0015, TUR.0016, CAM.0014
Applicant or Proponent(s)	Department of Planning Lands and Heritage (DPLH)
Author	J Hunter, Property Services Officer
Authorising Officer	R Wright, Manager Land & Asset T Dayman, Acting Director Corporate Services
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	Nil

Reason For Confidentiality

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

“(b) the personal affairs of any person;

(e) a matter that if disclosed, would reveal —

(iii) information about the business, professional, commercial, or financial affairs of a person.”

1. Report Purpose

The Shire of Ashburton (the Shire) has received a request from the Department of Planning, Lands and Heritage (DPLH) to write-off outstanding rates and provide any advice and comments the Shire may have regarding the proposed disposal/divestment of Unallocated Crown Land (UCL) Lot 14 Camp Road and Lots 15 and 16 Turee Way (DP 216685), Paraburdoo, in the Light Industrial Area.

Council is requested to endorse the officer’s recommendation to write-off the outstanding rates on the properties and endorse the proposed response to the request for comment regarding DPLH’s proposed disposal/divestment of the lots.

Council Decision **148/2022**

Moved **Cr T Mladenovic**

Second **Cr A Sullivan**

That with respect to Outstanding Rates Write-off and Proposed Disposal/Divestment of Unallocated Crown Land Lot 14 Camp Road and Lots 15 and 16 Turee Way (DP 216685), Paraburdoo, Council,

- 1. Write off all rates, and unpaid debts totalling \$26,321.74 associated with the subject properties to allow the Department of Planning Lands and Heritage's divestment of the sites via a competitive process.**
- 2. Requests the Chief Executive Officer to advise the Department of Planning, Lands and Heritage that:**
 - (a) The outstanding rates and unpaid debts in relation to the subject properties have been written off;**
 - (b) Council is supportive of the proposed disposal/divestment of the subject properties;**
 - (c) Any future land use or development must comply with the Shire of Ashburton's current Local Planning Scheme, *Building Act 2011* and associated legislation; and**
 - (d) Prospective purchasers/future leaseholders should be made aware of the possibly contaminated lots, and they may be required to remediate the land.**

Carried 8/0

Procedural motion

Moved **Cr R De Pledge**

Second **Cr A Smith**

That Council, at 1:36pm, move out from behind closed doors.

Carried 8/0

20 Next Meeting

The next Ordinary Council Meeting will be held at 1:00pm on Tuesday 8 November 2022 at Council Chambers, Onslow Shire Complex, Second Avenue, Onslow.

21 Closure Of Meeting

There being no further business, the Presiding Member closed the meeting at 1:37pm.