



# Published Minutes

Ordinary Council Meeting

Tuesday, 13 December 2022

Date:	Tuesday 13 December 2022
Time:	1:00pm
Location:	Clem Thompson Sports Pavilion, Stadium Road, Tom Price
Distribution Date:	Friday 16 December 2022



**Shire of Ashburton  
Ordinary Council Meeting**

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

K Donohoe  
Chief Executive Officer  
16 December 2022

These minutes were confirmed by Council as a true and accurate record of proceedings at the Ordinary Council Meeting held on Tuesday, 13 December 2022.

Presiding Member

Date

14/02/2023

**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 1:01pm.

## 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

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

# 3 Attendance

## 3.1 Present

Elected Members:	Cr K White Cr M Lynch Cr R De Pledge Cr L Rumble JP Cr J Richardson Cr A Sullivan Cr A Smith Cr T Mladenovic	Shire President (Presiding Member), Onslow Ward Deputy Shire President, Tom Price Ward Ashburton Ward Paraburdoo Ward Tableland Ward Paraburdoo Ward Tom Price Ward Tom Price Ward
Employees:	K Donohoe C McGurk T Dayman A Sheridan A Lennon J Bray N Jeffery	Chief Executive Officer Director Projects and Procurement Acting Director Corporate Services Project Manager Manager Media and Communications Manager Governance Executive Assistant - Corporate Services
Guests:	Nil	
Members of Public:	There were seven members of the public in attendance at the commencement of the meeting.	

Members of media:	There were no members of the media in attendance at the commencement of the meeting.
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### **3.2 Apologies**

| Cr M Gallanagh | Pannawonica Ward |

### **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**

Nil

## **5 Declaration By Members**

### **5.1 Due Consideration By Councillors To The Agenda**

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

### **5.2 Declaration Of Interest**

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



Our ref E22137871  
Enquiries Joanne Hender  
Phone (08) 6552 1424  
Email [legislation@dlgsc.wa.gov.au](mailto:legislation@dlgsc.wa.gov.au)

Mr Kenn Donohoe  
Chief Executive Officer  
Shire of Ashburton

Email: [governance@ashburton.wa.gov.au](mailto:governance@ashburton.wa.gov.au)

Dear Mr Donohoe

I refer to your correspondence dated 8 December 2022 and advise that, in accordance with the authority delegated by the Minister for Local Government, I have approved your application, under section 5.69(3) of the *Local Government Act 1995* (the Act).

It has been noted that the Shire requires a minimum approval of 2 members in order to achieve quorum. Accordingly, approval has been granted for two members to fully participate in the discussion and decision making relating to the following agenda items at the Shire's Ordinary Council Meeting, to be held on 13 December 2022 as follows:

**Item 14.1 Response to Tom Price Drive-in Petition**  
Cr Mladenovic and Cr Rumble

**Item 14.2 Proposed Amendment to the Karijini Masterplan**  
Cr Mladenovic and Cr Smith

**Item 14.4 Endorsement of the Shire of Ashburton Event Plan**  
Cr Mladenovic and Cr Lynch

**Item 19.1 Execution of Local Government Partnership Agreement (Inspire) between the Shire of Ashburton and Rio Tinto Iron Ore**  
Cr Mladenovic and Cr Lynch

Conditions of approval:

1. *The approval is only valid for the 13 December 2022 Ordinary Council Meeting when agenda items 14.1, 14.2, 14.4 and 19.1 are considered;*
2. *The abovementioned Councillors must declare the nature and extent of their interests at the abovementioned meeting when each matter is considered, together with the approval provided;*
3. *The Chief Executive Officer (CEO) is to provide a copy of the Department of Local Government, Sport and Cultural Industries (DLGSC's) letter of approval to the abovementioned councillors;*

4. *The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when each item is considered;*
5. *The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to DLGSC, to allow DLGSC to verify compliance with the conditions of this approval; and*
6. *The approval granted is based solely on the interests disclosed by the abovementioned councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.*

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

Yours sincerely



LANCE SGRO  
EXECUTIVE DIRECTOR – LOCAL GOVERNMENT

12 December 2022



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 –

<b>11.2 Onslow Tourism &amp; Progress Association (Onslow Visitor Centre) Five Year Funding Agreement</b>	
<b>Name</b>	<b>Shire President K White</b>
Nature of interest	Impartiality
Interest description	On the Committee.

<b>14.1 Response to Tom Price Drive-in Petition</b>	
<b>Name</b>	<b>Deputy Shire President M Lynch</b>
Nature of interest	Impartiality
Interest description	I am a volunteer for the Tom Price Drive In. I am a Life Member of the Tom Price Drive In.
<b>Name</b>	<b>Cr T Mladenovic</b>
Nature of interest	Indirect Financial
Interest description	My partner is an employee of Rio Tinto and we live in subsidised housing supplied as part of his employment.
<b>Name</b>	<b>Cr L Rumble JP</b>
Nature of interest	Direct Financial
Interest description	Rio Tinto Shareholder greater than \$10,000.
<b>Name</b>	<b>Cr A Smith</b>
Nature of interest	Impartiality
Interest description	I am a committee member/canteen manager for the Tom Price Drive In. I declare that I will consider this matter on its merits and vote accordingly.
<b>Name</b>	<b>Cr A Smith</b>
Nature of interest	Indirect Financial
Interest description	My husband is an employee of Rio Tinto and owns over \$10 000 Rio Tinto shares. My husband's employment with Rio Tinto provides him with subsidised housing and utilities in which I reside too.

<b>Name</b>	<b>Cr A Sullivan</b>
Nature of interest	Direct Financial
Interest description	I and my husband hold shares above the prescribed amount. I and my husband live in subsidised housing provided by Rio Tinto. I and my husband are employees of Rio Tinto.

**14.2 PROPOSED AMENDMENT TO THE KARIJINI MASTERPLAN**

<b>NAME</b>	<b>DEPUTY SHIRE PRESIDENT M LYNCH</b>
NATURE OF INTEREST	INDIRECT FINANCIAL
INTEREST DESCRIPTION	I AM AN EMPLOYEE AND TENANT OF RIO TINTO. I AM PAID A SALARY BY PILBARA IRON.
<b>NAME</b>	<b>CR T MLADENOVIC</b>
NATURE OF INTEREST	INDIRECT FINANCIAL
INTEREST DESCRIPTION	MY PARTNER IS AN EMPLOYEE OF RIO TINTO AND WE LIVE IN SUBSIDISED HOUSING SUPPLIED AS PART OF HIS EMPLOYMENT.
<b>NAME</b>	<b>CR L RUMBLE JP</b>
NATURE OF INTEREST	DIRECT FINANCIAL
INTEREST DESCRIPTION	RIO TINTO SHAREHOLDER GREATER THAN \$10,000.
<b>NAME</b>	<b>CR A SMITH</b>
NATURE OF INTEREST	INDIRECT FINANCIAL
INTEREST DESCRIPTION	MY HUSBAND IS AN EMPLOYEE OF RIO TINTO AND OWNS OVER \$10 000 RIO TINTO SHARES. MY HUSBAND'S EMPLOYMENT WITH RIO TINTO PROVIDES HIM WITH SUBSIDISED HOUSING AND UTILITIES IN WHICH I RESIDE TOO.
<b>NAME</b>	<b>CR A SULLIVAN</b>
NATURE OF INTEREST	DIRECT FINANCIAL
INTEREST DESCRIPTION	I AND MY HUSBAND HOLD SHARES ABOVE THE PRESCRIBED AMOUNT. I AND MY HUSBAND LIVE IN SUBSIDISED HOUSING PROVIDED BY RIO TINTO. I AND MY HUSBAND ARE EMPLOYEES OF RIO TINTO.

**14.3 ACCEPTANCE OF COMMUNITY SUPPORT GRANT ALLOCATIONS**

<b>NAME</b>	<b>CR L RUMBLE</b>
NATURE OF INTEREST	IMPARTIALITY
INTEREST DESCRIPTION	LIFE MEMBER OF THE PARABURDOO GOLF CLUB.

<b>14.4 ENDORSEMENT OF THE SHIRE OF ASHBURTON EVENT PLAN</b>		
<b>NAME</b>		<b>DEPUTY SHIRE PRESIDENT M LYNCH</b>
NATURE OF INTEREST	OF	INDIRECT FINANCIAL
INTEREST DESCRIPTION		I AM AN EMPLOYEE AND TENANT OF RIO TINTO. I AM PAID A SALARY BY PILBARA IRON.
<b>NAME</b>		<b>CR T MLADENOVIC</b>
NATURE OF INTEREST	OF	INDIRECT FINANCIAL
INTEREST DESCRIPTION		MY PARTNER IS AN EMPLOYEE OF RIO TINTO AND WE LIVE IN SUBSIDISED HOUSING SUPPLIED AS PART OF HIS EMPLOYMENT.
<b>NAME</b>		<b>CR L RUMBLE JP</b>
NATURE OF INTEREST	OF	DIRECT FINANCIAL
INTEREST DESCRIPTION		RIO TINTO SHAREHOLDER GREATER THAN \$10,000.
<b>NAME</b>		<b>CR A SMITH</b>
NATURE OF INTEREST	OF	INDIRECT FINANCIAL
INTEREST DESCRIPTION		MY HUSBAND IS AN EMPLOYEE OF RIO TINTO AND OWNS OVER \$10 000 RIO TINTO SHARES. MY HUSBAND'S EMPLOYMENT WITH RIO TINTO PROVIDES HIM WITH SUBSIDISED HOUSING AND UTILITIES IN WHICH I RESIDE TOO.
<b>NAME</b>		<b>CR A SULLIVAN</b>
NATURE OF INTEREST	OF	DIRECT FINANCIAL
INTEREST DESCRIPTION		I AND MY HUSBAND HOLD SHARES ABOVE THE PRESCRIBED AMOUNT. I AND MY HUSBAND LIVE IN SUBSIDISED HOUSING PROVIDED BY RIO TINTO. I AND MY HUSBAND ARE EMPLOYEES OF RIO TINTO.

<b>19.1 EXECUTION OF LOCAL GOVERNMENT PARTNERSHIP AGREEMENT (INSPIRE) BETWEEN THE SHIRE OF ASHBURTON AND RIO TINTO IRON ORE</b>		
<b>NAME</b>		<b>DEPUTY SHIRE PRESIDENT M LYNCH</b>
NATURE OF INTEREST	OF	INDIRECT FINANCIAL
INTEREST DESCRIPTION		I AM AN EMPLOYEE AND TENANT OF RIO TINTO. I AM PAID A SALARY BY PILBARA IRON.
<b>NAME</b>		<b>CR T MLADENOVIC</b>

NATURE OF INTEREST	INDIRECT FINANCIAL
INTEREST DESCRIPTION	MY PARTNER IS AN EMPLOYEE OF RIO TINTO AND WE LIVE IN SUBSIDISED HOUSING SUPPLIED AS PART OF HIS EMPLOYMENT.
NAME	<b>CR L RUMBLE JP</b>
NATURE OF INTEREST	DIRECT FINANCIAL
INTEREST DESCRIPTION	RIO TINTO SHAREHOLDER GREATER THAN \$10,000.

<b>NAME</b>	<b>CR A SMITH</b>
NATURE OF INTEREST	INDIRECT FINANCIAL
INTEREST DESCRIPTION	MY HUSBAND IS AN EMPLOYEE OF RIO TINTO AND OWNS OVER \$10 000 RIO TINTO SHARES. MY HUSBAND'S EMPLOYMENT WITH RIO TINTO PROVIDES HIM WITH SUBSIDISED HOUSING AND UTILITIES IN WHICH I RESIDE TOO.
<b>NAME</b>	<b>CR A SULLIVAN</b>
NATURE OF INTEREST	DIRECT FINANCIAL
INTEREST DESCRIPTION	I AND MY HUSBAND HOLD SHARES ABOVE THE PRESCRIBED AMOUNT. I AND MY HUSBAND LIVE IN SUBSIDISED HOUSING PROVIDED BY RIO TINTO. I AND MY HUSBAND ARE EMPLOYEES OF RIO TINTO.

## 6 ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS WITHOUT DISCUSSION

Shire President wished everyone a Merry Christmas.

At the request of the Shire President, the Chief Executive Officer provided the following update.

The Shire President and Chief Executive Officer attended a number of meetings in Perth and online over the past few weeks. These meetings included:

- Chevron regarding land opportunities
- GHD on a social impact assessment on behalf of Woodside
- Western Gas in relation to future projects in Onslow
- Santos in relation to decommissioning
- Rio Tinto in relation to housing proposals
- TAFE regarding TAFE training opportunities in Onslow with Fortescue Future Industries
- Woodside in relation to decommissioning
- Department of Jobs, Tourism, Science and Innovation in relation to social impact assessments being coordinated for Onslow as a result of the proposed high development pressure
- Roy Hill (Hancock) regarding the future development of 110 mega tonne per annum project near Tom Price.

## 7 Petitions / Deputations / Presentations

### 7.1 Petitions

The follow Petition has been received by the Shire:

*“We, the Tom Price Community Arts & Cultural Centre committee, present to you a petition to have the Cultural Centre future plans included in the CLIP.”*

Following Council’s resolution to receive the Petition, it will be forwarded to the appropriate department for consideration and the appropriate action.

**Council Decision**                    **162/2022**

**Moved**                                    **Cr A Smith**

**Seconded**                                **Cr L Rumble**

**That Council received the Petition presented by Tom Price Community Arts & Cultural Centre committee, at the Council meeting held 13 December 2022, and refers it to the Chief Executive Officer for the appropriate action.**

**Carried 8/0**

### 7.2 Deputations

Nil

### 7.3 Presentations

Nil

## 8 Applications for Leave of Absence

Nil

## **9 Confirmation Of Minutes**

### **9.1 Confirmation Of Council Minutes**

#### **9.1.1 Minutes Of The Ordinary Council Meeting Held On 8 November 2022**

**Council Decision**            **163/2022**

**Moved**                        **Cr M Lynch**

**Seconded**                   **Cr T Mladenovic**

**That the Minutes of the Ordinary Council Meeting held 8 November 2022 (Item 9.1.1 Attachment 1) be confirmed as a true and accurate record.**

**Carried 8/0**

### **9.2 Receipt Of Committee And Other Minutes**

#### **9.2.1 Minutes Of The Audit And Risk Management Committee Meeting Held On 8 November 2022**

**Council Decision**            **164/2022**

**Moved**                        **Cr M Lynch**

**Seconded**                   **Cr T Mladenovic**

**That the Minutes of the Audit And Risk Management Committee Meeting held 8 November 2022 (Item 9.2.1 Attachment 1) be received.**

**Carried 8/0**

## **10 En Bloc Council Resolutions**

### **10.1 Agenda Items Adopted En Bloc**

Nil



## 11 Office of the Chief Executive Officer Reports

### 11.1 Water Tanks Pull Over Bay Onslow Road - Agreement with Main Roads WA

<b>File Reference</b>	RO.ON.RI
<b>Applicant or Proponent(s)</b>	Main Roads WA
<b>Author</b>	R Wright, Manager of Land and Asset Compliance
<b>Authorising Officer</b>	K Donohoe, Chief Executive Officer
<b>Previous Meeting Reference</b>	Nil
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	

#### 1. Report Purpose

Council is requested to consider funding this financial year for the design and construction of a pull over bay for visitors and residents to safely view the freshly painted water tanks on Onslow Road. Main Roads WA (MRWA) has agreed to reimburse the Shire for this project next financial year.

#### 2. Background

Earlier this year Jerome Davenport was contracted to paint the water tanks within the town of Onslow. Two murals were completed on the tanks in October, showcasing the towns history and native flora and fauna. The artwork quickly became popular to view, with residents and tourists slowing and/or parking their vehicles along the verges of both Onslow and McAullay Road (refer to Figure 1 below).



Figure 1

Water Corporation, MRWA and the Shire of Ashburton (the Shire) are aware that while the water tanks are now a valued asset to the town, there is currently no safe place to view them. Both McAually Road and Onslow Road contain a speed limit of 80kmph with limited places to stop.

### 3. Comments

MRWA has agreed to set aside funding in the 2023/2024 Financial Year for a pull over parking bay along Onslow Road (refer to Figure 2 and 3 below for an approximate location), which is primarily where the tanks are viewed from. McAually Road is under the care and control of the Shire and may be considered as a secondary viewing location in future years, subject to a needs assessment and future Council item or budget adoption.



Figure 2



Figure 3

Shire Officers recommend, given the immediate safety concerns, the Onslow Road bay should be brought forward to this financial year, particularly as there will be a significant amount of visitors to Onslow in April 2023 with the Solar Eclipse event. Due to the tight timeframes associated with this project, it is likely the works will be performed by contractors via tender process as design and construction may not be able to be performed internally by Shire staff.

MRWA has agreed, should the Shire fund the project this financial year, it would reimburse the Shire next financial year. Should Council be agreeable to this process, funding would be explored through the Financial and Costing Review (FACR) and if required, a funding agreement entered into with MRWA to confirm their contribution.

If the project is supported by Council, design is anticipated to commence in January 2023, aiming for completion before the Solar Eclipse event.

Onslow Road is currently constructed within Reserve 47957 vested with Water Corporation (refer to Figure 4 below). A request for the dedication of the road and pull over bay is underway via the Department of Planning, Lands and Heritage. Should the road dedication not be completed by the time construction works are awarded, early access to the site may be required via a license or lease agreement. Water Corporation has agreed in principle to accessing the site for this purpose and supports the pull over bay given the current safety issues.



Figure 4

On dedication of the road, and completion of works, the bay would become the responsibility of MRWA regarding maintenance and ownership obligations.

## 4. Implications To Consider

### 4.1 Consultation

Main Roads WA

Water Corporation

Projects and Procurement

Department of Lands Planning and Heritage

## 4.2 Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	2. Place - We will provide sustainable, purposeful, and valued built and natural environment opportunities for the community.
Strategic Outcome	2.1 Coordinated delivery of natural and built environment services and projects for the community
Strategy	1 Develop and maintain key natural and built environment services partnerships, both internally and externally, to support Council’s vision.

## 4.3 Council Policy

Nil

## 4.4 Financial

### Current Financial Year

The Shire will be required to fund the project this financial year and is requesting Council endorse the budget allocation.

### Future Financial Year(s)

Reimbursement of up to \$500,000 will be provided by MRWA for this project. It is not anticipated that the project will exceed this amount.

## 4.5 Legislative

Nil

## 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
People	Risk to public safety, the continuation of vehicles parked on the verge on Onslow Road and/or distracted vehicles could result in injury or death.	Possible (3)	Major (4)	High (10-16)	Provide a dedicated parking area for visitors to safely view the artwork.

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 Water Tanks Pull Over Bay Onslow Road - Agreement with Main Roads WA Council,

1. Approves the following amendments to the 2022/2023 Annual Budget,
  - (a) Increase Onslow Road Pull Over Bay Construction (new capital job) by \$500,000,
  - (b) Increase Onslow Road Pull Over Bay funding income by \$500,000,
2. Notes that the receipt of funding from Main Roads WA will be received in the 2023/2024 Financial Year,
3. Authorises the Chief Executive Officer to sign an agreement with Main Roads WA to affirm reimbursement to the Shire of Ashburton for the pull over bay project, and
4. Authorises the Chief Executive Officer to negotiate and sign a lease or license agreement with Water Corporation in order to construct the pull over bay on Onslow Road within Crown Reserve 47957.

**Council Decision**                      **165/2022**

**Moved**                                      **Cr M Lynch**

**Seconded**                                **Cr A Smith**

**That with respect to Water Tanks Pull Over Bay Onslow Road - Agreement with Main Roads WA Council,**

1. **Approves the following amendments to the 2022/2023 Annual Budget,**
  - (a) Increase Onslow Road Pull Over Bay Construction (new capital job) by \$500,000,**
  - (b) Increase Onslow Road Pull Over Bay funding income by \$500,000,**
2. **Notes that the receipt of funding from Main Roads WA will be received in the 2023/2024 Financial Year,**
3. **Authorises the Chief Executive Officer to sign an agreement with Main Roads WA to affirm reimbursement to the Shire of Ashburton for the pull over bay project, and**
4. **Authorises the Chief Executive Officer to negotiate and sign a lease or license agreement with Water Corporation in order to construct the pull over bay on Onslow Road within Crown Reserve 47957.**

**Carried By Absolute Majority 8/0**

*Shire President Cr K White disclosed an impartiality interest in Item 11.2 (detailed in Item 5.2).*

## 11.2 Onslow Tourism & Progress Association (Onslow Visitor Centre) Five Year Funding Agreement

<b>File Reference</b>	RC03
<b>Applicant or Proponent(s)</b>	Onslow Tourism & Progress Association
<b>Author</b>	P Hanlon, Manager Business and Economic Development
<b>Authorising Officer</b>	K Donohoe, Chief Executive Officer
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 16/02/2021 - Item 11.3 – 4/2021
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	<ol style="list-style-type: none"> <li>Five Year Funding Agreement Onslow Tourism &amp; Progress Association 1 July 2022 - 30 June 2027 - Confidential</li> <li>Onslow Visitor Centre Season Report 2022 <a href="#">⇨</a></li> </ol>

### 1. Report Purpose

Council is required to consider the new five-year funding agreement to the Onslow Tourism & Progress Association (OT&PA) 1 July 2022 – 30 June 2027.

The purpose of this report is to inform the Council of the changes to the previous agreement and outline the arrangements of the new funding agreement.

Council is requested to endorse the terms of the agreement and authorise the Chief Executive Officer to execute the agreement between the Shire of Ashburton (the Shire) and the OT&PA (refer to Attachment 1).

### 2. Background

The OT&PA has received annual funding from the Shire towards the operation of the Onslow Visitor Centre for more than 10 years.

The Shire understands that the OT&PA has a well-established Committee to operate the Visitor Centre in Onslow from the Goods Shed Museum premises, which is owned and maintained by the Shire. The OT&PA Committee has as its purpose, the provision of the following services and activities:

- Visitor services during the tourist season (1 April – 30 November)
- Other activities, as appropriate, to promote tourism and its development in the Shire, and Onslow in particular.

This funding agreement is for the purpose of providing financial support to the OT&PA to provide the following services:

- Operate the Onslow Visitor Centre during the tourist season (1 April – 30 November) by providing local information to visitors to Onslow.
- Have available relevant tourist information on Onslow, other Ashburton towns and attractions, and the wider Pilbara and neighbouring regions.
- Engage effectively with tourism operators in Onslow and neighbouring towns and regions.

### 3. Comments

The major changes to the existing agreement are summarised below:

#### New Five-Year Term

In recognition of the long-term relationship between the Shire and OT&PA, to provide operational certainty and reduce the administrative burden of renewing the agreement annually, a new five-year term has been proposed.

This agreement will commence retrospectively on 1 July 2022 for a five-year period, expiring 30 June 2027, with the annual financial contribution to be approved annually. The approval of the annual financial contribution will still depend upon adherence to the terms of this agreement, and upon acceptance of the benefits provided by the operation of the Onslow Visitor Centre.

#### Annual Funding Amounts

The Shire's 2022/2023 Annual Budget has an allocated amount of \$93,000 excluding GST for funding the OT&PA broken down as follows:

#### **Payment Breakdown 2022/2023 Financial Year (excluding GST)**

Annual Agreement Contribution	\$80,000
Onslow Pipeline Subscription	\$11,000
Tourism Brochure	\$2,000
<b>TOTAL</b>	<b>\$93,000</b>

An annual indexation, Consumer Price Index (CPI), will be applied for the term of this agreement to the Annual Agreement Contribution and Onslow Pipeline Subscription.

The annual funding amount has increased from \$60,000 excluding GST to \$80,000 excluding GST. The Pipeline subscription has increased from \$6,000 excluding GST to an all-inclusive \$11,000 excluding GST.

These increases are being proposed to reflect that:

- CPI has not been applied for a number of years,
- Tourism demand in Onslow has been increasing over recent years,

- The Shire's direction *Towards a Visitor Economy* in Onslow highlights the importance of this industry to the long-term liveability of the community, and by increasing the annual funding contribution and applying an annual CPI increase, the OT&PA will have a greater capacity to service visitor demand and contribute to the industry, and
- The previous Pipeline subscription was not all inclusive, with the Shire being invoiced \$120 separately for each advertisement placed in the production that contained 3<sup>rd</sup> party funding. This created an extra administrative burden on Shire officers and with four to five advertisements regularly being placed each month, this would amount to between \$5,000 - \$6,000 annually on top of the \$6,000 subscription.

### Annual Reporting

The new funding agreement has simplified the reporting requirements to twice per year:

Annually in May

*Annual Report, Professionally Accredited Accountant prepared Financial Statements, Governance Reporting, and forward-looking activity report.*

By 1 May each year, the OT&PA Committee is to provide the following packaged report to the Shire:

- Annual Report and professionally accredited accountant prepared financial statements for the previous financial year 1 July – 30 June,
- Annual Governance Report to declare that the Committee has satisfied its statutory requirements for the previous financial year 1 July – 30 June, and
- Three page forward looking report on proposed visitor season activities over the coming visitor season (1 April – 30 November).

Annually in December

*Season Report of Onslow Visitor Centre activity*

By 1 December each year, the OT&PA Committee is to provide the Shire with a season report of the Onslow Visitor Centre activities over the completed visitor centre (1 April – 30 November). Refer to Attachment 2 for the 2022 Season Report.

### Alignment with the Shire's Economic Development Strategy and Visit Ashburton Brand

The annual financial agreement was amended in 2018/2019 to better align the OT&PA's operations with the Shire's *Economic & Tourism Development Strategy 2019* (the Strategy), and to ensure the best possible visitor services were provided. Changes to the funding agreement were made to reflect the importance of the following:

- Whole of Shire promotion,
- Building strong relationships with local (and Shire) businesses, operators and community groups,
- A well-connected tourism community, locally and regionally, and
- Transparency regarding OT&PA's governance and financial reporting requirements.



To strengthen these outcomes, the new five-year agreement states that the Shire’s Manager Business and Economic Development will liaise with the OT&PA on an ongoing basis to ensure both the Shire and the OT&PA are working collaboratively towards the purpose of the Strategy as well as positive outcomes for Onslow and the community.

In recognition of the Shire’s new Visit Ashburton tourism brand launched in 2022, the new funding agreement requests that the Visit Ashburton branding is recognised on promotional materials. Prior to the publication of any material with the Shire’s logos, the Shire’s Manager Media and Communications is to be consulted for correct brand placement.

**4. Implications To Consider**

**4.1 Consultation**

Chief Executive Officer

Onslow Tourism & Progress Association

- The Manager of Business and Economic Development has liaised with the OT&PA on an ongoing basis to finalise the changes to the agreement. The OT&PA have agreed in writing to the attached agreement (refer to Attachment 1).

**4.2 Strategic Community Plan**

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	3. Prosperity - We will advocate and drive opportunities for the community to be economically desirable, resilient, and prosperous.
Strategic Outcome	3.4 Sustainable commerce and tourism opportunities
Strategy	1 Support initiatives to add value to, and improve marketing of, local business.

**4.3 Council Policy**

*Council Policy – Tourism Support and Promotion*

The Shire recognises that tourism will continue to be a major employer and contributor to the local economy, and that it needs to play an active role to facilitate the growth and development of tourism.

Council will consider an appropriate budget allocation each year to provide a contribution to the Onslow Visitor Centre, providing it is satisfied that the OT&PA is providing a worthwhile tourist service (as outlined in the proposed funding agreement).

**4.4 Financial**

Current Financial Year

The Shire’s 2022/2023 Annual Budget has an allocated amount of \$93,000 excluding GST for funding the OT&PA broken down as follows:

**Payment Breakdown 2022/2023 Financial Year (excluding GST)**

Annual Agreement Contribution	\$80,000
Onslow Pipeline Subscription	\$11,000
Tourism Brochure	\$2,000
<b>TOTAL</b>	<b>\$93,000</b>

Future Financial Year(s)

**Payment Breakdown Subsequent Years**

Annual Agreement Contribution	\$80,000 + CPI
Onslow Pipeline Subscription	\$11,000 + CPI
Tourism Brochure	\$2,000

An annual indexation, Consumer Price Index (CPI), will be applied for the term of this agreement to the Annual Agreement Contribution and Onslow Pipeline Subscription. CPI will be applied to the prior year Annual Agreement Contribution and Onslow Pipeline Subscription (ie. The 2023/24 FY contributions will apply a CPI increase to the amount paid in the 2022/23 FY).

**4.5 Legislative**

Nil

**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 (social/community)	There is a reputation risk to Council if the Shire is not seen to be promoting a sustainable tourism industry given our policy stance and strategic plans.	Possible (3)	Moderate (3)	Moderate (5-9)	Reputational risk is mitigated by following the officer's recommendation, which supports the Shire's Strategic Community Plan, Tourism Policy and Strategic Direction Towards a Visitor Economy.
Financial impact	There is a risk of financial impact to Council if the Shire does not support the OT&PA given that our policy and strategic plans highlight that we will provide funding support to the local industry. Council may then be required to implement alternative visitor servicing needs.	Possible (3)	Minor (2)	Moderate (5-9)	Financial risk is mitigated by following the officer's recommendation, which supports the Shire's Strategic Community Plan and Policy Direction.

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 Onslow Tourism & Progress Association (Onslow Visitor Centre) Five Year Funding Agreement, Council,

1. Endorse the Five Year Funding Agreement, and
2. Authorise the Chief Executive Officer to execute the agreement between the Shire of Ashburton and the Onslow Tourism & Progress Association.

**Council Decision**            **166/2022**

**Moved**                        **Cr R De Pledge**

**Seconded**                  **Cr L Rumble JP**

**That with respect to the Onslow Tourism & Progress Association (Onslow Visitor Centre) Five Year Funding Agreement, Council,**

1. **Endorse the Five Year Funding Agreement, and**
2. **Authorise the Chief Executive Officer to execute the agreement between the Shire of Ashburton and the Onslow Tourism & Progress Association.**

**Carried 8/0**

## 12 Corporate Services Reports

### 12.1 Monthly Schedule of Accounts Paid - October 2022

<b>File Reference</b>	FM03
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	T Dayman, Acting Director Corporate Services
<b>Authorising Officer</b>	T Dayman, Acting Director Corporate Services
<b>Previous Meeting Reference</b>	Nil
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	1. Schedule of Accounts Paid - October 2022 <a href="#">⇒</a>

#### 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 October 2022,
- Trust Fund Payments for October 2022, and
- Corporate Credit Card Reconciliations for September 2022.

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

#### 2. 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.

#### 3. 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	9,937,115.07
Superannuation / Payroll (Direct Debits)	293,412.83
Cheques	-
Credit Cards	3,276.31

Bank Fees and Charges	4,743.78
<u>Municipal Fund Total</u>	8,007,375.99
<u>Trust Fund</u>	
Electronic Funds Transfers	0.00
<u>Trust Fund Total</u>	0.00

**4. Implications To Consider**

**4.1 Consultation**

Executive Leadership Team

Finance Team

**4.2 Strategic Community Plan**

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	4. Performance - We will lead the organisation, and create the culture, to deliver demonstrated performance excellence to the community.
Strategic Outcome	4.2 Appropriate, sustainable, and transparent management of community funds
Strategy	4 Ensure financial transactions are accurate and timely.

**4.3 Council Policy**

Nil

**4.4 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

**4.5 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.

#### 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	Council does not accept the Shire officer 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 Monthly Schedule of Accounts Paid, Council, in accordance with *Local Government (Financial Management) Regulations 1996* Regulation 13, confirms the Monthly Schedule of Accounts Paid for October 2022, as included at Attachment 1.

**Council Decision**                    **167/2022**

**Moved**                                    **Cr T Mladenovic**

**Seconded**                                **Cr A Smith**

**That with respect to Monthly Schedule of Accounts Paid, Council, in accordance with *Local Government (Financial Management) Regulations 1996* Regulation 13, confirms the Monthly Schedule of Accounts Paid for October 2022, as included at Attachment 1.**

**Carried 8/0**

## 12.2 Monthly Financial Statements - October 2022

<b>File Reference</b>	FM03
<b>Applicant or Proponent(s)</b>	
<b>Author</b>	T Dayman, Acting Director Corporate Services
<b>Authorising Officer</b>	T Dayman, Acting Director Corporate Services
<b>Previous Meeting Reference</b>	Nil
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	1. Monthly Financial Statements - October 2022 <a href="#">⇨</a>

### 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 October 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).

The following 2022-2023 budget amendments are recommended:

GL / Job No.	GL / Job Description	Current Budget	Amendment	Revised Budget	Reason
X2909	Onslow Gymnasium Equipment Renewal	\$23,500	(\$12,000)	\$11,500	Identified savings.
X2905	Four Mile Rest Area Decking Renewal	\$150,000	(\$21,000)	\$129,000	Works has been completed under budget.

X2889	Clem Thompson Oval Equipment Gate	\$12,000	(\$5,000)	\$7,000	Works has been completed under budget.
F0372	Multi-Purpose Centre – Facility	\$300,700	(\$22,000)	\$278,700	Reduction in operating costs due to reduction in usage.
X2322	Four Mile Rest Area Renewal	\$70,000	\$60,000	\$130,000	Tenders received exceed budget allocation. Savings identified to increase budget provision and proceed with works.
I0940	Sterilisation Program Contribution (Income)	\$0	(\$10,000)	(\$10,000)	Successful grant application to fund sterilisation program.
J0950	Sterilisation Program	\$0	\$18,000	\$18,000	Cost to deliver sterilisation program including internal costs.
EH24058	Aboriginal Health	\$39,100	(\$5,000)	\$34,100	Aboriginal health contribution towards the sterilisation program.
PX14007	Transit House Revenue	(\$80,900)	(\$3,000)	(\$83,900)	Sterilisation program accommodations charges (internal).



J3157	Consultancy Airport	\$95,000	\$111,000	\$206,000	Additional consultancy services due to the introduction of 737 Aircraft.  \$80,000 - PWC services (Demand Study)  \$31,000 – 737 Introduction - Engineering assessment.
J3158	Consultancy – Commercial Matters	\$8,800	\$32,000	\$40,800	Increase provision for commercial consultancy for dredge spoil/ mud opportunities.
RF43107	From Reserve – Airport	(\$2,557,900)	(\$143,000)	(\$2,700,900)	Increase transfer from reserve to fund additional airport expenditure.
I3242	National Australia Day Funding	\$0	(\$15,000)	(\$15,000)	Successful grant application for Onslow Australia Day event
C3242	Shire Event – Onslow Australia Day	\$0	\$15,000	\$15,000	Cost to deliver Onslow Australia Day event
C0936	Community Support – Onslow	\$50,000	(\$5,000)	\$45,000	Reposition budget provision to cover Carols by Glow light signature event grant
C3227	Carols By Glow light	\$0.00	\$5,000	\$5,000	Carols by Glow light signature event grant

#### 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	4. Performance - We will lead the organisation, and create the culture, to deliver demonstrated performance excellence to the community.
Strategic Outcome	4.2 Appropriate, sustainable, and transparent management of community funds
Strategy	4 Ensure financial transactions are accurate and timely.

##### 4.3 Council Policy

Nil

##### 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
Compliance	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

Absolute Majority

### Officer Recommendation

That with respect to Monthly Financial Statements, Council,

1. In accordance with *Local Government (Financial Management) Regulations 1996* regulation 34 accepts the Statement of Financial Activity, and associated documentation, for October 2022, as included at Attachment 1, and
2. Approve the following amendments to the 2022-2023 Annual Budget –
  - a) Decrease Job X2909 Onslow Gymnasium Equipment Renewal by \$12,000
  - b) Decrease Job X2905 Four Mile Rest Area Decking Renewal by \$21,000
  - c) Decrease Job X2889 Clem Thompson Oval Equipment Gate by \$5,000
  - d) Decrease Job F0372 Multi-Purpose Centre – Facility by \$22,000
  - e) Increase Job X23221 Four Mile Rest Area Renewal by \$60,000
  - f) Increase Job I0940 Sterilisation Program Contribution by \$10,000
  - g) Increase Job J0950 Sterilisation Program by \$18,000
  - h) Decrease General Ledger EH24058 Aboriginal Health by \$5,000
  - i) Increase Job J0950 Sterilisation Program by \$18,000
  - j) Increase General Ledger PX14007 Transit House Revenue by \$3,000
  - k) Increase Job J3157 Consultancy Airport by \$111,000
  - l) Increase Job J3158 Consultancy – Commercial Matters by \$32,000
  - m) Increase General Ledger RF43107 Transfer From Reserve – Airport by \$143,000.
  - n) Increase Job I3242 National Australia Day Funding by \$15,000.
  - o) Increase Job C3242 Shire Event – Onslow Australia Day by \$15,000
  - p) Decrease Job C0936 Community Support – Onslow by \$5,000
  - q) Increase Job C3227 Carols by Glow light by \$5,000.

**Council Decision**            **168/2022**

**Moved**                            **Cr T Mladenovic**

**Seconded**                      **Cr L Rumble JP**

**That with respect to Monthly Financial Statements, Council,**

- 1. In accordance with *Local Government (Financial Management) Regulations 1996* regulation 34 accepts the Statement of Financial Activity, and associated documentation, for October 2022, as included at Attachment 1, and**
- 2. Approve the following amendments to the 2022-2023 Annual Budget –**
  - a) Decrease Job X2909 Onslow Gymnasium Equipment Renewal by \$12,000**
  - b) Decrease Job X2905 Four Mile Rest Area Decking Renewal by \$21,000**
  - c) Decrease Job X2889 Clem Thompson Oval Equipment Gate by \$5,000**
  - d) Decrease Job F0372 Multi-Purpose Centre – Facility by \$22,000**
  - e) Increase Job X23221 Four Mile Rest Area Renewal by \$60,000**
  - f) Increase Job I0940 Sterilisation Program Contribution by \$10,000**
  - g) Increase Job J0950 Sterilisation Program by \$18,000**
  - h) Decrease General Ledger EH24058 Aboriginal Health by \$5,000**
  - i) Increase Job J0950 Sterilisation Program by \$18,000**
  - j) Increase General Ledger PX14007 Transit House Revenue by \$3,000**
  - k) Increase Job J3157 Consultancy Airport by \$111,000**
  - l) Increase Job J3158 Consultancy – Commercial Matters by \$32,000**
  - m) Increase General Ledger RF43107 Transfer From Reserve – Airport by \$143,000.**
  - n) Increase Job I3242 National Australia Day Funding by \$15,000.**
  - o) Increase Job C3242 Shire Event – Onslow Australia Day by \$15,000**
  - p) Decrease Job C0936 Community Support – Onslow by \$5,000**
  - q) Increase Job C3227 Carols by Glow light by \$5,000.**

**Carried By Absolute Majority 8/0**

## 12.3 Monthly Financial Statements - November 2022

<b>File Reference</b>	FM03
<b>Applicant or Proponent(s)</b>	
<b>Author</b>	T Dayman, Acting Director Corporate Services
<b>Authorising Officer</b>	T Dayman, Acting Director Corporate Services
<b>Previous Meeting Reference</b>	Nil
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	1. Monthly Financial Report November 2022 <a href="#">↔</a>

### 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 November 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	4. Performance - We will lead the organisation, and create the culture, to deliver demonstrated performance excellence to the community.
Strategic Outcome	4.2 Appropriate, sustainable, and transparent management of community funds
Strategy	4 Ensure financial transactions are accurate and timely.

**4.3 Council Policy**

Nil

**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
Compliance	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 *Local Government (Financial Management) Regulations 1996* regulation 34 accepts the Statement of Financial Activity, and associated documentation, for November 2022, as included at Attachment 1.

**Council Decision**            **169/2022**

**Moved**                        **Cr M Lynch**

**Seconded**                  **Cr J Richardson**

**That with respect to Monthly Financial Statements, Council, In accordance with *Local Government (Financial Management) Regulations 1996* regulation 34 accepts the Statement of Financial Activity, and associated documentation, for November 2022, as included at Attachment 1.**

**Carried 8/0**

## 12.4 Ordinary Council Meeting Details for 2023

<b>File Reference</b>	GV04
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	A Furfaro, Governance Officer
<b>Authorising Officer</b>	T Dayman, Acting Director Corporate Services
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 16 November 2021 - Item 12.3 – 180/2021
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	Nil

### 1. Report Purpose

Council is required to set and publish a schedule of meeting dates, times, and locations for all ordinary meetings each year, for the following calendar year.

The purpose of this report is to present to Council the proposed ordinary meeting dates, times, and locations for 2023.

Council is requested to approve the 2023 Ordinary Council Meetings Schedule.

### 2. Background

Council is required to hold ordinary meetings, and these are to be no more than three (3) months apart.

It is a legislative requirement to publish a schedule of ordinary Council meeting dates, times, and locations on an annual basis, for the following calendar year.

### 3. Comments

In preparing the proposed 2023 Ordinary Council Meeting Schedule, Shire officers have considered –

- Public holidays;
- Dates of potentially conflicting events (e.g., Western Australian Local Government Association Annual Conference, Karijini Experience, Total Solar Eclipse etc.);
- Ensuring a fair distribution of meetings across the Shire's four towns; and
- Previous Council resolutions and preferences (locations for the first and last meeting of the year).

It is proposed ordinary meetings continue to be held every second Tuesday of the month, with the exception of January, where no meeting is scheduled. To avoid the April ordinary meeting conflicting with the Easter public holidays and the Total Solar Eclipse, Shire officers have proposed the April ordinary meeting be held on the first Tuesday of the month (4 April 2023).



The accommodation providers in Pannawonica (Sodexo) have indicated transit housing is currently available for the proposed September 2023 meeting. Shire officers have made tentative bookings however, due to significant demands on accommodation in the town, Sodexo has advised that the tentative bookings may be withdrawn at short notice.

With all the above considered, the 2023 Ordinary Council Meetings Schedule is proposed, as follows -

<b>2023 Ordinary Council Meetings Schedule</b>		
<b>Date</b>	<b>Location</b>	<b>Commencing</b>
Tuesday 14 February 2023	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm
Tuesday 14 March 2023	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Tuesday 4 April 2023	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00pm
Tuesday 9 May 2023	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Tuesday 13 June 2023	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm
Tuesday 11 July 2023	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00pm
Tuesday 8 August 2023	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Tuesday 12 September 2023	Barry Lang Centre, Deepdale Drive, Pannawonica	1:00pm
Tuesday 10 October 2023	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm
Tuesday 14 November 2023	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00pm
Tuesday 12 December 2023	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm

#### **4. Implications To Consider**

##### **4.1 Consultation**

In preparation of the 2023 Ordinary Council Meetings Schedule, the Manager Governance and Sodexo (Pannawonica) were consulted.

##### **4.2 Strategic Community Plan**

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	4. Performance - We will lead the organisation, and create the culture, to deliver demonstrated performance excellence to the community.
Strategic Outcome	4.6 Visionary community leadership with sound, diligent and accountable governance
Strategy	2 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

Council sets aside sufficient funds in the Annual Budget to meet the cost of the advertisement.

Future Financial Year(s)

Nil

**4.5 Legislative**

In accordance with section 5.3 of the *Local Government Act 1995*, Council is required to hold ordinary meetings, and these are to be no more than three (3) months apart.

In accordance with regulation 12 of the *Local Government (Administration) Regulations 1996*, before the beginning of the year in which meetings are to be held, the date, time and place for each meeting is to be published on the local government’s official website.

**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 local government fails to publish a schedule of dates, location, and times for meetings to be held in the following calendar year.	Unlikely (2)	Minor (2)	Low (1-4)	Adoption of the proposed 2023 meeting schedule and ensure appropriate procedures are in place for the publishing of these dates.

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

**Additional Information**

At its meeting held 8 November 2022, Council withdrew the motion to approve the publishing of the 2023 Ordinary Council Meetings Schedule pending further consultation with elected members.

On 11 November 2022, an email was sent to all elected members requesting feedback on the proposed schedule. Feedback was received from one elected member. The feedback received did not propose a change to the 2023 Ordinary Council Meetings Schedule therefore, the officer recommendation from the November Ordinary Council Meeting has not been altered.

**5. Voting Requirements**

Simple Majority

**Officer Recommendation**

That with respect to Ordinary Council Meetings details for 2023, Council approves the publishing of the dates, times, and locations for the 2023 Ordinary Council Meetings Schedule, as outlines below –

<b>2023 Ordinary Council Meetings Schedule</b>		
<b>Date</b>	<b>Location</b>	<b>Commencing</b>
Tuesday 14 February 2023	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm
Tuesday 14 March 2023	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Tuesday 4 April 2023	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00pm
Tuesday 9 May 2023	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Tuesday 13 June 2023	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm
Tuesday 11 July 2023	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00pm
Tuesday 8 August 2023	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Tuesday 12 September 2023	Barry Lang Centre, Deepdale Drive, Pannawonica	1:00pm
Tuesday 10 October 2023	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm
Tuesday 14 November 2023	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00pm
Tuesday 12 December 2023	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm

**Council Decision 170/2022**

**Moved Cr M Lynch**

**Seconded Cr L Rumble JP**

**That with respect to Ordinary Council Meetings details for 2023, Council approves the publishing of the dates, times, and locations for the 2023 Ordinary Council Meetings Schedule, as outlines below –**

<b>2023 Ordinary Council Meetings Schedule</b>		
<b>Date</b>	<b>Location</b>	<b>Commencing</b>
<b>Tuesday 14 February 2023</b>	<b>Clem Thompson Sports Pavilion, Stadium Road, Tom Price</b>	<b>1:00pm</b>
<b>Tuesday 14 March 2023</b>	<b>Council Chambers, Onslow Shire Complex, Second Avenue, Onslow</b>	<b>1:00pm</b>
<b>Tuesday 4 April 2023</b>	<b>Ashburton Hall, Ashburton Avenue, Paraburdoo</b>	<b>1:00pm</b>
<b>Tuesday 9 May 2023</b>	<b>Council Chambers, Onslow Shire Complex, Second Avenue, Onslow</b>	<b>1:00pm</b>
<b>Tuesday 13 June 2023</b>	<b>Clem Thompson Sports Pavilion, Stadium Road, Tom Price</b>	<b>1:00pm</b>
<b>Tuesday 11 July 2023</b>	<b>Ashburton Hall, Ashburton Avenue, Paraburdoo</b>	<b>1:00pm</b>
<b>Tuesday 8 August 2023</b>	<b>Council Chambers, Onslow Shire Complex, Second Avenue, Onslow</b>	<b>1:00pm</b>
<b>Tuesday 12 September 2023</b>	<b>Barry Lang Centre, Deepdale Drive, Pannawonica</b>	<b>1:00pm</b>
<b>Tuesday 10 October 2023</b>	<b>Clem Thompson Sports Pavilion, Stadium Road, Tom Price</b>	<b>1:00pm</b>
<b>Tuesday 14 November 2023</b>	<b>Ashburton Hall, Ashburton Avenue, Paraburdoo</b>	<b>1:00pm</b>
<b>Tuesday 12 December 2023</b>	<b>Council Chambers, Onslow Shire Complex, Second Avenue, Onslow</b>	<b>1:00pm</b>

**Carried 8/0**

## 12.5 2022 Policy Review - Amended Policies

<b>File Reference</b>	GV20
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	J Bray, Manager Governance
<b>Authorising Officer</b>	T Dayman, Acting Director Corporate Services
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 11 October 2022 - Item 12.3 – (139/2022) Ordinary Council Meeting 8 November 2022 - Item 12.3 – (142/2022)
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Community Leases and Licences Policy <a href="#">⇨</a></li> <li>2. Council and Committee Meetings - Order of Business Policy <a href="#">⇨</a></li> <li>3. Disposal of Property (Other than Land) Policy <a href="#">⇨</a></li> <li>4. Elected Member Briefing Forums Policy <a href="#">⇨</a></li> <li>5. Elected Member Photographs Policy <a href="#">⇨</a></li> <li>6. Elected Member Recordkeeping Policy <a href="#">⇨</a></li> <li>7. Equal Employment Opportunity Policy <a href="#">⇨</a></li> <li>8. Legal Representation for Elected Members and Employees Policy <a href="#">⇨</a></li> <li>9. Employee Recognition and Gratuity Policy <a href="#">⇨</a></li> <li>10. Purchasing and Procurement Policy <a href="#">⇨</a></li> <li>11. Recognition of Aboriginal Culture and History Policy <a href="#">⇨</a></li> <li>12. Risk Management Policy <a href="#">⇨</a></li> <li>13. Shire of Ashburton Logo and Crest Policy <a href="#">⇨</a></li> <li>14. Verge Lawns and Gardens Policy <a href="#">⇨</a></li> <li>15. Senior Employees and Acting Chief Executive Officer <a href="#">⇨</a></li> <li>16. Complaints Management Policy <a href="#">⇨</a></li> <li>17. Elected Member and Chief Executive Officer Attendance at Events Policy <a href="#">⇨</a></li> <li>18. Elected Member Information Requests Policy <a href="#">⇨</a></li> <li>19. Regional Price Preference Policy <a href="#">⇨</a></li> </ol>

### 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 for the reasons set out in this report.

### 2. Background

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

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

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

### 3. Comments

For the reasons set out in the table below, the following 19 policies are proposed to be amended.

Policy	Amendments
ADM06 Use of Shire of Ashburton Logo and Crest	The policy has been expanded to include a description of the Council crest and corporate logo, reference to the Shire's secondary logos and guidelines on how the logos are to be formatted.
ADM09 Complaints Management and ELM17 Anonymous Communications	Principles from both policies have been incorporated into a new Complaints Management Policy. The content has been updated to reflect current organisational processes. Content considered operational has been removed from the policy and will be included in the relevant internal procedures.
CORP5 Risk Management	The policy has been rewritten to provide elected members, employees and the community clarity on the Council's position in regards to risk management.
ELM02 Official Photographs	The policy has been amended to include further guidance in relation to when official photographs will be taken and how they may be used.
ELM08 Order of Business – Ordinary Council Meetings	The policy has been amended to reflect the order of business used in the new Infocouncil templates for Ordinary Council Meetings and committees.
ELM09 Elected Member Information Forums	The policy has been rewritten to reflect current practices.
ELM11 Attendance at Events and ELM22 Elected Member Notification of Events	Principles from both policies have been incorporated into a new Elected Member and Chief Executive Officer Attendance at Events. All references to employees have been removed from the policy as section 5.90A of the <i>Local Government Act 1995</i> only relates to elected members and the Chief Executive Officer.
ELM16 Elected Members Record Keeping	The policy has been simplified to clarify what, when and how elected member records should be captured in the Shire's records management system.
ELM19 Recognition of Aboriginal Culture and History	The policy has been amended to reflect the current wording used for an Acknowledgement of Country at Council meetings and included definitions for Welcome to Country and Traditional Custodians.
ELM24 Appointment of an Acting Chief Executive Officer and EMP11 Designated Senior Employees	Principles from both policies have been incorporated into a new Senior Employees and Acting Chief Executive Officer Policy. Minor grammatical and formatting amendments have been made.
ELM25 Use of the EMACCESS email portal and Councillor Discussion Board	This has been replaced with a new Elected Member Information Requests Policy which provides guidelines on requests for information and reflects previous feedback from elected members to be equally informed.

ELM27 Legal Proceedings	Minor amendments have been made to the policy to provide clarity on the application process.
EMP01 Equal Employment	The policy has been expanded to provide further clarity to employees on the principles of equal employment opportunity. Guidance on lodging a complaint and breaches of the legislation have been included.
EMP35 Gratuity	The policy title has been amended to 'Employee Recognition and Gratuity'. Content has been removed where it duplicates what is prescribed in section 5.50 of the <i>Local Government Act 1995</i> . A provision for recognising employees' length of service has been included.
ENG01 Street Lawns and Gardens	The policy content has been reordered to ensure clarity for the community. Minor grammatical amendments have been made.
FIN04 Regional Price Preference	The requirement to submit proof of eligibility has been mandated and the reporting section has been removed. Other minor grammatical and formatting amendments have been made.
FIN12 Purchasing	The requirement to 'obtain' at least one quote in addition to the requirements set out for seeking quotes has been included in the Purchasing Thresholds table of the policy, for all procurement. This provides the Shire with the ability to proceed with a procurement process when although multiple vendors were contacted to quote, only one quote is received. Other minor grammatical and formatting amendments have been made.
FIN23 Disposal of Property (other than land)	The policy has been rewritten to reflect the powers delegated to the Chief Executive Officer and current organisational practices.
REC05 Community Leases and License Agreements of Shire Assets (Facilities, Buildings and Land)	The fees and charges table has been removed from the policy as these are set in the Annual Budget. Minor grammatical and formatting amendments have also been made.

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	4. Performance - We will lead the organisation, and create the culture, to deliver demonstrated performance excellence to the community.
Strategic Outcome	4.6 Visionary community leadership with sound, diligent and accountable governance
Strategy	2 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 and amendment of 19 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.

In accordance with regulation 24E and F of the *Local Government (Functions and General) Regulations 1996*, the local government must give Statewide public notice of a proposed regional price preference policy for a period of no less than four weeks, prior to it being adopted by the local government.

## 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 (social/community)	Customer complaints when policy content doesn't reflect current processes.	Possible (3)	Minor (2)	Moderate (5-9)	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

Absolute Majority

### Officer Recommendation

That with respect to 2022 Policy Review, Council,

1. Adopts the following amended policies,
  - (a) Community Leases and Licences,
  - (b) Council and Committee Meetings – Order of Business,
  - (c) Disposal of Property (Other than Land),
  - (d) Elected Member Briefing Forums,
  - (e) Elected Member Photographs,
  - (f) Elected Member Recordkeeping,
  - (g) Equal Employment Opportunity,
  - (h) Legal Representation for Elected Members and Employees,
  - (i) Employee Recognition and Gratuity,
  - (j) Purchasing and Procurement,
  - (k) Recognition of Aboriginal Culture and History,
  - (l) Risk Management,
  - (m) Shire of Ashburton Logo and Crest, and
  - (n) Verge Lawns and Gardens.
2. Adopts the following new policies,
  - (a) Senior Employees and Acting Chief Executive Officer which replaces ELM24 Appointment of an Acting Chief Executive Officer and EMP11 Designated Senior Employees,
  - (b) Complaints Management which replaces ADM09 Complaints Management and ELM17 Anonymous Communications,
  - (c) Elected Member and Chief Executive Officer Attendance at Events which replaces ELM11 Attendance at Events and ELM22 Elected Member Notification of Events, and
  - (d) Elected Member Information Requests which replaces ELM25 Use of the EMACCESS Email Portal and Council Member Discussion Board.
3. Instructs the Chief Executive Officer,
  - (a) To give Statewide notice of the draft amended Regional Price Preference Policy for a period not less than four weeks, in accordance with regulation 24E(b) of the *Local (Functions and General) Regulations 1996*, and
  - (b) Present the results of the public consultation period to the February 2023 Ordinary Council Meeting.

**Council Decision**            **171/2022**

**Moved**                        **Cr A Smith**

**Seconded**                   **Cr T Mladenovic**

**That with respect to 2022 Policy Review, Council,**

- 1. Adopts the following amended policies,**
  - (a) Community Leases and Licences,**
  - (b) Council and Committee Meetings – Order of Business,**
  - (c) Disposal of Property (Other than Land),**
  - (g) Equal Employment Opportunity,**
  - (i) Employee Recognition and Gratuity,**
  - (j) Purchasing and Procurement,**
  - (k) Recognition of Aboriginal Culture and History,**
  - (l) Risk Management,**
  - (m) Shire of Ashburton Logo and Crest, and**
  - (n) Verge Lawns and Gardens.**
- 2. Adopts the following new policies,**
  - (a) Senior Employees and Acting Chief Executive Officer which replaces ELM24 Appointment of an Acting Chief Executive Officer and EMP11 Designated Senior Employees,**
  - (b) Complaints Management which replaces ADM09 Complaints Management and ELM17 Anonymous Communications,**
  - (c) Elected Member and Chief Executive Officer Attendance at Events which replaces ELM11 Attendance at Events and ELM22 Elected Member Notification of Events, and**
  - (d) Elected Member Information Requests which replaces ELM25 Use of the EMACCESS Email Portal and Council Member Discussion Board.**
- 3. Instructs the Chief Executive Officer,**
  - (a) To give Statewide notice of the draft amended Regional Price Preference Policy for a period not less than four weeks, in accordance with regulation 24E(b) of the *Local (Functions and General) Regulations 1996*, and**
  - (b) Present the results of the public consultation period to the February 2023 Ordinary Council Meeting.**
- 4. Instructs the Chief Executive Officer to hold a workshop in relation to the following elected member policies,**
  - (a) Elected Member Briefing Forums,**
  - (b) Elected Member Photographs,**
  - (c) Elected Member Recordkeeping, and**

**(d) Legal Representation for Elected Members and Employees.**

**Carried By Absolute Majority 8/0**

**Reason for change:**

To provide elected members further information on the policies mentioned in point 4 above.

## 12.6 Proposed Extractive Industries Repeal Local Law 2023

<b>File Reference</b>	LE25
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	J Bray, Manager Governance
<b>Authorising Officer</b>	T Dayman, Acting Director Corporate Services
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 11 October 2022 - Item 12.6 – (142/2022)
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Proposed Shire of Ashburton Extractive Industries Repeal Local Law 2023 <a href="#">⇨</a></li> <li>2. Shire of Ashburton Extractive Industries Local Law 2013 <a href="#">⇨</a></li> </ol>

### 1. Report Purpose

Council is required to consider the proposed Shire of Ashburton Extractive Industries Repeal Local Law 2023 (refer to Attachment 1) which has been prepared as a result of the recent local law review.

The purpose of this report is to commence the process of making a repeal local law.

Council is requested to endorse the proposed Shire of Ashburton Extractive Industries Repeal Local Law 2023 for public consultation.

### 2. Background

The *Shire of Ashburton Extractive Industries Local Law 2013* (refer to Attachment 2) was published in the Government Gazette on 8 March 2013.

It has been rarely, if ever, used. The matters it is aimed at regulating can be dealt with under the Shire's Local Planning Scheme No 7. As such, at its meeting held 11 October 2022, Council considered the review of its local laws and resolved, in part, as follows:

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

(b) *Extractive Industries Local Law 2013 be repealed.*”

### 3. Comments

The application of the *Shire of Ashburton Extractive Industries Local Law 2013* 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 No 7.

During the recent local law review, no comments were received in relation to the *Shire of Ashburton Extractive Industries Local Law 2013*.

As a result of the review, the proposed Shire of Ashburton Extractive Industries Repeal Local Law 2023 has been prepared. The process to make the repeal local law is set out in section 3.12 of the *Local Government Act 1995*.

The results of the public consultation and feedback from the Minister for Local Government will be presented to Council for its consideration before it makes the local law.

#### 4. Implications To Consider

##### 4.1 Consultation

Section 3.12(3) of the *Local Government Act 1995* requires a local government to give local public notice stating that it proposes to make a local law, the purpose and effect of which is summarised in the notice, for a period of not less than six weeks after it first appears. A copy of the proposed local law must be given to the Minister for Local Government.

The purpose and effect of the proposed local law is:

*Purpose*

To repeal the *Shire of Ashburton Extractive Industries Local Law 2013*.

*Effect*

The *Shire of Ashburton Extractive Industries Local Law 2013* is no longer in effect.

##### 4.2 Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	4. Performance - We will lead the organisation, and create the culture, to deliver demonstrated performance excellence to the community.
Strategic Outcome	4.6 Visionary community leadership with sound, diligent and accountable governance
Strategy	3 Deliver best practice governance and risk management.

##### 4.3 Council Policy

Nil

##### 4.4 Financial

###### Current Financial Year

Costs associated with the public notice requirements have been included in the Annual Budget.

###### Future Financial Year(s)

Nil

##### 4.5 Legislative

Section 3.12 of the *Local Government Act 1995* sets out the process to be followed when making, amending, or repealing local laws.

#### 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	Non-compliance with 'higher' regulatory requirements if local law is not repealed.	Unlikely (2)	Insignificant (1)	Low (1-4)	Council commences the process to repeal the current local law 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

Simple Majority

#### Officer Recommendation

That with respect to the proposed Shire of Ashburton Extractive Industries Repeal Local Law 2023, Council, instructs the Chief Executive Officer to,

1. In accordance with sections 3.12(3)(a) of the *Local Government Act 1995*, give local public notice stating that:
  - (a) It is proposed to make a Shire of Ashburton Extractive Industries Repeal Local Law 2023, and a summary of its purpose and effect;
  - (b) Copies of the proposed local law may be inspected at the Shire offices; and
  - (c) Submissions about the proposed local law may be made to the Shire within a period of not less than six weeks after the notice is given.
2. In accordance with s3.12(3)(b) of the *Local Government Act 1995*, as soon as public notice is given, send a copy of the proposed local law to the Minister for Local Government;
3. In accordance with s3.12(3)(c) of the *Local Government Act 1995*, supply a copy of the proposed local law to any person requesting it; and
4. Present the results of the public consultation to Council for consideration of any submissions received.

**Council Decision**            **172/2022**

**Moved**                        **Cr M Lynch**

**Seconded**                  **Cr A Smith**

**That with respect to the proposed Shire of Ashburton Extractive Industries Repeal Local Law 2023, Council, instructs the Chief Executive Officer to,**

- 1. In accordance with sections 3.12(3)(a) of the *Local Government Act 1995*, give local public notice stating that:
  - (a) It is proposed to make a Shire of Ashburton Extractive Industries Repeal Local Law 2023, and a summary of its purpose and effect;**
  - (b) Copies of the proposed local law may be inspected at the Shire offices; and**
  - (c) Submissions about the proposed local law may be made to the Shire within a period of not less than six weeks after the notice is given.****
- 2. In accordance with s3.12(3)(b) of the *Local Government Act 1995*, as soon as public notice is given, send a copy of the proposed local law to the Minister for Local Government;**
- 3. In accordance with s3.12(3)(c) of the *Local Government Act 1995*, supply a copy of the proposed local law to any person requesting it; and**
- 4. Present the results of the public consultation to Council for consideration of any submissions received.**

**Carried 8/0**

## 12.7 Proposed Cats Local Law 2023

<b>File Reference</b>	LE50
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	J Bray, Manager Governance
<b>Authorising Officer</b>	T Dayman, Acting Director Corporate Services
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 11 October 2022 - Item 12.6 – (142/2022)
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Proposed Shire of Ashburton Cats Local Law 2023 <a href="#">⇨</a></li> <li>2. Shire of Ashburton Local Law Relating to the Control of Cats <a href="#">⇨</a></li> </ol>

### 1. Report Purpose

Council is required to consider the proposed Shire of Ashburton Cats Local Law 2023 (refer to Attachment 1) which has been prepared as a result of the recent local law review.

The purpose of this report is to commence the process of making a new local law.

Council is requested to endorse the proposed Shire of Ashburton Cats Local Law 2023 for public consultation.

### 2. Background

The *Shire of Ashburton Local Law Relating to the Control of Cats* (refer to Attachment 2) was published in the Government Gazette on 3 June 1998.

During the recent local law review, no comments were received in relation to the *Shire of Ashburton Local Law Relating to the Control of Cats*.

Many of its provisions are now dealt with or overridden by the *Cat Act 2011*, *Cat Regulations 2012* and *Cat (Uniform Local Provisions) Regulations 2013*. As such, at its meeting held 11 October 2022, Council considered the review of its local laws and resolved, in part, as follows:

*“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:*

*(iv) Control of Cats Local Law 1998.”*

### 3. Comments

The *Shire of Ashburton Local Law Relating to the Control of Cats* amongst other things, provides that a person must not keep more than two cats over the age of six months and the young of those cats under that age without the approval of the Shire. It also provides that cats are not to be a nuisance.

There have been a significant number of changes in this area of activity, including the introduction of the *Cat Act 2011*, *Cat Regulations 2012* and *Cat (Uniform Local Provisions) Regulations 2013*.



Amongst other things, the *Cat Act 2011* requires that keepers of cats must register them with the local government where they are normally kept, cats must be microchipped, and sterilised unless exempt.

The *Cat Regulations 2012* deals with matters such as:

- Microchipping,
- Registration and registration periods,
- Applications for approval to breed cats,
- Registration fees, and
- Application fees to obtain a permit to breed cats.

The *Cat (Uniform Local Provisions) Regulations 2013* operate as if they are local laws. Amongst other things these Regulations provide for:

- Local laws to determine what is the 'standard number' of cats that can be kept, excluding cats under the age of six months,
- If a member of a 'cat organisation' is normally resident on the premises, then the number of cats that can be kept on premises to be three times the standard number,
- Catteries, and
- Applications to keep additional numbers of cats.

Given the number of changes that will be required to the Shire's existing local law, it is simpler and more cost effective to make a new local law rather than amend the existing local law.

The proposed Shire of Ashburton Extractive Industries Repeal Local Law 2023 has been prepared based on one made by a number of local governments. The salient features are discussed below.

#### *Number of cats that may be kept without a permit*

Clause 6 of the existing local law provides that up to two cats over the age of six months and the young of those cats under that age may be kept without a permit from the Shire.

It is proposed to retain this as the 'standard number' of cats that may be kept without a permit. This will deal with most issues that relate to cats that may be kept in significant numbers.

The process for a person to keep more than the standard number of cats is set out in the *Cat (Uniform Local Provisions) Regulations 2013*. In addition, clauses 2.3 – 2.6 of the proposed local law set out possible conditions that could be applied where approval is given, and which must be considered on a case-by-case basis.

#### *Cats creating a nuisance*

As provided in the existing local law, it is considered that the proposed local law should include provisions about nuisance behaviour of cats.

As such, 'nuisance' is defined in clause 1.4 of the draft local law as:

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law,*
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land, or*
- (c) interference which causes material damage to land or other property on the land affected by the interference,*

In addition, clause 3.1 of the proposed local law provides that:

*The owner or occupier of premises on which a cat is ordinarily kept shall prevent the cat from creating a nuisance on other premises, to another person or exposing another person to health and/or safety risks by:*

- (a) The noise or odour generated by the presence of the cat/s,*
- (b) The aggressive nature of the cat/s, or*
- (c) A cat that wanders outside the premises where it is ordinarily kept.*

Enforcement provisions are set out in Part 4 of the proposed local law.

Finally, the proposed local law contains text boxes referring to the *Cat Act 2011* and its associated Regulations. These text boxes do not form part of the local law and are for guidance only; they will be removed from the official version eventually published in the Government Gazette if the local law is made.

The process to make a local law is set out in section 3.12 of the *Local Government Act 1995* and requires public consultation. The results of the public consultation and feedback from the Minister for Local Government will be presented to Council for its consideration before it makes the local law.

#### **4. Implications To Consider**

##### **4.1 Consultation**

Section 3.12(3) of the *Local Government Act 1995* requires a local government to give local public notice stating that it proposes to make a local law, the purpose and effect of which is summarised in the notice, for a period of not less than six weeks after it first appears. A copy of the proposed local law must be given to the Minister for Local Government.

The purpose and effect of the proposed local law is:

##### *Purpose*

To set a 'standard number' of cats that may be kept on premises and deal with cats that may be a nuisance as defined in the local law.

##### *Effect*

Persons must not keep more than the standard number of cats unless provided for by the local law, the *Cat Act 2011* or its associated Regulations, or be a nuisance as defined in the local law to persons in the district.

##### **4.2 Strategic Community Plan**

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	4. Performance - We will lead the organisation, and create the culture, to deliver demonstrated performance excellence to the community.
Strategic Outcome	4.6 Visionary community leadership with sound, diligent and accountable governance
Strategy	3 Deliver best practice governance and risk management.

**4.3 Council Policy**

Nil

**4.4 Financial**

Current Financial Year

Costs associated with the public notice requirements have been included in the Annual Budget.

Future Financial Year(s)

Nil

**4.5 Legislative**

The power to make local laws relating to cats and what matters can be included is provided for in section 79 of the *Cat Act 2011*.

Section 3.12 of the *Local Government Act 1995* sets out the process to be followed when making, amending, or repealing local laws.

**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	Non-compliance with 'higher' regulatory requirements.	Unlikely (2)	Insignificant (1)	Low (1-4)	Council commences the process to replace the current local law 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**

Simple Majority

**Officer Recommendation**

That with respect to the proposed Shire of Ashburton Cats Local Law 2023, Council, instructs the Chief Executive Officer to,

1. In accordance with section 3.12(3)(a) of the *Local Government Act 1995*, give local public notice stating that:
  - (a) It is proposed to make a Shire of Ashburton Cats Local Law 2023, and a summary of its purpose and effect,
  - (b) Copies of the proposed local law may be inspected at the Shire offices,
  - (c) Submissions about the proposed local law may be made to the Shire within a period of not less than six weeks after the notice is given,

2. In accordance with section 3.12(3)(b) of the *Local Government Act 1995*, as soon as public notice is given, send a copy of the proposed local law to the Minister for Local Government,
3. In accordance with section 3.12(3)(c) of the *Local Government Act 1995*, supply a copy of the proposed local law to any person requesting it, and
4. Present the results of the public consultation to Council for consideration of any submissions received.

**Council Decision**            **173/2022**

**Moved**                        **Cr M Lynch**

**Seconded**                   **Cr T Mladenovic**

**That with respect to the proposed Shire of Ashburton Cats Local Law 2023, Council, instructs the Chief Executive Officer to,**

1. **In accordance with section 3.12(3)(a) of the *Local Government Act 1995*, give local public notice stating that:**
  - (a) **It is proposed to make a Shire of Ashburton Cats Local Law 2023, and a summary of its purpose and effect,**
  - (b) **Copies of the proposed local law may be inspected at the Shire offices,**
  - (c) **Submissions about the proposed local law may be made to the Shire within a period of not less than six weeks after the notice is given,**
2. **In accordance with section 3.12(3)(b) of the *Local Government Act 1995*, as soon as public notice is given, send a copy of the proposed local law to the Minister for Local Government,**
3. **In accordance with section 3.12(3)(c) of the *Local Government Act 1995*, supply a copy of the proposed local law to any person requesting it, and**
4. **Present the results of the public consultation to Council for consideration of any submissions received.**

**Carried 8/0**

## 12.8 Proposed Public Places and Local Government Property Local Law 2023

<b>File Reference</b>	LE51
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	J Bray, Manager Governance
<b>Authorising Officer</b>	T Dayman, Acting Director Corporate Services
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 11 October 2022 - Item 12.6 – (142/2022)
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Proposed Shire of Ashburton Public Places and Local Government Property Local Law 2023 <a href="#">⇒</a></li> <li>2. Shire of Ashburton Activities on Thoroughfares and Public Places and Trading Local Law 2013 <a href="#">⇒</a></li> <li>3. Shire of Ashburton Local Government Property Local Law 2013 <a href="#">⇒</a></li> <li>4. Shire of Ashburton Local Law Relating to the Management and Control of Public Swimming Pools <a href="#">⇒</a></li> </ol>

### 1. Report Purpose

Council is required to consider the proposed Shire of Ashburton Public Places and Local Government Property Local Law 2023 (refer to Attachment 1) which has been prepared as a result of the recent local law review.

The purpose of this report is to commence the process of making a new local law.

Council is requested to endorse the proposed Shire of Ashburton Public Places and Local Government Property Local Law 2023 for public consultation.

### 2. Background

The Shire currently has in place three local laws that regulate activities on local government property owned by it, and land under its care, control, and management:

- *Shire of Ashburton Activities on Thoroughfares and Public Places and Trading Local Law 2013,*
- *Shire of Ashburton Local Government Property Local Law 2013, and*
- *Shire of Ashburton Local Law Relating to the Management and Control of Public Swimming Pools.*

No comments were received in relation to these local laws during the review consultation period. As such, at its meeting held 11 October 2022, Council considered the review of its local laws and resolved, in part, as follows:

*“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”*

### 3. Comments

During the recent local law review, it was highlighted that these three local laws can be combined into one and their application simplified.

The proposed Shire of Ashburton Public Places and Local Government Property Local Law 2023 is based on one made by the City of Greater Geraldton in 2020 which in turn comes from a model developed by the Western Australian Local Government Association. This has been modified to suit the Shire. In summary, rather than devising a set of rules for each type of property, its provisions apply across all areas with specific provisions about particular locations that might be unique such as golf courses, beaches, jetties, and the like.

Common items like definitions, modified penalties, notices and enforcement provisions apply to all areas of the local law, regardless of where a matter might physically be located, or the subject dealt with.

In summary it reflects the provisions of the local laws it is intended to replace, and deals with:

- A process to make ‘determinations’ about particular properties in terms of what they may or may not be used for (an initial list appears in Schedule 1 of the proposed local law),
- Activities that are prohibited,
- Activities where a permit is required, including street stalls, alfresco dining and the like,
- Placing of advertising signs,
- Behaviour on all property under the Shire’s care, control, and management,
- Matters that relate to particular Shire property such as:
  - Where functions are being held,
  - Golf courses,
  - Beaches,
  - Airports, and
  - Jetties and boat launching ramps.
- Activities in streets such as verge treatments, removal of crossovers, property numbering and the like,
- Leaving animals and shopping trolleys in public places,
- Permits and conditions that could be applied,
- Enforcement provisions such as:
  - Notices to do certain things (remove items from a thoroughfare, repair damage);
  - Modified penalties or ‘on the spot’ fines; and
  - Penalties that might apply where the Shire prosecutes a person for an offence or fails to comply with a notice.

Note that the proposed local law contains text boxes which are for explanatory purposes only and will be deleted from the official version published in the Government Gazette.

The process to make a local law is set out in section 3.12 of the *Local Government Act 1995* and requires public consultation. The results of the public consultation and feedback from the Minister for Local Government will be presented to Council for its consideration before it makes the local law.

#### 4. Implications To Consider

##### 4.1 Consultation

Section 3.12(3) of the *Local Government Act 1995* requires a local government to give local public notice stating that it proposes to make a local law, the purpose and effect of which is summarised in the notice, for a period of not less than six weeks after it first appears. A copy of the proposed local law must be given to the Minister for Local Government.

The purpose and effect of the proposed local law is:

###### *Purpose*

To regulate the care, control, and management of property of and under the care, control and management of the Shire including thoroughfares.

###### *Effect*

Some Shire property is set aside for particular uses, some activities are allowed only under a permit or under a determination, and others are restricted or prohibited. The local law also establishes offences for inappropriate behaviour in or on Shire property.

##### 4.2 Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	4. Performance - We will lead the organisation, and create the culture, to deliver demonstrated performance excellence to the community.
Strategic Outcome	4.6 Visionary community leadership with sound, diligent and accountable governance
Strategy	3 Deliver best practice governance and risk management.

##### 4.3 Council Policy

Nil

##### 4.4 Financial

###### Current Financial Year

Costs associated with the public notice requirements have been included in the Annual Budget.

###### Future Financial Year(s)

Nil

##### 4.5 Legislative

A local government may make local laws about property its owns or is under its care, control, and management. Section 3.12 of the *Local Government Act 1995* sets out the process to be followed when making, amending, or repealing local laws.

#### 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	Possible overlaps in current local laws.	Possible (3)	Moderate (3)	Moderate (5-9)	Council commences the process to combine the three affected local laws as recommended.

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 proposed Shire of Ashburton Public Places and Local Government Property Local Law 2023, Council, instructs the Chief Executive Officer to,

1. In accordance with section 3.12(3)(a) of the *Local Government Act 1995*, give local public notice stating that:
  - (a) It is proposed to make a Shire of Ashburton Public Places and Local Government Property Local Law 2023, and a summary of its purpose and effect,
  - (b) Copies of the proposed local law may be inspected at the Shire offices,
  - (c) Submissions about the proposed local law may be made to the Shire within a period of not less than six weeks after the notice is given,
2. In accordance with section 3.12(3)(b) of the *Local Government Act 1995*, as soon as public notice is given, send a copy of the proposed local law to the Minister for Local Government,
3. In accordance with section 3.12(3)(c) of the *Local Government Act 1995*, supply a copy of the proposed local law to any person requesting it; and
4. Present the results of the public consultation to Council for consideration of any submissions received.



**Council Decision**            **174/2022**

**Moved**                        **Cr M Lynch**

**Seconded**                  **Cr L Rumble JP**

**That with respect to the proposed Shire of Ashburton Public Places and Local Government Property Local Law 2023, Council, instructs the Chief Executive Officer to,**

- 1. In accordance with section 3.12(3)(a) of the *Local Government Act 1995*, give local public notice stating that:
  - (a) It is proposed to make a Shire of Ashburton Public Places and Local Government Property Local Law 2023, and a summary of its purpose and effect,**
  - (b) Copies of the proposed local law may be inspected at the Shire offices,**
  - (c) Submissions about the proposed local law may be made to the Shire within a period of not less than six weeks after the notice is given,****
- 2. In accordance with section 3.12(3)(b) of the *Local Government Act 1995*, as soon as public notice is given, send a copy of the proposed local law to the Minister for Local Government,**
- 3. In accordance with section 3.12(3)(c) of the *Local Government Act 1995*, supply a copy of the proposed local law to any person requesting it; and**
- 4. Present the results of the public consultation to Council for consideration of any submissions received.**

**Carried 8/0**

## 13 Infrastructure Services Reports

### 13.1 Pilbara Regional Waste Management Facility - Alliance Board Formation

<b>File Reference</b>	WM07
<b>Applicant or Proponent(s)</b>	
<b>Author</b>	S Noon, Acting Manager Waste Services
<b>Authorising Officer</b>	S Kane, Acting Director Infrastructure
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 14 Jun 2022 - Item 18.3 – 087/2022
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	1. Second notice to extend to the Amended Letter of Intent - Signed - Confidential

#### 1. Report Purpose

Council is required to review the operational model at the Pilbara Regional Waste Management Facility (PRWMF), Onslow, which requires an Alliance Board to be established to create an operational and decision-making platform between the Asset Owner (Shire of Ashburton) and Operator (Pilbara Environmental Services).

The purpose of this report is to include an independent representative on the PRWMF Alliance Board.

Council is requested to authorise for the Chief Executive Officer to negotiate an amendment to the existing Letter of Intent (LOI) and Waste Services Agreement (Contract) to include an independent representative on the PRWMF Alliance Board.

#### 2. Background

In May 2021, Shire of Ashburton (Shire) officers submitted a licence application under Part V, Division 3 of *Environmental Protection Act 1986* for the operation of the PRWMF.

A draft licence was issued by Department of Water and Environmental Regulation (DWER) on 25 November 2021, which required comment to be provided to DWER on the draft nature of the licence.

Following consideration of the comments, a final licence was issued on 22 December 2021 allowing the PRWMF to accept waste to the site, subject to conditions.

Both Pilbara Environmental Services (PES) and the Shire are working their way through the identified issues at the facility in order to get the facility operational.

In June 2022, Council amended the Alliance Board structure to include the Shire President as the Chair of the Board.

### 3. Comments

The facility is operating under a LOI (refer to the Confidential Attachment) which provides a mechanism for the facility to operate and for the contractor, PES to establish the site without formally entering a full operational contract.

Both the LOI and draft Contract refers to the establishment of an Alliance Board to create an operational and decision-making platform between the Shire and PES.

The current agreed make up of this board is for four (4) Shire and four (4) PES representatives plus the Shire President as the Chair.

The draft Contract refers to the following Shire Alliance Board members:

**Chair:** Shire of Ashburton President

**Shire:** Chief Executive Officer

Director Infrastructure Services

Director Community Services

Manager Waste Services

**PES:** PES Director

Joint Venture Manager

Environmental and Technical Manager

Landfill and Logistics Manager

Following further consideration, it is thought that an independent representative would add value to the Alliance Board structure and provide independent operational advice to the Board. This will then provide for a direct link into the broader Western Australian waste industry.

Any such amendment to the LOI and draft Contract will need to be considered and agreed by both parties. This proposed amendment is not considered to be a significant shift from the intent of the Alliance Board establishment with all other conditions still holding relevant.

It is recommended that Council authorise for the Chief Executive Officer to negotiate an amendment to the existing LOI and draft Contract to include an independent representative on the PRWMF Alliance Board.

### 4. Implications To Consider

#### 4.1 Consultation

Executive Leadership Team

Pilbara Environmental Services

## 4.2 Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	2. Place - We will provide sustainable, purposeful, and valued built and natural environment opportunities for the community.
Strategic Outcome	2.1 Coordinated delivery of natural and built environment services and projects for the community.
Strategy	1 Develop and maintain key natural and built environment services partnerships, both internally and externally, to support Council's vision.

## 4.3 Council Policy

Nil

## 4.4 Financial

### Current Financial Year

The inclusion of an additional member onto the proposed PRWMF Alliance Board has minimal financial impact based on the consultancy rate and number of hours they tend to Alliance Board meetings.

### Future Financial Year(s)

The inclusion of an additional member onto the proposed PRWMF Alliance Board has minimal financial impact based on the consultancy rate and number of hours they tend to Alliance Board meetings.

## 4.5 Legislative

The operation of a waste disposal facility is licenced under the *Environmental Protection Act 1986*.

## 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
People	The Operator (PES) does not concur with the addition of an independent representative onto the proposed PRWMF Alliance Board.	Unlikely (2)	Major (4)	Moderate (5-9)	Early negotiation to address any concerns from both parties.

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 establishment of the Pilbara Regional Waste Management Facility Alliance Board Formation, Council,

1. Instructs the Chief Executive Officer to negotiate an amendment to the existing Letter of Intent and Waste Services Agreement to include an independent representative on the Pilbara Regional Waste Management Facility Alliance Board.
2. Should this negotiation be successful appoint Marcus Geisler as the nominated independent representative of the Pilbara Regional Waste Management Facility Alliance Board.

**Council Decision**                    **175/2022**

**Moved**                                    **Cr R De Pledge**

**Seconded**                                **Cr M Lynch**

**That with respect to the establishment of the Pilbara Regional Waste Management Facility Alliance Board Formation, Council,**

1. **Instructs the Chief Executive Officer to negotiate an amendment to the existing Letter of Intent and Waste Services Agreement to include an independent representative on the Pilbara Regional Waste Management Facility Alliance Board.**
2. **Should this negotiation be successful appoint Marcus Geisler as the nominated independent representative of the Pilbara Regional Waste Management Facility Alliance Board.**

**Carried 8/0**

## 13.2 Mineral Resources Limited's Onslow Iron Project - Application to Realign a Section of Onslow-Peedamulla Road and Land Tenure Issues

<b>File Reference</b>	RD1016 & ED01
<b>Applicant or Proponent(s)</b>	Mineral Resources Limited
<b>Author</b>	S Kane, Acting Director Infrastructure
<b>Authorising Officer</b>	S Kane, Acting Director Infrastructure
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 14 June 2022 - Item 13.2 – 076/2022
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Proposed Haul Road Map <a href="#">⇨</a></li> <li>2. Proposed Haul Road Design <a href="#">⇨</a></li> <li>3. Proposed Haul Road Realignment and Truck Maintenance Facility Map <a href="#">⇨</a></li> <li>4. Draft Road Construction, Maintenance and Use Deed <a href="#">⇨</a></li> <li>5. Map of roads to be closed <a href="#">⇨</a></li> <li>6. Constructed Onslow-Peedamulla Road and Road Reserve Map <a href="#">⇨</a></li> </ol>

### 1. Report Purpose

Council is required to review the Application by Mineral Resources Limited (MRL) to realign a section of Onslow-Peedamulla Road and to deal with land tenure issues associated with the proposed haul road.

The purpose of this report is to address the following road and land tenure matters associated with MRL's Onslow Iron Project:

- Land tenure issues associated with historical “paper roads”.
- Relocation of a section of Onslow-Peedamulla Road reserve to the constructed location of the road.
- A proposed Road Construction, Maintenance and Use Deed associated with the realignment of a portion of Onslow-Peedamulla Road.

The report also seeks to provide background information for Council regarding the proposed haul road and the consultation and technical matters which have been considered in the planning of the proposed haul road and supporting infrastructure.

Council is requested to approve the proposed deviation of Onslow-Peedamulla Road and to authorise the Shire President and Chief Executive Officer to enter into a Deed which allows MRL to construct and maintain that section of road for the life of the mine.

### 2. Background

Council will be aware of the Onslow Iron Project and of ongoing negotiations with MRL regarding a range of matters associated with that development. In summary, MRL is developing an iron ore mine approximately 150 km east of Onslow.

The mine has a reported life of at least 30 years. MRL are planning to transport iron ore to the Port of Ashburton via a dedicated haul road. The concept is identical to a rail based project; but the haul vehicles are road trains.

This report specifically deals with issues related to the proposed haul road, supporting infrastructure and land tenure matters associated with constructed and unconstructed roads. Matters regarding accommodation and development within the town-site are not relevant to this report and have been the subject of separate reports to Council.

MRL (the proponent) has requested the Shire to realign a portion of Onslow-Peedamulla Road at its western end (refer to Attachment 3). The proponent has agreed to cover all costs associated with the realignment, to construct the proposed section of road as a sealed road, and to maintain that section of road for the entire life of the mine.

In addition to land tenure and road dedication issues associated with the proposed realignment of Onslow-Peedamulla Road, there are several historical roads (paper roads) which would require further closure, as well as a minor relocation of a section of the existing road reserve to the location of the existing constructed road (refer to Attachment 5).

The proposed realignment and relocation comprises Crown land (Lot 149 on DP22384) and lies wholly within the Peedamulla Pastoral Lease. Portions of the proposed road closures are located within this lot and pastoral lease and the remaining portions of proposed road closures lie within Unallocated Crown Land (UCL) Lot 150 on DP220207.

Further details regarding these matters are contained below.

### **3. Comments**

#### **Proposed Haul Road**

As part of the Onslow Iron Project, a dedicated haul road is proposed from the mine site to the Port of Ashburton. It is intended for primarily safety reasons, that public interaction with the haul road will not be permitted. Maps of the proposed haul road are show in Attachment 1.

#### *Basis of Design – Haul Road:*

- The final width of the haul road corridor has not been fully designed but is anticipated to be in the order of 20-30m through Peedamulla Station.
- The haul road is being designed with 4m sealed lanes, 1m sealed shoulders and 0.5m unsealed shoulders.
- The haul truck road trains are approximately 52m long, weigh 425t and consist of three trailers. The road trains are intended to be operated autonomously, with a maximum speed of 80km/h.
- Only haul trucks, haul road maintenance equipment and vehicle maintenance/recovery services will be permitted to use the haul road when in autonomous operation.
- The proponent proposes to fully fence the haul road utilising a MRWA standard stock fence with upgraded specification in areas that are expected to have high stock density (eg. around water sources).

#### *Through Peedamulla Station:*

- The proponent advises that the station has formally agreed to the location of the proposed Onslow-Peedamulla Road diversion and has been involved with selecting the location of the haul road generally where it traverses the station.

- Three cattle/LV underpasses have been included within the Peedamulla Station area; these locations have been selected by the station. Where the haul road may affect cattle watering provision, the proponent is assisting Peedamulla Station with alternate arrangements.
- The haul road alignment is some 3kms south of the main Peedamulla buildings and campground. Modelling conducted by the proponent's consultants indicates noise levels are below the required thresholds. The haul road also avoids the Cane River Law Grounds, which are located at the Cane River causeway adjacent to Onslow-Peedamulla Road.
- The haul road crosses the Cane River approximately 4.8kms upstream of the existing causeway on Onslow-Peedamulla Road. The proponent is proposing a culvert structure with a high flow floodway in this location. The intention of the structure is that the culverts will convey flows up to a 1:2 year event with larger events overtopping the structure. It is anticipated this structure will provide minimal interference to both low flows and very large flood flows.

*Further to the east:*

- The haul road will go under North West Coastal Highway. A highway overpass will be constructed at that location.
- A dedicated service road will run parallel to the haul road from North West Coastal Highway to the mine site.
- There are also plans for a proposed overpass of Mt Stuart Road where the haul road crosses Mt Stuart Road (including an at-grade intersection for the service road). This will be subject to a separate report and a separate Road Use Agreement.
- Note that there is no service road from the North West Coastal Highway to the west (through Peedamulla Station). The haul road will be maintained from the road itself and from associated side tracks (much the same as a rail corridor).

Proposed Deviation of Onslow-Peedamulla Road

*Overall context:*

- As it leaves the Port of Ashburton, the haul road is intended to be located on the north side of the Warrirda Road reserve.
- The haul road will pass under Onslow Road via a grade separated interchange (public over, haul road under) before travelling southwards along the east side of the Onslow Road reserve.
- The haul road will then turn east toward the mine approximately where Onslow-Peedamulla Road intersects Onslow Road.
- To ensure safe public access, the proponent has proposed to move this intersection to the north and to construct a new 6km section of sealed road to intersect with the existing alignment. This would allow the old portion of Onslow-Peedamulla Road (approx. 4 km) to be closed.
- The new section of road will also be used to service the haul truck maintenance facility which is presently under construction in that location.

*Basis of design – Onslow-Peedamulla Road deviation:*

- The proponent has provided a basis of design for the new section of the road and basic drawings (refer to Attachment 2).



- In summary the new section of road will be sealed with 3.5m lanes, 0.5m sealed shoulders and 0.5m unsealed shoulders for the full 6kms.
- The new portion of road is designed to accommodate road trains and will be approved for RAV 10 use up to the entrance to the haul truck maintenance facility.
- From a stormwater drainage design perspective, culverts are being designed for a 1:2 year design flow with floodways traversable in a 1:10 year flow.
- The Onslow-Peedamulla Road diversion is not proposed to be fenced, however a cattle grid is proposed for the Onslow Road reserve boundary, equivalent to what exists now.
- The Onslow-Peedamulla Road diversion traverses land within a mining lease held by North West Solar Salt. The proponent has proposed three services culverts under the road alignment to assist them with future underground crossings of the road.
- The proponent considers that the re-aligned road will be a significant improvement on the existing road it replaces in terms of surface finish, drainage, and horizontal alignment.

To formalise the proposed new alignment, a dedication will need to be undertaken and, the then redundant section of the road, will need to be closed. This would entail a formal statutory process in accordance with the Part 5 of the *Land Administration Act 1997*.

The proponent has provided evidence to support the realignment and haul road from the Pastoral Leaseholder, however closure of the road will need to be formally advertised in accordance with the *Land Administration Act 1997*.

A more detailed plan showing the location of the truck maintenance facility, haul road and proposed realignment of Onslow-Peedamulla Road is shown in Attachment 3.

#### Proposed Road Construction, Maintenance and Use Deed

The proponent is proposing to enter into a Road Construction, Maintenance and Use Deed for which the proponent would:

- Pay all costs to gazette the new road reserve and close the existing reserve,
- Engage an engineering consultant to design the new road to RAV 10 standard,
- Submit the plans to the Shire for approval,
- Construct the new road as a full width sealed road for the length of the realigned section (including Shire inspections during the construction),
- Perform all maintenance activities on the realignment until operations cease,
- Pay for the Shire's legal costs regarding the review and preparation of the Deed, and
- Allow for the new intersection with Onslow Road to be approved by and constructed to Main Roads WA standards.

Shire staff have reviewed a draft of the proposed Deed as provided by the proponent. Solicitors have been engaged to review and produce a marked-up copy of the proposed Deed based on instructions provided by Shire staff.

That marked-up version of the Deed has been provided back to the proponent. That version of the Deed is attached (refer to Attachment 4). Further discussion with the proponent is underway with the aim of finalising the draft Deed in the very near future.

### Closures of sections of several unconstructed road reserves (Paper Roads)

There are several unconstructed roads (paper roads) that either intersect with, or cross over the proposed haul road route. It is believed that these are likely historical roads that have not been in use for a significant amount of time and have never been constructed. As these roads are not constructed and not used, it is considered prudent to close these road reserves to rationalise the land tenure in the area and avoid any possible conflicts.

An overview of the proposed paper roads to be closed (including the proposed road deviation at the western end of Onslow-Peedamulla Road reserve) are attached and shown as 'roads to be closed' (refer to Attachment 5).

To ensure these road closures do not negatively impact pastoral leaseholders, native title holders and the general public, the closure of these roads will be advertised in accordance with section 58 of the *Land Administration Act 1997*.

The Shire is working on an ongoing road rationalisation project of all roads within the Shire (constructed and unconstructed, dedicated, and undedicated) and the subject roads identified to be closed as a part of this project are also roads that have been identified for closure as a part of this ongoing road rationalisation project.

### Relocation of a section of Onslow-Peedamulla Road reserve (un-surveyed road) to the constructed location of the road

The existing Onslow-Peedamulla Road reserve is not located along the actual constructed road (which is not an uncommon situation, especially for rural unsealed roads). In order to close the existing Onslow-Peedamulla Road, it is first necessary to ensure that the constructed road is located within the road reserve.

The location of the constructed Onslow-Peedamulla Road is shown in Attachment 6. The line in dashed yellow shows the constructed road and the location of the road reserve is shown in green (as a road to be closed).

Since the road reserve does not depict the actual location of the constructed road, it has been proposed that this section of Onslow-Peedamulla Road reserve be realigned to reflect the actual location of the constructed road.

As Onslow-Peedamulla Road is an un-surveyed road, its position is considered somewhat uncertain. Landgate has agreed to the amendment of this portion of the road reserve to contain the constructed road as per the attachment.

It has been confirmed by Landgate that this realignment does not require ministerial consent due to the un-surveyed nature of the road. This also removes any requirements for survey costs or other costs associated with the realignment.

## **4. Implications To Consider**

### **4.1 Consultation**

Mineral Resources Limited

Manager Land Asset and Compliance

Department of Planning, Lands and Heritage

Landgate

## 4.2 Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	2. Place - We will provide sustainable, purposeful, and valued built and natural environment opportunities for the community.
Strategic Outcome	2.8 Safe and interconnected transport networks for the community
Strategy	2 Manage roads, pathways, and other transport infrastructure according to need and use.

## 4.3 Council Policy

ENG13 Road Management Policy

The Shire of Ashburton manages its road network to minimise preventable expenditure.

## 4.4 Financial

### Current Financial Year

All costs associated with the Road Construction, Maintenance and Use Deed, including legal costs will be borne by the proponent – Mineral Resources Limited.

All costs regarding the land tenure matters associated with the road dedication and closure, together with any and all costs associated with closing “paper roads’ will also be borne by the proponent – Mineral Resources Limited.

### Future Financial Year(s)

Nil

## 4.5 Legislative

### *Road Traffic Act 2008*

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

### *Land Administration Act 1997*

Section 56 - outlines the process for dedicating land as a road.

Section 58 - outlines the process for closing roads, including advertising requirements.

## 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 (social/community)	Community unhappy with proposed asset transfer.	Unlikely (2)	Minor (2)	Low (1-4)	Transparency in transaction. Replacement asset will provide significantly higher standard of service.

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 application by Mineral Resources Limited to realign a section of Onslow-Peedamulla Road and to deal with land tenure issues associated with the proposed haul road, Council,

1. Authorises the Chief Executive Officer to negotiate and enter into a Road Construction, Maintenance and Use Deed and once consensus is reached, authorises the Shire President and Chief Executive Officer to engross the Deed between the Shire of Ashburton and Mineral Resources Limited.
2. Provide in-principle support for the taking of land for the deviation of Onslow-Peedamulla Road reserve as shown in Attachment 6 and to dedicate this land as a road under Section 56 of the *Land Administration Act 1997*, subject to an agreement being entered into between the Shire of Ashburton and Mineral Resources Limited, beforehand, noting the Shire of Ashburton will not be liable for any costs involved with surveying or Deposited Plan preparation of the new road reserve and subject to Shire of Ashburton review and final approval of the detailed road design package, once completed.
3. Authorise the Chief Executive Officer to make request to the Minister for Lands pursuant to Section 58 of the *Land Administration Act 1997* to close the sections of roads identified for closure as shown in Attachment 5.
4. Indemnifies the Minister for Lands and Shire of Ashburton with regards to the above actions associated with the Onslow-Peedamulla Road realignment.

**Council Decision**            **176/2022**

**Moved**                        **Cr T Mladenovic**

**Seconded**                   **Cr L Rumble JP**

**That with respect to the application by Mineral Resources Limited to realign a section of Onslow-Peedamulla Road and to deal with land tenure issues associated with the proposed haul road, Council,**

- 1. Authorises the Chief Executive Officer to negotiate and enter into a Road Construction, Maintenance and Use Deed and once consensus is reached, authorises the Shire President and Chief Executive Officer to engross the Deed between the Shire of Ashburton and Mineral Resources Limited.**
- 2. Provide in-principle support for the taking of land for the deviation of Onslow-Peedamulla Road reserve as shown in Attachment 6 and to dedicate this land as a road under Section 56 of the *Land Administration Act 1997*, subject to an agreement being entered into between the Shire of Ashburton and Mineral Resources Limited, beforehand, noting the Shire of Ashburton will not be liable for any costs involved with surveying or Deposited Plan preparation of the new road reserve and subject to Shire of Ashburton review and final approval of the detailed road design package, once completed.**
- 3. Authorise the Chief Executive Officer to make request to the Minister for Lands pursuant to Section 58 of the *Land Administration Act 1997* to close the sections of roads identified for closure as shown in Attachment 5.**
- 4. Indemnifies the Minister for Lands and Shire of Ashburton with regards to the above actions associated with the Onslow-Peedamulla Road realignment.**

**Carried 8/0**

## 14 People and Place Reports

*Deputy Shire President Cr M Lynch disclosed an impartiality interest in Item 14.1 (detailed in Item 5.2).*

*Cr T Mladenovic disclosed an indirect financial interest in Item 14.1 (detailed in Item 5.2).*

*Cr L Rumble JP disclosed a direct financial interest in Item 14.1 (detailed in Item 5.2).*

*Cr A Smith disclosed an impartiality interest in Item 14.1 (detailed in Item 5.2).*

*Cr A Smith disclosed an indirect financial interest in Item 14.1 (detailed in Item 5.2).*

*Cr A Sullivan disclosed a direct financial interest in Item 14.1 (detailed in Item 5.2).*

At 1:45 pm, Cr Alana Sullivan left the meeting.

At 1:45 pm, Cr Audra Smith left the meeting.

### 14.1 Response to Tom Price Drive-in Petition

<b>File Reference</b>	GV04
<b>Applicant or Proponent(s)</b>	Tom Price Drive-in Committee 2022
<b>Author</b>	B Mckay, Manager Town Planning
<b>Authorising Officer</b>	K Donohoe, Chief Executive Officer
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 8 November 2022 - Item 7.1 – 149/2022
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	

#### 1. Report Purpose

In accordance with the *Shire of Ashburton Standing Orders Local Law 2012*, Council is required to deliberate and report on matters contained within petitions.

The purpose of this report is to consider a petition that was received at the Ordinary Council Meeting held on 8 November 2022, for the Tom Price Drive-in.

Council is requested to consider the response to the petition and accept the path forward in relation to the points raised in the petition.

#### 2. Background

At the Council meeting held on 8 November 2022, a petition was submitted and received by the Shire President.

The petition was submitted with a total of 1050 signatures.

The Governance team reviewed the signatories in accordance with the relevant criteria and confirmed 488 valid signatures.

The petition itself requested that if the current Drive-in site is proposed to be demolished within the Community Lifestyle Infrastructure Plan (CLIP), Council is requested to guarantee a suitable replacement facility will be provided.

**3. Comments**

In considering the items raised in the petition, consultation was undertaken with the relevant department being People and Place – Town Planning.

Generally, the concerns raised within the petition, are matters that have been considered as part of the CLIP. The CLIP will be the fundamental guiding document to shape Tom Price and Paraburdoo to 2035 and beyond, identifying strategies and developing masterplans that reaffirm Tom Price and Paraburdoo as vibrant, liveable, healthy, and safe places to live with access to modern facilities.

Early in the consultation process it was identified that housing was a fundamental barrier for growth within Tom Price. As such Lot 842 Stadium Road has been identified as being the most appropriate site to create a super lot to accommodate smaller multi residential/service worker housing to achieve greater housing diversity in Tom Price.

Whilst redevelopment of Lot 842 is proposed in the draft CLIP, it is also being offset by a proposal to develop a new Drive-in at Lot 58 Poinciana Street (the golf course).

It is intended that the draft CLIP will be presented for Council endorsement early in 2023.

From an officer’s perspective, the most appropriate way for Council to consider such items is through the planning process. It is considered that these matters will adequately be addressed within the CLIP report associated.

**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	1. People - We will support opportunities for the community to be safe, socially active, and connected.
Strategic Outcome	1.1 Coordinated delivery of social services and projects for the community
Strategy	3 Provide safe and welcoming centres to help address social isolation in the community.

**4.3 Council Policy**

Nil

**4.4 Financial**

Current Financial Year

Nil

Future Financial Year(s)

There will be a financial impact if the Drive-in site is moved however, it is expected that external funding opportunities are explored.

**4.5 Legislative**

Clause 6.10(2) of the *Shire of Ashburton Standing Orders Local Law 2012* states that the relevant officer is to include the petition in their deliberations and report on the matter that is the subject of the petition.

**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 (social/community)	Community backlash when no consideration for the Drive-in site is given.	Possible (3)	Minor (2)	Moderate (5-9)	Adopt the officer's recommendation.

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 petition regarding the relocation of the existing Drive-in site, Council, acknowledge the community sentiment and note the matters raised within the petition will be considered when the draft Community Lifestyle Infrastructure Plan is presented for Council endorsement in 2023.

**Council Decision**                      **177/2022**

**Moved**                                      **Cr R De Pledge**

**Seconded**                                  **Cr M Lynch**

**That with respect to the petition regarding the relocation of the existing Drive-in site, Council, acknowledge the community sentiment and note the matters raised within the petition will be considered when the draft Community Lifestyle Infrastructure Plan is presented for Council endorsement in 2023.**

**Carried 6/0**



*Deputy Shire President Cr M Lynch disclosed an indirect financial interest in Item 14.2 (detailed in Item 5.2).*

*Cr T Mladenovic disclosed an indirect financial interest in Item 14.2 (detailed in Item 5.2).*

*Cr L Rumble JP disclosed a direct financial interest in Item 14.2 (detailed in Item 5.2).*

*Cr A Smith disclosed an indirect financial interest in Item 14.2 (detailed in Item 5.2).*

*Cr A Sullivan disclosed a direct financial interest in Item 14.2 (detailed in Item 5.2).*

At 1:47 pm, Cr Matthew Lynch left the meeting.

At 1:47 pm, Cr Linton Rumble JP left the meeting.

At 1:47 pm, Cr Audra Smith returned to the meeting.

## 14.2 Proposed Amendment to the Karijini Masterplan

<b>File Reference</b>	JAC.3010
<b>Applicant or Proponent(s)</b>	Hamersley Iron Pty Ltd/Pilbara Iron Pty/Ltd
<b>Author</b>	B Mckay, Manager Town Planning
<b>Authorising Officer</b>	K Donohoe, Chief Executive Officer
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 13 September 2022 - Item 13.12 – 128/2022
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Karijini Masterplan <a href="#">⇒</a></li> <li>2. Applicants Submission <a href="#">⇒</a></li> <li>3. Proposed Amendment to Karijini Masterplan <a href="#">⇒</a></li> </ol>

### 1. Report Purpose

Council is required to consider a request from Hamersley Iron Pty Ltd/Pilbara Iron P/L (subsidiary companies of Rio Tinto) to amend the Karijini Masterplan.

The purpose of this report is to consider the applicant's request.

Council is requested to support the proposed amendment.

### 2. Background

In July and August 2004, Council considered how to release urgently needed urban land within the towns of Tom Price and Paraburdoo.

Council decided to support a modification of the Shire's Local Planning Scheme No.7 to include a Special Use Zone, capable of accommodating tourist and transient workers accommodation, as well as residential development on the eastern side of Central Road, south of the Tom Price High School and around the Karijini Lodge Complex (now known as Windawarri Lodge).

A requirement of the Special Use Zone under the Local Planning Scheme is that a Master Plan/Management Plan be prepared for the entire area covered by the 'Special Use', prior to the site being developed.

On 10 December 2004 both the Management Plan and Transient Workers Accommodation were supported by Council and the Karijini Masterplan adopted for the site area (Attachment 1).

As the subject property is Crown Land, the Department of Planning, Lands and Heritage (DPLH) entered into a special lease with Pilbara Iron P/L to facilitate land tenure over the site.

On 7 July 2022 the Shire received formal notification that DPLH was considering a proposal from Hamersley Iron Pty Ltd to issue a new lease, over a portion of Lot 3010 for "Workers Accommodation Facility", replacing a portion of the existing lease which was due to expire, and requested comment.

The new lease proposal included the expansion of Hamersley Iron's Transient Workforce Accommodation lease area into the area defined as Area B.

The expansion of the workforce accommodation was in accordance with the Shire's Local Planning Scheme No.7, on the basis that the special use provisions allow for 'Transient Workforce Accommodation' within the zone. However, the proposal did not align with the Karijini Masterplan as drafted in 2004.

At the meeting held 13 September 2022, Council resolved, in respect to the proposed Section 79 *Land Administration Act 1997* Lease over a portion of Lot 3010 on Deposited Plan 51300, as follows:

- a) request the Shire CEO advise DPLH that the proposed lease was supported; and
- b) if the lease was approved by DPLH, instruct the CEO to request an amendment to the Karijini Masterplan be undertaken to accurately reflect the desired future layout and design of the development.

### 3. Comments

Hamersley Iron Pty Ltd/ Pilbara Iron P/L (subsidiary companies of Rio Tinto) made a submission to amend the Karijini Masterplan (Attachment 2 and 3). The amendment incorporates the following:

1. Land previously identified as 'Tourism/Recreation' in Area B to be designated 'Workforce Accommodation' with the potential building design and layout that could apply for the purpose of Workforce Accommodation.
2. Extension of the internal one-way loop road currently around Area A to Area B in order to integrate the two areas.
3. Additional shared facility buildings to support flexibility in use of existing workforce accommodation allowing greater utilisation of the existing rooms with transit/shower/locker blocks, central to existing and potential future accommodation.

The amendment also incorporates minor updates to reflect works that have been undertaken, land tenure arrangements that have occurred and decisions made since preparation of the 2004 Management Plan, including the 2012 Addendum.

These minor updates include:

- Removal of potential residential lots on Privet Street. This proposed development was removed from the Masterplan by a 2005 decision of Council as the area was required for drainage purposes,

- Construction and dedication of Strothers Court,
- Removal of the east-west road connecting Central Road to the cul-de-sac head of Strothers Court. A pedestrian access way (PAW) was constructed, and a PAW reserve (R49456) has been created over the land, and,
- Creation of drainage reserves adjacent to Central Road (R49455).

The proposed expansion of 'Lot A' portion of the 'Windawarri Lodge' into 'Lot B', aligns with the current strategic direction and the desired urban character that has previously supported in similar matters pertaining to transient workforce accommodation.

The expansion of the workforce accommodation is in accordance with the Shire's Local Planning Scheme No.7, on the basis that the special use provisions allow for 'Transient Workforce Accommodation' within the zone.

The new lease, reflecting the proposed amendments to the masterplan, was also supported by Council.

#### **4. Implications To Consider**

##### **4.1 Consultation**

The proposed amendment was advertised for a 14-day period, ending 15 November 2022, with no submissions being received. The Executive Leadership Team was also consulted.

##### **4.2 Strategic Community Plan**

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	2. Place - We will provide sustainable, purposeful, and valued built and natural environment opportunities for the community.
Strategic Outcome	2.1 Coordinated delivery of natural and built environment services and projects for the community
Strategy	3 Provide professional leadership and advice to assist Council.

##### **4.3 Council Policy**

Nil

##### **4.4 Financial**

###### Current Financial Year

Nil

###### Future Financial Year(s)

Nil

**4.5 Legislative**

*Shire of Ashburton Town Planning Scheme No. 7*

*Clause 4.4.2 of LPS 7*

*Appendix 3 – Special Use Zone*

The above parts of the Local Planning Scheme provide guidance to the proponent on what documentation and information is required to be provided to the Shire, prior to the matter being considered.

**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 (social/community)	Council does not support the amendment to the Masterplan.	Possible (3)	Insignificant (1)	Low (1-4)	Adopt the 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 Karijini Masterplan, Council, endorses the proposed amendment as shown in Attachment 3.

**Council Decision**                    **178/2022**

**Moved**                                    **Cr T Mladenovic**

**Seconded**                                **Cr A Smith**

**That with respect to the Karijini Masterplan, Council, endorses the proposed amendment as shown in Attachment 3.**

**Carried 5/0**

At 1:49pm, Cr Matthew Lynch returned to the meeting.

At 1:49pm, Cr Alana Sullivan returned to the meeting.

*Cr L Rumble JP disclosed an impartiality interest in Item 14.3 (detailed in Item 5.2).*

At 1:50pm, Cr L Rumble JP returned to the meeting.

### 14.3 Acceptance of Community Support Grant Allocations

<b>File Reference</b>	REP2247
<b>Applicant or Proponent(s)</b>	Various
<b>Author</b>	C Galliers, Manager Community Services
<b>Authorising Officer</b>	K Donohoe, Chief Executive Officer
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 8 November 2022 – Item 14.3 (item was lost)
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	Nil

#### 1. Report Purpose

Council is required to consider the Community Support Grants in accordance with Council Policy REC08 Community Donations, Grants and Funding Policy (REC08), with applications closing 31 August 2022. These grants are provided as in-kind and/or financial assistance to enable community groups to deliver quality programs, community events and services.

The purpose of this report is to provide the applications to Council for review. At the close of the application period 10 applications were received for Community Support Grants.

Council is requested to support the 10 applications submitted by multiple clubs across the Shire of Ashburton (the Shire).

#### 2. Background

The Shire supports the following grants under REC08 as follows -

##### Community Support Grant

*Offered in two funding rounds each year in July and February these grants are similar in purpose to Small Assistance Donations however they offer a value up to \$2500 and applications are considered by Council.*

At the close of the July 2022 round, 10 applications were received, as follows –

- Onslow – One (1) application,
- Paraburdoo – Four (4) applications, and
- Tom Price – Five (5) applications.

REC08 requires as a minimum, the following criteria must be met to be successful –

- Applicant is to reside or operate within the Shire, or be able to show a direct and substantial benefit to residents within the Shire,
- Assistance is not available retrospectively,
- Funds are to be used only for the purpose for which they are given or via agreed variations,

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

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

### 3. Comments

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

All applications have been assessed on the –

- criteria outlined in REC08,
- general conditions, and
- criteria and compliance information provided.

The summary of the applications are as follows –

<b>Onslow</b>	
<u>Club/ Organisation:</u>	<i>Onslow School P&amp;C Association</i>
Project:	Establishing online uniform shop for Onslow School
Project Estimate:	\$960.00
Funding Sought:	\$960.00
In-Kind requested:	\$0.00
Is this Compliant?	Yes
Suggested Action:	Approve Application

<b>Paraburdoo</b>	
<u>Club/ Organisation:</u>	<i>St John Ambulance Paraburdoo Sub Centre</i>
Project:	LE5 Series LBG Breath Tester Complete System for the volunteers at the sub centre
Project Estimate:	\$2107.60
Funding Sought:	\$2107.60
In-Kind requested:	\$0.00
Is this Compliant?	Yes
Suggested Action:	Approve Application

<b>Paraburdoo</b>	
Club/ Organisation:	<i>Lifestyle Centre</i>
Project:	Wellness Fitness classes – To cover the costs of the 6-week challenge programme to deliver to Paraburdoo, run by Woman Wellness Centre and the Travel from Tom Price to Paraburdoo.
Project Estimate:	\$3000.00
Funding Sought:	\$2500.00
In-Kind requested:	\$0.00
Is this Compliant?	Yes
Suggested Action:	Approve Application

<b>Paraburdoo</b>	
Club/ Organisation:	<i>Paraburdoo Horse Club</i>
Project:	Arena fencing upgrade
Project Estimate:	\$2000.00
Funding Sought:	\$2000.00
In-Kind requested:	\$500.00 (Use of equipment to clear Grounds – Loader, Bob cat) Equipment is currently not available due to Ongoing works
Is this Compliant?	Yes
Suggested Action:	Approve Application for \$2000.00 cash funding

<b>Paraburdoo</b>	
Club/ Organisation:	<i>Paraburdoo Golf Club</i>
Project:	Fix the reticulation system and purchase a new chainsaw and helmet (or appropriate equipment to maintain the trees surrounding the course that become a problem).
Project Estimate:	\$3000.00
Funding Sought:	\$2500.00
In-Kind requested:	\$0.00
Is this Compliant?	Yes
Suggested Action:	Approve Application

<b>Tom Price</b>	
Club/ Organisation:	<i>Tom Price Primary School P&amp;C Association</i>
Project:	Fans for school undercover area.
Project Estimate:	\$30000.00
Funding Sought:	\$2500.00
In-Kind requested:	\$0.00
Is this Compliant?	Yes
Suggested Action:	Approve Application

<b>Tom Price</b>	
Club/ Organisation:	<i>Tom Price Touch Association</i>
Project:	Tom Price Junior Touch Football – 10-week skills development program and equipment.
Project Estimate:	\$2500.00
Funding Sought:	\$2500.00
In-Kind requested:	\$0.00
Is this Compliant?	Yes
Suggested Action:	Approve Application

<b>Tom Price</b>	
Club/ Organisation:	<i>Fortescue Cricket Association</i>
Project:	To purchase a range of club equipment to provide to the clubs and ground hire with lights for the season.
Project Estimate:	\$5000.00
Funding Sought:	\$1000.00
In-Kind requested:	\$1500.00 – Ground hire with lights for the season
Is this Compliant?	Yes
Suggested Action:	Approve Application



<b>Tom Price</b>	
Club/ Organisation:	<i>Tom Price Community Garden</i>
Project:	Help us bloom for 2023 - Refresh and refill the beds with good, raised garden bed soil, fertiliser, manures, mulch and seedlings.
Project Estimate:	\$2500.00
Funding Sought:	\$2500.00 TP Community Garden Club have recently received a \$500 Small assistance donation, as per REC08 a total of \$2500 per financial year can be applied for.
In-Kind requested:	\$0.00
Is this Compliant?	Yes
Suggested Action:	Approve Application for \$2000.00 cash funding

<b>Tom Price</b>	
Club/ Organisation:	<i>North Tom Price Primary School P&amp;C</i>
Project:	New portable PA and speaker system for North Tom Price Primary School events.
Project Estimate:	\$3638.00
Funding Sought:	\$2500.00
In-Kind requested:	\$0.00
Is this Compliant?	Yes
Suggested Action:	Approve Application

#### **4. Implications To Consider**

##### **4.1 Consultation**

Executive Leadership Team

Infrastructure Services Team

Relevant clubs and associations

## 4.2 Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	1. People - We will support opportunities for the community to be safe, socially active, and connected.
Strategic Outcome	1.2 Communities connected with opportunities
Strategy	4 Support and develop sustainable clubs and groups, providing opportunities for meaningful participation in arts, culture, sport, and recreation.

## 4.3 Council Policy

REC08 provides the guidelines for the applications and the criteria for assessment.

## 4.4 Financial

### Current Financial Year

The adopted budget provides \$50,000 for both rounds of Community Support Grants funding.

The request for assistance (cash and in-kind) for Community Support Grants, which have a suggested action to support (10 applications), is \$18,067.67 in direct funding and \$4,000 in in-kind assistance. Should all applications be approved the total funding is \$18,067.67 and \$4,000 in kind.

### Future Financial Year(s)

Should Council adopt the recommended resolution the General Ledger Account CU24075 will have \$27,932.33 remaining for the second round of Community Support Grants held in February 2023.

## 4.5 Legislative

*Local Government Act 1995*

*Section 6.7 – Municipal fund*

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

## 4.6 Risk Management

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

heme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Reputation (social/community)	Unsuccessful applicants publicly criticise the Shire.	Possible (3)	Insignificant (1)	Low (1-4)	Ensure appropriate Policy procedures are in place and followed.  Officers to collaborate with Clubs to improve future applications.

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

### **Additional Information**

At its meeting held 8 November 2022, Council did not approve the applications for Community Support Grants pending further consultation with elected members.

On 16 November 2022, an email was sent to all elected members requesting feedback on the Community Support Grant applications. Feedback was received from two elected members. Feedback received from one elected member suggested amendments to the officer recommendation however, these amendments were considered to conflict with REC08 therefore, the officer recommendation from the November Ordinary Council Meeting has not been altered.

## **5. Voting Requirements**

Simple Majority

### **Officer Recommendation**

That with respect to the request for Council to support the Round 1 2022/2023 Community Support Grant Applications, in accordance with Council Policy REC08 Community Donations, Grants and Funding, Council, approves the applications from the following groups to the values below, and for the summarised purposes above:

- a) Onslow School P&C for \$960.00,
- b) St John Ambulance Paraburdoo Sub Centre for \$2107.00,
- c) Lifestyle Centre for \$2500.00,
- d) Paraburdoo Horse Club for \$2000.00,
- e) Paraburdoo Golf Club for \$2500.00,
- f) North Tom Price Primary School P & C for \$2500.00,
- g) Tom Price Community Garden for \$2000.00,
- h) Tom Price Primary School P&C Associations for \$2500.00,
- i) Tom Price Touch Association for \$2500.00, and
- j) Fortescue Cricket Association for \$2500.00.

**Council Decision**            **179/2022**

**Moved**                        **Cr M Lynch**

**Seconded**                  **Cr T Mladenovic**

**That with respect to the request for Council to support the Round 1 2022/2023 Community Support Grant Applications, in accordance with Council Policy REC08 Community Donations, Grants and Funding, Council, approves the applications from the following groups to the values below, and for the summarised purposes above:**

- a) Onslow School P&C for \$960.00,**
- b) St John Ambulance Paraburdoo Sub Centre for \$2107.00,**
- c) Lifestyle Centre for \$2500.00,**
- d) Paraburdoo Horse Club for \$2000.00,**
- e) Paraburdoo Golf Club for \$2500.00,**
- f) North Tom Price Primary School P & C for \$2500.00,**
- g) Tom Price Community Garden for \$2000.00, and**
- h) Tom Price Primary School P&C Associations for \$2500.00.**

**Carried 8/0**

**Reason for change:**

Tom Price Touch Association and Fortescue Cricket Association applications are not supported.

*Deputy Shire President Cr M Lynch disclosed an indirect financial interest in Item 14.4 (detailed in Item 5.2).*

*Cr T Mladenovic disclosed an indirect financial interest in Item 14.4 (detailed in Item 5.2).*

*Cr L Rumble JP disclosed a direct financial interest in Item 14.4 (detailed in Item 5.2).*

*Cr A Smith disclosed an indirect financial interest in Item 14.4 (detailed in Item 5.2).*

*Cr A Sullivan disclosed a direct financial interest in Item 14.4 (detailed in Item 5.2).*

At 1:51 pm, Cr Linton Rumble JP left the meeting.

At 1:51 pm, Cr Audra Smith left the meeting.

At 1:51 pm, Cr Alana Sullivan left the meeting.

## 14.4 Endorsement of the Shire of Ashburton Event Plan

<b>File Reference</b>	CS22
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	C Galliers, Manager Community Services
<b>Authorising Officer</b>	C McGurk, Director Projects and Procurement
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 12 July 2022 - Item 14.2 – 159/2022
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	1. Shire of Ashburton Event Plan - Confidential

### 1. Report Purpose

Council is required to consider the proposed Shire of Ashburton Event Plan (refer to Attachment 1) which has been prepared to provide direction for the delivery of Council events and provision of support to the community, including local clubs, groups, and organisations.

The purpose of this report is to present an annual program that seeks to confirm the selection, support and delivery of events guided by the Shire's overarching strategic direction and funding opportunities.

Council is requested to endorse the proposed Shire of Ashburton Event Plan and its delivery.

### 2. Background

The Shire's Strategic Community Plan 2022-2032 defines its commitment to building vibrant and active communities through the delivery of the following objectives:

- Connected, caring, and engaged communities,
- Sustainable services, clubs, associations, and facilities, and
- A rich cultural life.

Shire events are held throughout the four towns located within the Shire, with each community encouraged to attend and enjoy these activities. The Shire recognises that events and activities can play a key role in building vibrant communities through:

- Providing opportunities for cultural enrichment, leisure, and arts,
- Enhancing each town's sense of belonging through improving social connection and making each town a place where people feel welcome and engaged,
- Fostering partnerships and collaboration within the community,
- Promoting social and cultural diversity, ensuring events and activities are inclusive,
- Providing community members with an opportunity to be active and empowered to provide feedback on the delivery of Shire events and activities, and
- Developing and promoting sustainability practices, capacity building and skill development opportunities.

The Shire's Communities Team provides and supports a large number of events held across all four towns. These events make our Shire a vibrant, social, and cultural place to live and enrich the lives of our residents, providing opportunities that are not readily available in remote areas. The following annual events have been delivered across the Shire through the assistance of partnership funding from Rio Tinto Iron Ore and Chevron Australia –

- Australia Day celebration
- School Holiday Program
- ANZAC Day celebration
- NAIDOC Week activities
- Regional Arts WA Touring performance
- Harmony Day
- Reconciliation Week
- Welcome to Town event (x2 annually)
- Reconciliation Week celebrations.

Some of the many other optional events the Shire delivers include:

- Comedy Night
- Karaoke Night
- Gala
- Youth activation
- Sporting workshops and development/skills training
- Mental Health workshop and event
- Remembrance Day
- International Women's Day event
- Father's Day event
- Mother's Day event
- Science Week
- Live music performance
- Silent Disco
- Geeks and Freaks Gaming event
- Colour Fun Run
- Thank A Volunteer Day
- Active Ashburton Awards
- Halloween Disco
- Art Mural Competition
- Paint N Sip
- Trick or Treat Trail

- Showcase in Pixels
- Easter Hunt
- Christmas Carols
- Christmas Lights Competition.

This extensive events list has been delivered annually despite the Shire having no existing events strategy or equivalent. As a result, there has been no guidelines in regard to what events the Shire provides and supports. Although a diverse range of events has been delivered, a plan that ensures the right mix and timing of events as well as alignment with the Shire's strategic direction, budget and resourcing capabilities is beneficial. This report seeks to confirm a coordinated and balanced calendar of events and activities that aim to increase the liveability and wellbeing of the communities within the Shire.

### 3. Comments

Events and activities play an important role in the Shire's social fabric, they can build the Shire's profile and reputation as a thriving place to live and work. Events bring communities together, providing entertainment and celebrating our unique heritage, environment, and special interests. They contribute to residents having a sense of belonging and pride for their community, as well as developing skills and social connection opportunities for volunteers.

To establish a strategic approach to the Shire's community development planning that focuses on building social capital, developing community capability and addressing social isolation and dislocation across the Shire, an annual events program will provide Council with adequate resourcing and service delivery expectations that will ensure the objective of fostering connected, caring, and engaged communities is met.

A strategic and transparent approach to events and activities will assist Council to:

- Maximise opportunities for local community organisations and businesses,
- Attract regional tours and performances to the Shire against strong competition, placing the Shire on the WA touring map for entertainers,
- Balance the value of our funded events to enable support of our Shire funded community events,
- Optimise existing community facility use when hosting events and activities to ensure positive activation of spaces,
- Proactively seek ongoing opportunities to leverage additional community, government and business involvement, support, and resources to enhance the wider community needs, and
- Support local clubs and groups to be successful and sustainable, with well-planned opportunities for capacity building and development.

The proposed Event Plan (refer to Attachment 1) seeks to determine what events and activities Council wishes to progress with and their proposed funding arrangements. Those that are proposed to be funded through Rio Tinto Iron Ore's Partnership Agreement, will be progressed through the approval process of the draft Inspire Agreement. The events highlighted as part of the Working Together Onslow are reflective of the approved Partnership Agreement with Chevron Australia as endorsed by Council at the 8 November 2022 Ordinary Council Meeting. The Event Plan incorporates both general events that are expected to be delivered annually, and several optional events and activities which require a degree of flexibility regarding their timing and details, to allow for mitigating circumstances in their delivery.

It is important to note that the proposed Event Plan reflects a proposed service delivery of annual events and activities, noting not all aspects have been delivered this year due to operational and resourcing requirements.

## 4. Implications To Consider

### 4.1 Consultation

Executive Leadership Team

Communities Team

### 4.2 Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	1. People - We will support opportunities for the community to be safe, socially active, and connected.
Strategic Outcome	1.2 Communities connected with opportunities
Strategy	3 Provide, promote, and deliver social and cultural community celebrations, events, and activities.

### 4.3 Council Policy

Nil

### 4.4 Financial

#### Current Financial Year

If the proposed Event Plan is endorsed by Council, the delivery of events will be funded as outlined in the attachment. Costs associated will relate to the two partnership funding agreements with both Rio Tinto Iron Ore and Chevron Australia, as well as the Shire's Initiatives and Events budget.

#### Future Financial Year(s)

If the proposed Event Plan should be endorsed by Council, it will allow for a targeted and consistent approach to community deliverables for events and club development through each financial years' budget, supported by both partnership funding agreements.

### 4.5 Legislative

*Local Government Act 1995*

*Section 6.7 – Municipal fund*

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



#### 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	If the Event Plan should not be endorsed by Council, this will cause an impact to the service delivery of events for the community.	Unlikely (2)	Minor (2)	Low (1-4)	Communication plan should be developed to alleviate concerns of the community.

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 Shire of Ashburton Event Plan, Council, endorses the plan as detailed in Attachment 1.

**Council Decision**                    **180/2022**

**Moved**                                    **Cr T Mladenovic**

**Seconded**                                **Cr M Lynch**

**That with respect to the Shire of Ashburton Event Plan, Council, endorses the plan as detailed in Attachment 1.**

**Carried 5/0**

- At 1:52 pm, Cr Linton Rumble JP returned to the meeting.
- At 1:52 pm, Cr Alana Sullivan returned to the meeting.
- At 1:52 pm, Cr Audra Smith returned to the meeting.

**15 Projects and Procurement Reports**

Nil

**16 Councillor Agenda Items / Notices of Motion**

Nil

## 17 Recommendations From Committee

Audit And Risk Management Committee Meeting held on 8 November 2022

### 6.1 Audit and Risk Management Committee Terms of Reference

<b>File Reference</b>	GV32
<b>Applicant or Proponent(s)</b>	
<b>Author</b>	J Bray, Manager Governance
<b>Authorising Officer</b>	T Dayman, Acting Director Corporate Services
<b>Previous Meeting Reference</b>	Nil
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Draft Audit and Risk Management Committee Terms of Reference</li> <li>2. Current Audit and Risk Management Committee Terms of Reference</li> </ol>

#### 1. Report Purpose

Council is required to consider the draft Audit and Risk Management Committee (Committee) Terms of Reference.

The purpose of this report is to present a revised Terms of Reference to provide clarity on the role of the Committee.

Council is requested to adopt the revised Committee Terms of Reference.

#### 5. Voting Requirements

Simple Majority

#### Officer Recommendation

That with respect to the Audit and Risk Management Committee Terms of Reference, the Committee recommends that Council, adopts the revised terms of reference as detailed in Attachment 1.

**Council Decision**            **181/2022**

**Moved**                            **Cr L Rumble JP**

**Seconded**                        **Cr M Lynch**

**That with respect to the Audit and Risk Management Committee Terms of Reference, the Committee recommends that Council, adopts the revised terms of reference as detailed in Attachment 1.**

**Carried 8/0**

## 6.2 Audit Log Status Update

<b>File Reference</b>	CM52
<b>Applicant or Proponent(s)</b>	
<b>Author</b>	J Bray, Manager Governance
<b>Authorising Officer</b>	T Dayman, Acting Director Corporate Services
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 9 August 2022 - Item 9.3 – 116/2022
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	1. Audit Log as at 2 November 2022

### 1. Report Purpose

Council is required to review the Audit Log actions.

The purpose of this report is to provide Council oversight of the implementation of actions resulting from internal audits and external reviews.

Council is requested to receive the Audit Log status updates.

### 5. Voting Requirements

Simple Majority

### Officer Recommendation

That with respect to the Audit Log Status Update, Audit and Risk Management Committee recommends Council, receives the Audit Log.

**Council Decision**            **182/2022**

**Moved**                            **Cr T Mladenovic**

**Seconded**                        **Cr A Smith**

**That with respect to the Audit Log Status Update, Audit and Risk Management Committee recommends Council, receives the Audit Log.**

**Carried 8/0**

### 6.3 Internal Audit Report - Cybersecurity

<b>File Reference</b>	CM52
<b>Applicant or Proponent(s)</b>	
<b>Author</b>	J Bray, Manager Governance
<b>Authorising Officer</b>	T Dayman, Acting Director Corporate Services
<b>Previous Meeting Reference</b>	Nil
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	1. Internal Audit Report - Cybersecurity - 1 November 2022 - Confidential

#### 1. Report Purpose

Council is required to review the Internal Audit Report on Cybersecurity.

The purpose of this report is to provide the Council oversight of the internal audit conducted and the related findings.

Council is requested to receive the Internal Audit Report on Cybersecurity.

#### 5. Voting Requirements

Simple Majority

#### Officer Recommendation

That with respect to Internal Audit Report - Cybersecurity, Council,

1. Receives the Internal Audit Report as detailed in the confidential attachment.
2. Notes the actions detailed in the Internal Audit Report will be included on the Internal Audit Log.

**Council Decision**                      **183/2022**

**Moved**                                      **Cr M Lynch**

**Seconded**                                 **Cr L Rumble JP**

**That with respect to Internal Audit Report - Cybersecurity, Council,**

- 1. Receives the Internal Audit Report as detailed in the confidential attachment.**
- 2. Notes the actions detailed in the Internal Audit Report will be included on the Internal Audit Log.**

**Carried 8/0**

## 6.4 Internal Audit Report - Business Continuity

<b>File Reference</b>	CM52
<b>Applicant or Proponent(s)</b>	
<b>Author</b>	J Bray, Manager Governance
<b>Authorising Officer</b>	T Dayman, Acting Director Corporate Services
<b>Previous Meeting Reference</b>	Nil
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	1. Internal Audit Report - Business Continuity - 1 November 2022 - Confidential

### 1. Report Purpose

Council is required to review the Internal Audit Report on Business Continuity.

The purpose of this report is to provide the Council oversight of the internal audit conducted and the related findings.

Council is requested to receive the Internal Audit Report on Business Continuity.

### 5. Voting Requirements

Simple Majority

### Officer Recommendation

That with respect to Internal Audit Report – Business Continuity, Council,

1. Receives the Internal Audit Report as detailed in the confidential attachment.
2. Notes the actions detailed in the Internal Audit Report will be included on the Internal Audit Log.

**Council Decision            184/2022**

**Moved                            Cr M Lynch**

**Seconded                        Cr T Mladenovic**

**That with respect to Internal Audit Report – Business Continuity, Council,**

- 1. Receives the Internal Audit Report as detailed in the confidential attachment.**
- 2. Notes the actions detailed in the Internal Audit Report will be included on the Internal Audit Log.**

**Carried 8/0**

## 6.5 Internal Audit Report - Building Permits

<b>File Reference</b>	CM52
<b>Applicant or Proponent(s)</b>	
<b>Author</b>	J Bray, Manager Governance
<b>Authorising Officer</b>	T Dayman, Acting Director Corporate Services
<b>Previous Meeting Reference</b>	Nil
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	1. Internal Audit Report - Building Permits 2 November 2022 - Confidential

### 1. Report Purpose

Council is required to review the Internal Audit Report on Building Permits.

The purpose of this report is to provide the Council oversight of the internal audit conducted and the related findings.

Council is requested to receive the Internal Audit Report on Building Permits.

### 5. Voting Requirements

Simple Majority

### Officer Recommendation

That with respect to Internal Audit Report – Building Permits, Council,

1. Receives the Internal Audit Report as detailed in the confidential attachment.
2. Notes the actions detailed in the Internal Audit Report will be included on the Internal Audit Log.

**Council Decision**            **185/2022**

**Moved**                            **Cr L Rumble JP**

**Seconded**                        **Cr M Lynch**

**That with respect to Internal Audit Report – Building Permits, Council,**

- 1. Receives the Internal Audit Report as detailed in the confidential attachment.**
- 2. Notes the actions detailed in the Internal Audit Report will be included on the Internal Audit Log.**

**Carried 8/0**

## **18 New Business Of An Urgent Nature Introduced By Council Decision**

Nil

## **19 Confidential Matters**

### **Council Decision**

**Moved** Cr T Mladenovic

**Seconded** Cr M Lynch

That Council move behind closed doors at 1:58pm, pursuant to clause 6.2 of the *Shire of Ashburton Standing Orders Local Law 2012* to consider the following confidential items.

**19.1 Execution of Local Government Partnership Agreement (Inspire) between the Shire of Ashburton and Rio Tinto Iron Ore**

**19.2 Pilbara Regional Waste Management Facility Expansion Area and Future ECO-Industrial Park - Freehold Purchase**

**19.3 2023/2024 Workforce Requirements**

Pursuant to sub section 5.23 (2) (c) of the Local Government Act 1995 which provides:

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting**
- (a) a matter affecting an employee or employees**

**Carried 8/0**



*Deputy Shire President Cr M Lynch disclosed an indirect financial interest in Item 19.1 (detailed in Item 5.2).*

*Cr T Mladenovic disclosed an indirect financial interest in Item 19.1 (detailed in Item 5.2).*

*Cr L Rumble JP disclosed a direct financial interest in Item 19.1 (detailed in Item 5.2).*

*Cr A Smith disclosed an indirect financial interest in Item 19.1 (detailed in Item 5.2).*

*Cr A Sullivan disclosed a direct financial interest in Item 19.1 (detailed in Item 5.2).*

At 1:59 pm, Cr Linton Rumble JP left the meeting.

At 1:59 pm, Cr Audra Smith left the meeting.

At 1:59 pm, Cr Alana Sullivan left the meeting.

## **19.1 Execution of Local Government Partnership Agreement (Inspire) between the Shire of Ashburton and Rio Tinto Iron Ore**

<b>File Reference</b>	CS22
<b>Applicant or Proponent(s)</b>	Rio Tinto Iron Ore
<b>Author</b>	C Galliers, Manager Community Services
<b>Authorising Officer</b>	C McGurk, Director Projects and Procurement
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 12th July 2022 - Item 18.2 – 097/2022
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	1. DRAFT Inspire Community Partnership Agreement 2022-2032

### ***Reason for Confidentiality***

<b>Section under the Act</b>	<i>This matter is to be considered behind closed doors pursuant to s.5.23(2)(c) of the Local Government Act 1995 as the subject matter relates to:</i>
<b>Sub-clause and Reason:</b>	<i>“s.5.23(2)(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.”</i>

### **1. Report Purpose**

Council is required to review and consider the new partnership agreement between Rio Tinto Iron Ore (RTIO) and the Shire of Ashburton (the Shire). This partnership agreement is to replace the expired Community Infrastructure and Services Partnership (CISP) that operated from 2012 to 2022.

The purpose of this report is to present the new partnership agreement between RTIO and the Shire, along with the proposed structure for the Terms of Reference for the Working Groups, for Council to review and endorse.

Council is requested to endorse the execution of the Local Government Partnership Agreement (Inspire) between the Shire and RTIO.

**Voting Requirements:** Absolute Majority

**Council Decision**            **186/2022**

**Moved**                        **Cr M Lynch**

**Seconded**                    **Cr T Mladenovic**

**That with respect to the proposed Local Government Partnership Agreement (Inspire) 2022 – 2032 between the Shire of Ashburton and Rio Tinto Iron Ore, Council,**

- 1. Endorses the proposed Inspire Agreement 2022-2032, in principle,**
- 2. Endorses the future funding arrangement for the term of the agreement,**
- 3. Authorises the Shire President and Chief Executive Officer to engross the Inspire Agreement as shown at Attachment 1, and,**
- 4. In accordance with Section 5.42 of the *Local Government Act 1995*, delegates to the Chief Executive Officer, the power make any amendments to the agreement should they be so determined.**

**Carried By Absolute Majority 5/0**

At 2:01 pm, Cr Linton Rumble JP returned to the meeting.

At 2:01 pm, Cr Alana Sullivan returned to the meeting.

At 2:01 pm, Cr Audra Smith returned to the meeting.

## 19.2 Pilbara Regional Waste Management Facility Expansion Area and Future ECO-Industrial Park - Freehold Purchase

<b>File Reference</b>	WM09
<b>Applicant or Proponent(s)</b>	Shire of Ashburton
<b>Author</b>	J Hunter, Property Services Officer
<b>Authorising Officer</b>	K Donohoe, Chief Executive Officer
<b>Previous Meeting Reference</b>	Nil
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Impartiality
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Current Pilbara Regional Waste Management Facility Site</li> <li>2. Centre of Decommissioning Australia Report</li> <li>3. Western Australia Petroleum Titles Map</li> <li>4. Eco-Industrial Park Illustration</li> <li>5. Proposed Expansion Area</li> <li>6. Property Valuation</li> </ol>

### **Reason for Confidentiality**

<b>Section under the Act</b>	<i>This matter is to be considered behind closed doors pursuant to s.5.23(2)(c) of the Local Government Act 1995 as the subject matter relates to:</i>
<b>Sub-clause and Reason:</b>	<i>“s.5.23(2)(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.”</i>

### **1. Report Purpose**

The purpose of this report is to inform Council of the Shire of Ashburton’s (the Shire) plans regarding a possible Pilbara Regional Waste Management Facility (PRWMF) expansion, future Environmentally and Commercially Orientated (ECO) Industrial Park and its intentions regarding the tenure of the subject land, specifically, freehold tenure.

Council is required to consider the options outlined within the report and the associated land valuation.

Council is requested to provide support in pursuing the freehold purchase of the proposed PRWMF expansion and future ECO-Industrial Park area and authorise the negotiation of the sale price for the subject land.

**Voting Requirements:** Simple Majority

**Council Decision**            **187/2022**

**Moved**                        **Cr R De Pledge**

**Seconded**                 **Cr L Rumble JP**

**That with respect to the Freehold Purchase of the Pilbara Regional Waste Management Facility expansion and future ECO-Industrial Park Area, Council,**

- 1. Authorises the Chief Executive Officer to enter into negotiations with the Department of Planning, Lands and Heritage regarding the freehold purchase of subject land (UCL Lot 553 on DP 414367 and part Lot 150 on DP 220207).**
- 2. Authorises the Chief Executive Officer to negotiate the purchase of the subject land (UCL Lot 553 on DP 414367 and part Lot 150 on DP 220207) up to 10% over the highest suggested valuation amount subject to 3. below.**
- 3. Notes the final purchase of the land will be subject to further investigations into the feasibility of the overall development and presented as a future item to Council for discussion and consideration.**

**Carried 8/0**

### 19.3 2023/2024 Workforce Requirements

<b>File Reference</b>	PE.E1
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	A Heraty, Manager Human Resources
<b>Authorising Officer</b>	K Donohoe, Chief Executive Officer
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 28 July 2022 - Item 6.1 – 098/2022
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	1. Workforce Realignment Report - Confidential

#### **Reason for Confidentiality**

<b>Section under the Act</b>	<i>This matter is to be considered behind closed doors pursuant to s.5.23(2)(a) of the Local Government Act 1995 as the subject matter relates to:</i>
<b>Sub-clause and Reason:</b>	<i>“s.5.23(2)(a) a matter affecting an employee or employees.”</i>

#### **1. Report Purpose**

Council is required to consider the Shire’s Workforce Realignment Report (refer to Attachment 1).

Council is requested to endorse the Chief Executive Officer’s (CEO) recommendation.

**Voting Requirements:** Simple Majority

**Council Decision**                    **188/2022**

**Moved**                                    **Cr R De Pledge**

**Seconded**                                **Cr M Lynch**

**That with respect to the 2023/2024 Workforce Requirements, Council,**

- 1. Endorses the Chief Executive Officer’s recommendation in accordance with section 5.2 of the *Local Government Act 1995* and as detailed in Attachment 1, effective immediately,**
- 2. Designate the position of Deputy Chief Executive Officer as a senior employee in accordance with section 5.37(1) of the *Local Government Act 1995*,**
- 3. Amends Council Policy – Senior Employees and Acting Chief Executive Officer to include the Deputy Chief Executive Officer position as a designated senior employee.**

**Carried 8/0**

**Council Decision**

**Moved**                                **Cr M Lynch**

**Seconded**                            **Cr T Mladenovic**

**That Council re-open the meeting to the public at 2:05pm.**

**Carried 8/0**

## **20 Next Meeting**

The next Ordinary Council Meeting will be held at 1:00pm on Tuesday 14 February 2023 at Clem Thompson Sports Pavilion, Stadium Road, Tom Price.

## **21 Closure Of Meeting**

There being no further business, the Presiding Member closed the meeting at 2:05pm.