

Ordinary Council Meeting

Onslow



Confirmed Minutes

Public

17 August 2021

Council Chambers

Onslow Shire Complex, Second Avenue, Onslow

1:00 pm



Agendas and Minutes are available on the Shire's website ashburton.wa.gov.au

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

Our Vision

We will embrace our unique Pilbara environment and lifestyle through the development of vibrant, connected and active communities that have access to quality services, exceptional amenities and economic vitality.



STRATEGIC DIRECTIONS

1. Vibrant and Active Communities
2. Economic Prosperity
3. Unique Heritage and Environment
4. Quality Services and Infrastructure
5. Inspiring Governance



The Shire of Ashburton respectfully acknowledges the traditional custodians of this land.



**Shire of Ashburton
Ordinary Council Meeting
Confirmed Minutes
(Public)**

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

17 August 2021

1:00pm



**Shire of Ashburton
Ordinary Council Meeting**

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

K Donohoe
Chief Executive Officer
30 September 2021

These minutes were confirmed by Council as a true and correct record of proceedings of the Ordinary Council Meeting held on Tuesday 28 September 2021.

Presiding Member

Date

Disclaimer

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

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1 Declaration of opening

The Presiding Member declared the meeting open at 1:00pm.

1.1 Acknowledgement of country

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

2 Announcement of visitors

Nil

3 Attendance

3.1 Present

Elected members

Cr K White	Shire President (Presiding Member) Onslow Ward
Cr M Lynch	Tom Price Ward
Cr L Rumble	Paraburdoo Ward
Cr M Gallanagh	Pannawonica Ward
Cr R de Pledge	Ashburton Ward

Employees

K Donohoe	Chief Executive Officer
N Cain	Director Corporate Services
A Majid	Director People and Place
C McGurk	Director Projects and Procurement
M Fanning	Manager Roads and Civil Projects
A Lennon	Manager Media and Communication
R Wright	Manager Land and Asset Compliance
T Sullivan	Digital Communications Officer
R Lynch	Procurement Officer

Guests

Nil

Members of the public

Nil

Members of the media

One (1)

3.2 Apologies

Nil

3.3 Approved leave of absence

Cr D Dias	Paraburdoo Ward	For 17 August 2021
Cr D Diver	Tom Price Ward	For 17 August 2021
Cr J Richardson	Tablelands Ward	To 31 August 2021

4 Question time

4.1 Response to previous questions taken on notice

Nil

4.2 Public question time

Nil

5 Applications for leave of absence

Cr R de Pledge	Ashburton Ward	For 28 September 2021
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Council Decision **123/2021**

Moved **Cr L Reynolds**

Second **Cr M Gallanagh**

That Council grant leave of absence to Cr R de Pledge for 28 September 2021.

Carried 5/0

6 Declaration by members

6.1 Due consideration by Councillors to the agenda

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

6.2 Declarations of interest

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

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

The following declarations of interest are disclosed –

Item 11.2 “More than Mining” Campaign - Request for Council Support

Declarant	Cr M Lynch
Type of Interest	Indirect Financial
Nature of Interest	I am an employee and tenant of Rio Tinto.

Declarant	Cr L Rumble
Type of Interest	Financial
Nature of Interest	I own shares greater than \$10,000 in Rio Tinto.

Declarant	Cr M Gallanagh
Type of Interest	Financial
Nature of Interest	I am employed by Rio Tinto, and I own shares greater than \$10,000 in the company.

7 Announcements by the Presiding Member and Councillors without discussion

Nil

8 Petitions / Deputations / Presentations

8.1 Petitions

Nil

8.2 Deputations

Nil

8.3 Presentations

Nil

9 Confirmation of minutes

9.1 Confirmation of Council meetings

Ordinary Council Meeting – 20 July 2021

Attachment 9.1A

Council Decision	124/2021
Moved	Cr M Lynch
Second	Cr M Gallanagh
That Council confirm the unconfirmed minutes of the Ordinary Council Meeting held in Clem Thompson Sports Pavilion, Stadium Road, Tom Price on 20 July 2021 as a true and accurate record, as included in Attachment 9.1A.	
Carried 5/0	

9.2 Receipt of committee and other minutes

Audit and Risk Management Committee – 20 July 2021

Attachment 9.2A

Council Decision 125/2021

Moved Cr M Lynch

Second Cr R de Pledge

That Council receives the minutes of the Audit and Risk Committee Meeting held in the Clem Thompson Sports Pavilion, Stadium Road, Tom Price on 20 July 2021, as included in Attachment 9.2A.

Carried 5/0

9.3 Recommendations of committee meetings – En bloc

Council Decision 126/2021

Moved Cr M Lynch

Second Cr R de Pledge

That Council, with respect to recommendations of committee meetings, receives the following recommendations en-bloc –

Audit and Risk Management Committee – 20 July 2021

Committee Recommendation 26/2021

That with respect to the 2020 Compliance Audit Return Status Update, Committee recommends Council receive the update.

Committee Recommendation 27/2021

That with respect to the Regulation 17 Review - 2020 Program Status Update, Committee recommends Council receive the update.

Committee Recommendation 28/2021

That with respect to the 2020-2021 Internal Audit Status Update, Committee recommends Council receive the update.

Carried 5/0

9.4 Recommendations of committees

Nil

10 En bloc resolutions

10.1 Agenda items adopted en bloc

Nil

11 Office of the Chief Executive Officer reports

11.1 Progress of Implementation of Council decisions

File reference	GV04
Author's name	N Cain
Author's position	Director Corporate Services
Author's interest	Nil
Authorising officer's name	K Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	6 August 2021
Previous meeting reference	Not applicable

Summary

The purpose of this report is to provide an update to Council on the progress of the implementation of Council decisions.

Background

The best practice in governance supports the regular review of Council decisions to ensure they are actioned and implemented in a timely manner.

Comment

Wherever possible, Council decisions are implemented as soon as practicable after a Council meeting. However, there are projects or circumstances that mean some decisions take longer to action than others.

This report presents a summary of the "Decision Status Reports" for Office of the Chief Executive Officer, Corporate Services, Infrastructure Services, People and Place and Projects and Procurement.

Attachment 11.1A

Consultation

Executive Leadership Team

Statutory environment

Local Government Act 1995
Section 2.7 – Role of council

“(1) *The council —*
 (a) governs the local government’s affairs; and
 (b) is responsible for the performance of the local government’s functions.
 (2) *Without limiting subsection (1), the council is to —*
 (a) oversee the allocation of the local government’s finances and resources; and
 (b) determine the local government’s policies.”

Notwithstanding the above section of the Act, there is no specific legal requirement to present such a report to Council or for Council to receive or consider such a report. Given it is always ‘received’, it could simply be provided to elected members via weekly or monthly updates, such as in the weekly Information Bulletin.

The decision to retain the report in the Council’s monthly agenda is entirely Council’s prerogative. Staff acknowledge the critical and ongoing nature of the document, in Council ‘speaks by resolution’.

Financial implications

There are no known financial implications.

Strategic implications

Shire of Ashburton Strategic Community Plan 2017-2027 Living Life (2019 Desktop Review)

Goal 05 Inspiring Governance
 Objective 1 Effective planning for the future
 Objective 4 Exemplary team and work environment

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Council decisions are not actioned in a timely manner.	Possible (3)	Minor (2)	Moderate (6)	<u>Compliance</u> Some temporary non compliances.	Produce and monitor this report.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “Moderate” because of the risk to Council from a compliance perspective. Monthly reporting to Council assists with monitoring the actions being undertaken.

Policy implications

There are no known policy implications.

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the progress of implementation of Council decisions, Council receives the report, as included at Attachment 11.1A.

Council Decision 127/2021

Moved Cr R de Pledge

Second Cr M Lynch

**That with respect to the progress of implementation of Council decisions,
Council receives the report, as included at Attachment 11.1A.**

Carried 5/0

11.2 “More than Mining” Campaign - Request for Council Support

File reference	ED216
Author’s name	N Cain
Author’s position	Director Corporate Services
Author’s interest	Nil
Authorising officer’s name	N Cain
Authorising officer’s position	Director Corporate Services
Authorising officer’s interest	Nil
Name of applicant / respondent	Not applicable
Date report written	8 August 2021
Previous meeting reference	Not applicable

Summary

Brendon Grylls (from Brendon Grylls Group) recently raised the matter of fringe benefits tax reform with the Chief Executive Officer, on behalf of a consortium of regional local government authorities, to discuss potential reforms to Fringe Benefits Taxation policy to be spearheaded by the “More than Mining” campaign.

This Agenda Item serves to inform Council of the campaign.

Council is requested to pledge financial support towards the campaign.

Background

On Thursday 29 July 2021 the Chief Executive Officer discussed with Brendon Grylls (from Brendon Grylls Group), who is representing a consortium of regional local governments, Council’s possible support to the “More than Mining” campaign.

The “More than Mining” campaign is targeted at changing taxation policy to enable people living in regional mining towns and cities to be independent of resource-sector employers for housing and liveability.

The campaign seeks to encourage, where possible, people to buy property and relocate into towns which are predominantly driven by the boom-bust property investment cycle typical of historical mining life cycles.

The “More than Mining” campaign is targeting housing affordability support to individuals, as shown in the attached presentations, which is intended to:

- Incentivise regional relocation,
- Stabilise population churn,
- Normalise living costs, and
- Support local small business prosperity.

Attachment 11.2A
Attachment 11.2B

To date, the following organisations have supported the campaign:

- Karratha and Districts Chamber of Commerce and Industry,
- City of Karratha,
- Shire of East Pilbara,
- City of Kalgoorlie-Boulder,
- Shire of Coolgardie,
- Shire of Leonora,
- Isaac Regional Council,
- Mount Isa City Council,
- Broken Hill City Council, and
- Australian Mining Cities Allowance.

The “More than Mining” tax reform proposes to expand Fringe Benefits Taxation concessions from 50% to 100% for individuals in regional mining communities allowing people to buy a house, or rent a house, with pre-tax dollars.

It is intended with a lower tax bill, people can be more confident in a decision to buy a house, or save up faster, and be protected from cyclical rent spikes.

The increase in Fringe Benefits Tax concessions will make it easier financially for residents to live in mining towns and cities longer, slowing population churn and stabilising the demand for housing in the regions, which is likely to smooth out the boom-bust impacts on property values.

Council has been requested to join with other local governments and make a financial pledge to the campaign of between \$30,000 to \$35,000 to assist in research, submission finalisation, marketing, and publicity.

Comment

It is difficult to ascertain the exact return-on-investment regarding the financial pledge.

Of note, however, is the link between this campaign and the “yet-to-be-formally-adopted” Staff Accommodation Strategy for the Shire. The following is an extract from the Council Agenda Item relating to the adoption of the Staff Accommodation Strategy:

The Shire has maintained a staff level of approximately 180 employees for the last five years, with staff located in various locations. Of the 100 properties accommodating staff, 56 are owned by the Shire, 29 are Rio Tinto properties (managed by Sodexo), 13 are private rentals and 1 is rented from the Housing Authority. 46% of staff receive no assistance for housing from the Shire, they instead benefit from spousal accommodation provisions. Should a change of circumstances occur in the spouse’s employer the Shire is not currently able to offer these staff accommodation, further exacerbating the housing provisions. Recruitment of staff continues to be impacted by limited or inadequate housing stock.

Additionally, the Staff Accommodation Strategy highlights the challenges of accommodation within the Shire, and not simply for Shire staff:

Housing and Land Shortage

Access to housing for staff, as well as other essential workers, is a very real problem – particularly in Tom Price. In Tom Price and Paraburdoo, most of the staff housing stock is owned by Rio Tinto, which provides an additional layer of complexity. Anecdotal reports suggested essential services have been delayed or deferred (such as banking services, post office workers and doctors) because suitable accommodation has not been made available.

There also continues to be a lack of private developer interest and shortage of developable land in Tom Price, which was identified through the Royalties for Regions program several years ago. This is an issue that has not yet been resolved.

Mining Towns

Mining Towns come with their own unique set of challenges. As predominately single economy towns, the housing supply is vulnerable to external factors, such as commodity prices. This impacts directly on house prices – which are well above the State Average.

One size does not fit all

Each Town has its own unique challenges and requires a very different approach.

Tom Price is well established but land locked. Most of the housing is 40 years old and nearly 80% is owned by Rio Tinto Houses are very hard to source, particularly given the current resource boom.

Onslow on the other hand, is a small town that has seen exponential growth in recent years, which is forecast to continue.

High Costs

Being located above the 26th parallel directly attributes to a higher-than-average expense – both in terms of building costs, on-going maintenance, and operational expenses (for power etc.).

On the face of it the “More than Mining” campaign targets some of the challenges associated with housing issues in regional communities driven by the resources-sector and is likely to support mining companies to better resource their operations using local resources.

Coupled with the relatively low-cost commitment, Shire officers believe this is noteworthy campaign to support as, if successful, the investment into the Shire is likely to increase and employee turnover decrease.

Consultation

Chief Executive Officer
Director Corporate Services

Statutory environment

Local Government Act 1995
Section 5.56 (Role of Council)

The Council is to govern the local government’s affairs, oversee the local government’s finances and resources, and determine the local government’s policies.

Section 3.1 (General function)

The general function of a local government is to provide for the good government of persons in the district.

Financial implications

Council is being requested to pledge between \$30,000 and \$35,000 towards the ore than Mining” campaign. The proposed 2021-2022 Annual Budget has advocacy funding for instances such as this.

Strategic implications

Shire of Ashburton Strategic Community Plan 2017-2027 Living Life (2019 Desktop Review)

Goal 2 Economic Prosperity
 Objective 2 Enduring partnerships with industry and government
 Strategic Direction Partner with industry and government to target their investment in stimulating more diversified business and economic development to benefit communities and the local economy.

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Council does not support the campaign and is perceived as not assisting the community to invest and grow.	Possible (3)	Moderate (3)	Moderate (9)	<u>Reputation</u> Substantiated, public embarrassment, moderate impact on community trust or moderate media profile.	Provide Council with adequate information to make an informed decision.
The “More than Mining” campaign is not successful.	Possible (3)	Minor (2)	Moderate (6)	<u>Financial Impact</u> \$10,000 to \$100,000	Very little can be done to mitigate this from occurring. Council is encouraged to spread the word to political advocates.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “Moderate” because of the potential for negativity in the community. A successful campaign, which may make a difference for mining communities, is seen as an opportunity.

Policy implications

There are no known policy implications.

Voting requirement

Simple majority

Councillor interest declarations

Cr M Lynch	-	Indirect Financial
Cr L Rumble	-	Financial
Cr M Gallanagh	-	Financial

Officer recommendation

That with respect to the “More than Mining” Campaign - Request for Council Support, Council;

- a Supports the “More than Mining” campaign, targeting taxation reform, which is intended to assist to:
 - i Incentivise regional relocation,
 - ii Stabilise population churn,
 - iii Normalise living costs,
 - iv Support local small business prosperity, and

- b Pledges up to \$35,000 to the campaign to assist in research, submission finalisation, marketing, and publicity.

Council Decision

The quorum required for the meeting to continue, and consider this item, could not be met (as per Section 5.19 of the Local Government Act 1995). Council proceeded to the next item of business.

11.3 Onslow Fibre to the Node Project (NBN Co)

File reference	ED217
Author's name	B Witkowski
Author's position	Manager Tourism and Economic Development
Author's interest	Nil
Authorising officer's name	K Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	6 August 2021
Previous meeting reference	Not applicable

Summary

NBN Co have approached the Shire seeking support for their project of bringing Fibre to the Node internet access in Onslow.

This Agenda Item serves to inform Council of the project.

The request of Council is to support NBN Co to allow the project to proceed.

Confidentiality

Some attachments to this report are considered confidential in accordance with section 5.23 of the *Local Government Act 1995* because they deal with matters of –

“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”.

Background

On Wednesday 4 August 2021, Shire officers held a meeting with NBN Co to discuss installing Fibre to the Node NBN in Onslow. NBN Co have identified Onslow as one of the top 3 priority towns in WA to upgrade the fibre here, benefiting the community, commercial businesses, and the entirety of the town. This presents a great opportunity for Onslow, and NBN Co are even interested at looking at other towns and regions within the Shire of Ashburton.

All types of NBN broadband access network connections that utilise a physical line running to the premises are considered Fixed Line connections. An NBN Fibre to the Node (FTTN) connection is utilised where the existing copper phone and internet network from a nearby fibre node is used to make the final part of the connection to the NBN access network.

The fibre node is likely to take the form of a street cabinet. Each street cabinet will allow the NBN access network signal to travel over a fibre optic line from the exchange to the cabinet and connect with the existing copper network to reach each premises.

Comment

NBN Co are seeking support from the Shire to agree to support them on the project. This support comes initially in the form of entering into a Non-Disclosure Agreement (NDA) with them.

Confidential Attachment 11.3A

They will create a working group with the Shire to help develop an economic and social profile for Onslow, and outline areas of the town where the fibre should be installed, including areas of future development.

NBN Co are not looking for a financial contribution from the Shire. They will be using their own revenue streams as well as funding from the Regional Connectivity Program (\$120 million), and the Develop Northern Australia Fund (\$60 million). They are going to try and reach out to some industry companies for further funding opportunities for this project.

By signing the NDA, the Shire will be supporting the project to assist residents, businesses, organisations, and future development in the Shire's towns.

Consultation

Chief Executive Officer
Director Corporate Services
Chief Operating Officer – Aviation and Tourism
Manager Tourism and Economic Development

Statutory environment

Local Government Act 1995
Section 5.56 (Planning for the Future)

A local government is to plan for the future, and ensure plans are in accordance with regulations made about planning for the future of the district.

Financial implications

NBN Co are not seeking a financial contribution from the Shire. Signing the NDA with NBN Co will not impact Shire budgets.

Strategic implications

Shire of Ashburton Strategic Community Plan 2017-2027 Living Life (2019 Desktop Review)

Goal 2 Economic Prosperity
 Objective 2 Enduring partnerships with industry and government
 Strategic Direction Partner with industry and government to target their investment in stimulating more diversified business and economic development to benefit communities and the local economy.

Goal 4 Quality Services and Infrastructure
 Objective 2 Quality Public Infrastructure
 Strategic Direction Actively advocate for the effective supply of utilities and services to meet commercial, industrial, and retail needs.

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Failure to endorse recommendation in this Agenda item could lead to public relations implications.	Unlikely (2)	Minor (2)	Low (4)	<u>Reputation</u> Substantiated, localise impact on community trust or low media item.	Signing Non-Disclosure Agreement with NBN Co to begin working group and deliver project.
Key infrastructure for development of town is not built and maintained appropriately.	Possible (3)	Moderate (3)	Moderate (9)	<u>Interruption to Service</u> Medium term temporary interruption – backlog cleared by additional resources <1 week	Signing Non-Disclosure Agreement with NBN Co to begin working group and deliver project.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “Moderate” because of the risk to Council from a compliance perspective. Monthly reporting to Council assist with monitoring the actions being undertaken.

Policy implications

There are no known policy implications.

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the Onslow Fibre to the Node Project (NBN Co), Council agrees to enter into the Non-Disclosure Agreement with NBN Co, as included at Confidential Attachment 11.3A.

Council Decision 128/2021

Moved Cr M Lynch

Second Cr M Gallanagh

That with respect to the Onslow Fibre to the Node Project (NBN Co), Council agrees to enter into the Non-Disclosure Agreement with NBN Co, as included at Confidential Attachment 11.3A.

Carried 5/0

12 Corporate Services reports

12.1 Adoption of 2021-2022 Annual Budget

File reference	GV04
Author's name	N Cain
Author's position	Director Corporate Services
Author's interest	Nil
Authorising officer's name	K Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Nil
Name of applicant / respondent	No applicable
Date report written	7 July 2021
Previous meeting reference	Not applicable

Summary

Council is required to adopt an annual budget for each financial year for the purposes of allocating resources towards the provisions of works and services.

The purpose of this Report is to present the 2021-2022 Annual Budget for adoption, which includes information as workshopped by Council.

Council is requested to adopt the Annual Budget, by an absolute majority, which includes –

- The Municipal Fund Budget for 2021-2022,
- General differential rates, minimum payments, and instalment arrangements,
- Fees and Charges, and
- Elected Members' payments.

Background

Section 6.2 of the *Local Government Act 1995* requires each local government to prepare and adopt a budget for the Municipal Fund to 30 June the following year.

The development of the *2021-2022 Annual Budget* has been developed over several months, and has included –

- Workshops for Elected Members aimed at delivering information, exploring

concepts, and clarifying options,

- The approval by Council of a *Statement of Objects and Reasons for Differential Rating* for public advertising / submission period, and
- Referral to Council's Integrated Planning documentation.

The development and consideration of all budget documentation has had regard for the direction as provided in the *Strategic Community Plan* and *Corporate Business Plan*.

The *2021-2022 Annual Budget* has been provided under separate cover.

Separate Attachment 12.1A

Comment

The *2021-2022 Annual Budget* has been prepared in accordance with the requirements of the *Local Government Act 1995* and various accounting standards. The purpose of this report is to facilitate final consideration of the annual budget, thus enabling the continued operation of the Shire's works and services programs.

The main features of the budget are as follows –

- No change in the rate in the dollar, or minimum payments, except for the Pastoral – UV rate in the dollar which has been increased to meet legislation,
- Estimated total rate revenue in the order of \$48.5 million,
- Total capital expense in the order of \$73.2 million, with approximately \$58.6 million representing initiatives to commence in the 2021-2022 financial year, and the remaining \$14.6 million being items commenced last year and carried forward from previous years,
- Total operating expense in the order of \$66.6 million,
- Fees and charges have been reviewed and amended only as appropriate, with Council's direction to hold fees and charges to the previous year, where possible, largely adhered to,
- One (1) loan is proposed in the budget (to assist in funding subdivision works at the Onslow Airport),
- An estimated surplus of \$2.4 million is anticipated to be brought forward from the previous financial year. This is an unaudited figure and may be subject to change. Any change will be addressed as part of a future review of the budget.

Public Submission Period

Council resolved to continue with differential rating in the district and, in accordance with legislation, called for submission relating to this. Advertising was undertaken by way of –

- Newspaper (state and local),
- Public noticeboards,
- Council's website, and
- Social media channels.

Council resolved to retain the previous rate in the dollar and minimum payments from the previous year, with the exception being an increase in the Pastoral – UV rate in the dollar, which was increased to comply with legislative parameters.

Acting from discussions at Council workshops, and although not formally required to do so, Shire officers wrote to forty-one (41) Pastoral – UV assessment holders advising of a proposed rate increase, as well as emailing the letter to those who have provided their email to the Shire.

At the time of compiling this report two (2) submissions had been received. These submissions focused on the rate increase and / or the submitters' belief of an inequity between levels of service delivery not aligning with the proposed rate increase. The submissions which have been received have been de-identified, and are as follows –

Submission 1

It has been brought to my attention ... there is a proposed rate increase to UV rates of 400%, how on earth this is justifiable is beyond me. This is 3 times the rate of 2019.

I would like to draw attention to the 3-year drought over most of the Ashburton shire and the de stock that has taken place which obviously means the income off these leases has been severely affected. It will take years to bring these leases back to into some sort of equitable and viable business's. We would hope that our shire would support us, not make it impossible to survive.

To compare a Pastoral lease to a mining lease is absolutely preposterous and completely unacceptable there is no comparison.

We have battled to get the ... Road graded for the last 2.5 years and, at great cost to our productivity the road is still not in great condition, so to go and treble our rates is inconceivable. Also, the biggest road and industrial users are the mining companies so it would be obvious to anyone naturally their UV rates should be higher.

Look forward to hearing that sensibility remains.

Submission 2

We have just received an email ...stating that we should have received some sort of information from the shire about the proposed rate increase, also that the 16 of August is the cut-off date to lodge an objection/submission to the shire. We have not received any information from the shire.

I felt the increase in rates last year was enough considering the drought conditions we have had for several years, we had to de-stock several areas, carrying very reduced numbers, wild dog attacks on adult cattle and calves continue, and the effects of the drought are going to be felt for some years before the land recovers and cattle numbers can be returned to fuller production.

The combined costs of government and local shire rates keeps increasing each year quite a bit, so feel very disappointed in the shires decision to increase the rate in the dollar as we as pastoralist do not see any benefit from the rates apart from a public toilet to use when making a visit once in a blue moon to town, and I am quite sure it was not placed there for the locals use.

Thus, if there is to be an increase, we will have to submit some objection to it. We have always been led to believe that the shire rate was measured by the pastoral lease rate – this was reduced after objections were successful so I cannot see why the shire is seeking to increase the rate in the \$ yet again, our rates were nearly \$18,000 last year – on the driest year recorded following dry seasons.

The focus topic of the submissions was not unexpected given the significant movement in the rate in the dollar.

Additional submissions received following the distribution of the agenda are below –

Submission 3

It seems over the last 5 years the services provided by the SoA to the Pastoral ratepayers as become limited. I refer to our area along the xxxx road.

This road has had very limited grading, maintenance and repairs done over at least the last 5 years.

The roadside signage needs upgrades and replacements, grid maintenance is non-existent, and sheeting of rocky and low-lying areas has not been done for

many years.

Due to this, there is a lack of maintenance graders, etc. along this road and therefore our homestead access road (and xxxx airstrip) has only received one grade in the last 5 years.

The 30 additional weeks mentioned in the Rates Notice Paper that we have received, does this include any extra grading along the xxxx road within our area?

As a ratepayer, we would be very concerned if we were to be expected to pay a 1.9x increase in our annual rates for no increase in any services.

Before we could comprehend any consideration on accepting a high-rate rise, we would like to see the plans of the Shire on which areas they are planning to use the extra 30 weeks of grading and if that also includes any other maintenance, i.e., sheeting, etc.

This road is the lifeblood of our business and always will be, the longer it is left unmaintained the more expensive it becomes.

We cannot support the rate increase proposal based on the current lack of services provided by the SoA and hope that a review and improved services are achieved.

Submission 4

Thank you for the opportunity to make a submission in response to the Shire of Ashburton's proposal to significantly increase the rate to be charged for Unimproved Value (UV) Pastoral category.

The proposed rate increase of the rate in the dollar for UV pastoral property from 0.0622 to 0.1850 is inequitable, unjustified, and unreasonable.

Although the Shire expects the average increase in rates to be 1.9 times that of last year, some pastoral land rates may increase significantly more.

The reasons given for the proposed increase provide no clear rationale and I wonder if there is some other unstated reason such as the rate revenue needing some adjustment to balance the budget, or possibly to compensate for a decrease in pastoral rate revenue because of a recent reduction in some pastoral lease valuations by the Valuer General.

Mr. Donohoe's letter states that the proposed increase will bring the Shire into alignment with legislative requirements which are designed to reduce inequities between rating classifications. This is misleading and incorrect.

Contrary to Mr. Donohoe's claim, section 6.33 of the Local Government Act 1995 (LGA) specifically allows a differential rate to be applied to ensure that the rate revenue is raised equitably between different land categories.

Further, section 6.33 (3) specifically allows, with the approval of the Minister for Local Government, for one differential rate to be more than double another.

A quick perusal of the Shire's Annual Reports shows that since at least 2005/2006, differential rates have been applied whereby the rate applied to UV Non-Pastoral categories has been more than double the UV Pastoral categories, for which Ministerial approval was sought and received. Mr Donohoe's letter fails to inform that Ministerial approval can be sought to continue to impose differential rates, one more double another, as in the past.

I question if the Ashburton Shire has even sought Ministerial approval to impose a differential rate whereby one is more than double another, or if the Minister has declined approving a proposal to do so?

The Shire claims it will compensate for the increase in rates by doing 30 weeks additional grading of roads per year. As the Shire and councillors should well know, shire rates are not a fee for service and therefore they should not attempt to justify an increase in rates by making a hollow promise to provide extra services. This is a draft budget which is not yet approved so there is no guarantee of the extra funding for the road grading. The Shire cannot compensate an increase in rates by pre-empting Council's approval of a draft budget. Further, in many instances, there is far greater non pastoral use (such as mining use) of roads than pastoral use so any extra grading benefits non pastoral rate payers more than pastoral rate payers. The Shire should be able to adequately grade the roads without such an increase in rates for one rate payer, when it already raises revenue from other rate payers over the same land (i.e., mining and pastoral).

The differential rates that have been applied in the past genuinely reflected the differences between the various land categories and an equitable raising of rate revenue. The pastoral rate payers in the Ashburton Shire have just been through the driest two years on record which has had a severe impact on pastoral businesses, so I find it unbelievable that the Council has not taken this into consideration.

It would be appreciated if the Council could take a moment to reflect on how they can support the pastoral community in our Shire and take a fairer approach to revenue raising, and budget to accommodate this.

Submission 5

I'm writing this letter as an objection/submission about the proposed rates increase.

Pastoralists were successful in their objection against severe rent increases against the state government and most in the Pilbara received a relatively small increase compared to what was proposed. However, the increased rate in the dollar proposed by the Shire is three times the rate from 2019. For my lease with the UV increase means shire rates have quadrupled since 2019 and tripled since last year.

Most pastoral lessees in the Shire have been battling with 3 straight years with well below average rainfall seasons, so in turn have had to significantly reduce their cattle stock numbers. Having this brought in when their businesses are just trying to get off their hands and knees is a big kick in the guts.

I can hear people saying, "but cattle prices are at record levels, and it's been a very good wet season, Great for cattle businesses with many animals to sell." However, after many dry seasons there won't be many 'sale' cattle and 'buying' cattle in breeding stock is out of the question at current prices.

It takes years to recover so to put it into perspective, say all the remaining breeding cows got in calf in February/March after good opening rains. A cow has a calf 9 months after conception, it then takes about 18 months before you sell it to maximise its value. So, it's over 2 years before you have income. That's just for sale animals but you also need to build up your breeding stock to normal levels to make ends meet in the long run. That's 18 months at least before that newly born calf can turn into a cow big enough to put to a bull to get in calf. The maths is simple it takes many years to recover from drought/ extended dry periods. This on top of the roads being hit and miss at best, with maintenance over the years pastoralists are going to be mighty pissed. Dry times aside any sort of a major increase is an unfair and unacceptable chunk out of already tight budgets.

Other shires in the rangelands of WA have differential rates well outside the legislative boundaries. Obviously, they have applied to the minister who has granted them permission to do so. I have asked why our shire has been knocked back and evidence to that effect but still waiting for an answer.

I sincerely hope the shire can convince the minister to give approval for the shire to have differential rates outside the legislated rates as has been done for many years previously.

Submission 6

I'm writing this letter as an objection/submission about the proposed rates increase.

I understand the shire intends to increase the pastoral UV rate from 6.2196c to 18.5c. This will mean an over 3-fold increase to our rates. I understand the legislative requirement that the shire can only rate it highest differential at twice its lowset differential. However, I also know that the shire can apply to have a higher discrepancy between highest and lowest. Has the shire even attempted to get permission to go lessen the blow to pastoral rate payers and go for a smaller increase (i.e., Have a 3- or 4-times differential between highest and lowest)? Many other shires have successfully done this and kept their pastoral UV at around 5 or 6 cents. The Ashburton will become the highest rating shire in the state for pastoral properties by many times. I also note that the shire gouges mining UV at a much higher rate than other shires. I believe that pastoralism can easily justify a 5 times lower shire rate than mining. Our use of roads and amenities is radically lower, and we are a completely renewable industry. In the most part we are actively improving the condition of our properties, will be around for many generations, and won't leave a massive hole in the ground.

Our property xxxx station is an unmanned pastoral property. There is no homestead, and no one resides on the property. We never frequent towns in the Ashburton Shire and never use any shire amenities. Our road use on the shire roads is probably only about 10% of total road use as all our cattle trucks go out the other way in the xxxx shire and it is a popular tourist route as well as access to an increasing number of mining and gas companies. On top of this we help maintain roads and advise many tourists and others with road information including turning people back when the road is closed. Due to the drought which ended this year xxxx is currently only carrying less than half its carrying capacity and will sell very few cattle this year. I don't see how the shire can justify a rate increase to around \$25 to \$30K this year.

I note the shire intends to increase its grading budget to help offset extra rates. The xxxx and xxxx roads have been substandard for many years and haven't had any sheeting that wasn't paid for out of disaster grants. We have little faith in the shires ability to use the extra grading money effectively. Last year the shire paid a contractor to do xxxx, but the contractor only did xxxx of the job. It is my understanding that the shire chose not to pursue the contractor legally to try and recoup some of this wasted ratepayer's money. The shire completed the

last xxxx of sheeting this year but just laid the material dry. They didn't use any water and nor did they use a padfoot to break up the big rocks. Consequently, the rocks are already showing through the road which will cost ratepayers to redo the substandard job in the future.

I implore council to have a second look at the Pastoral UV rate of 18.5c which will make it the highest rating shire in the state by many times and make life very difficult for the pastoralists who must pay these vastly inflated amounts.

Submission 7

Our response to the letter regarding the increase in differential rate for pastoral classified properties is one of disbelief. In no way is the application of an increase comparative to the mining sector an equitable, reasonable, or justified move. It is poorly explained in the letter and overlooks any explanation as to why this is happening now. For many years permission has been sought and given by the Minister to have a greater difference between UV Non-Pastoral categories and UV Pastoral categories. We fail to see why this can't still apply.

Comparing mining sector income off the same land as pastoral use is ridiculous to say the least. Much of the Ashburton Shire has been through very bad seasonal conditions over the last few years and it takes time to recover from that. A good season and prices do not equate to business as usual, there is so much ground to make up unlike with the mining sector, not to mention the absolute inequity in value of earnings.

If this move is related to the change in pastoral lease valuations, then the change to the rates should only reflect an increase to rates in line with the budget expectations as per last year. That is change the rate to raise the same amount. In this case it is increasing the income from pastoral properties for no clear reason.

As we are told always, rates are a tax and not a fee for service, but we fail to receive even the most basic delivery of road maintenance on our local road. We fail to see how the 'extra' 30 weeks will change that scenario, but we do in fact demand that change occur in the maintenance program and commencement of sheeting work on the xxxx road between the xxxx and xxxx. Once again due to neglect the road is in a very poor state. Once again it is used by the Mining sector, tourism and general freight and the public. The numbers of vehicles on the road have been exacerbated by the works on the xxxx road causing delays and causing traffic to divert along this road. At times the traffic is continuous all day and night. Once again damage is being done to our vehicles because of the

state of the road.

In conclusion, we object to the proposed increase in the rate in the dollar for pastoral properties. An adjustment to maintain pastoral income considering the revaluation of pastoral leases is possible but Ministerial approval must seek to allow the differential rates, one more than double the other, as in the past. Also, we expect to see some action on this section of road (xxxx road from xxxx to xxxx) immediately to rectify the rapid decline in road condition.

Submission 8

I am writing on behalf of xxxx and affected primary producer(s)... within the Shire of Ashburton (SoA) to express significant concerns/reservations about the approach being taken by the Shire of Ashburton in relation to 197% increase proposed for the pastoral lease rate in the dollar.

Xxxx requests urgent clarification and transparency from the SoA in relation to its engagement with the Minister for Local Government as to why approval will no longer be granted under section 6.33 of the WA Local Government Act to impose a non-Pastoral rate in the dollar that is more than twice the lowest rate in the dollar. To this end, xxxx notes that the Shire of Wyndham-East Kimberley appears to have obtained Ministerial approval as its highest rate in the dollar for mining for 2021-22 at 0.2767 is more than twice its lowest rate in the dollar for horticultural land at 0.0102:

<https://www.swek.wa.gov.au/council/rates.aspx>

Pastoralists in the Shire of Ashburton have been experiencing ongoing dry seasonal/drought conditions for some years now meaning many have had to reduce stocking levels quite significantly and this has fundamentally impacted their productivity and profitability. This also means they have not been able to take advantage of higher domestic and live export cattle prices. Further - Pilbara cattle producers have exposure to live export markets in Indonesia, where there are significant COVID-19 risks, that may impact demand and the ongoing viability of the trade.

Xxxx urges the SoA to explore alternative measures with Xxxx in Onslow, such as community partnership arrangements inclusive of funding for building and infrastructure maintenance and operational expenses, rather than placing an excessive and disproportionate rate burden on pastoral lease holders particularly when there is little in the way of municipal service delivery in return nor even a minimum municipal service level guarantee. Based on Xxxx's

assessment, SoA is proposing by far the most significant rate in the dollar for pastoral lease holders in Northern WA.

Further, Xxxx understands there is some complexity to mining and industrial rating within the SoA due also to mining State Agreement Acts that provide for concessional rates in the dollar. As such - whilst mining companies own some of the pastoral leases in SoA - this is not entirely the case nor is increasing the rate in the dollar for pastoral leases a sound way to recoup extra rates from mining companies.

Submission 9

I refer to the Statement of Objects and Reasons for Differential Rates 2021-2022 (the Statement) published by the Shire of Ashburton (the Shire) together with letters from the Shire to Xxxx, Xxxx, Xxxx and Xxxx all undated but received 2 August 2021 relating to the Statement.

Xxxx has reviewed the Statement and would like to express its concern regarding the increase in the rate in the dollar charge proposed in the Statement relating to the "Pastoral UV" rate category. The rate in the dollar charge has increased from 0.0622 for the 2020-2021 financial year to 0.1850 for the 2021-2022 financial year, which equates to over a 197% increase to the rate in the dollar charge. The change to the rate in the dollar charge will increase the rates payable by Xxxx by approximately 2.9x in the 2021-2022 financial year compared to previous financial years.

Xxxx respectfully requests that the Shire defer the introduction of the differential rates outlined in the Statement to provide Xxxx with the opportunity for meaningful consultation, including to make a submission and to meet with the Shire, at the Shire's earliest convenience, in relation to the Statement.

Shire officers have sought legal advice regarding the ability to provide concessions to Pastoral - UV ratepayers recognising the impacts from drought and, to a lesser degree, COVID-19.

Last financial year Council resolved to offer a 37.5% concession to Pastoral Leaseholders recognising recently increased assessment valuations (from the Valuer General) and impacts from COVID-19.

Pastoral Leaseholders successfully appealed the valuation increase and, as a result, benefitted from both the rate concession and a decrease in the assessment valuation.

The average amount payable by Pastoral - UV assessment holders, under the advertised rate in the dollar arrangement, is 1.9x.

In the calculating of rates for the coming financial year, and on the basis and justification regarding the issuing of concessions last year, Shire officers are proposing Council again offer a concession, however this be reduced to 30% this year to Pastoral - UV assessment holders based on climate and COVID-19 impacts.

This form of concession is permitted and is proposed to reduce a total rate bill payable to not less than the minimum payment.

The estimated loss in rate revenue of implementing this concession is \$392,700.

Proposed Additional Concessions

Included in the previous budget was a concession for residential property owners owning three (3) or less properties to assist in ameliorating the increase in property valuations and as a hardship measure for COVID-19 impacts.

The 2021-2022 financial year was supposed to be the subject of a revaluation for property values. This has been postponed due to COVID-19 impacts.

The increased property valuations impacted the townsite of Onslow significantly, and to a lesser degree the townsites of Paraburdoo and Tom Price. As such, the justification for imposing a concession only partially remains for Paraburdoo and Tom Price, and Shire officers have included the same 30% concession as last year for GRV – Residential / Community properties in Onslow only.

The estimated loss in rate revenue of implementing this concession is \$163,100.

Proposed year end position

After allowing for the proposed carry forward items from the previous financial year, as detailed and explained in the next section of this report, there is no proposed year-end surplus position forecast for 30 June 2022 (i.e., this is a balanced budget).

Proposed Rates to Apply

In preparing the Annual Budget, Councillors considered the rate revenue parameter to establish the framework of the budget within which detailed works programs and estimates could be developed.

Council resolved to advertise the following differential rates and minimum payments –

Residential / Community - GRV

- Applicable to GRV properties having a predominant land use of residential or used by organisations involved in activities for community benefit.
- Proposed rate in the dollar of 0.10236 and minimum payment of \$1,010.

Commercial / Industrial – GRV

- Applicable to properties having a predominant land use of commercial or industrial purposes.
- Proposed rate in the dollar of 0.06593 and minimum payment of \$1,263.

Transient Worker Accommodation – GRV

- Applicable to GRV properties having a predominant land use of transient workforce accommodation.
- Proposed rate in the dollar of 0.13185 and minimum payment of \$1,263.

Pastoral – UV

- Applicable to UV properties issued with pastoral leases granted by the State Government.
- Proposed rate in the dollar of 0.1850 and minimum payment of \$1,263.

Non-Pastoral – UV

- Applicable to non-pastoral UV land use, such as mining.
- Proposed rate in the dollar of 0.36957 and minimum payment of \$1,263.

By applying the above rates in the dollar, ex-gratia rates, concessions, and minimum payments, rate revenue of \$48.5 million is estimated.

Additional Commentary

It is important to note the proposed budget includes no increase in the rate in the dollar or minimum payments in the differential rate categories, except for the Pastoral – UV rate in the dollar, which has increased, partially due to decreased assessment valuations and legislative parameters. The proposed 30% concession will assist Pastoral – UV properties regarding drought and COVID-19 impacts.

In addition, the operation of a third road grader, increased from two graders last year, has been included within the budget and this will assist in gravel road maintenance within the Shire, which is needed for the successful operation of pastoral properties.

Determination of material variance

Each year Council is required to adopt a percentage or value for the purposes of reporting material variances in the monthly Statement of Financial Activity. This value or percentage is then used throughout the financial year to identify potential areas in Council’s actual revenues and expenses which may not be in keeping with Council’s budget. The early identification of these potential issues can assist in better utilisation and allocation of Council funds and resources. The values chosen, which remain the same as last year, should provide a good indication of variances which may not normally be covered through Council’s normal operations and should, therefore, be assessed to identify if a potential issue exists or not.

The proposed material variance reporting limits are –

Condition	Action
Actual variance up to 5% of budget	Don’t report
Actual variance up to 10% of budget	Use management discretion
Actual variance exceeding 10% and a greater value than \$40,000	Must report

Statement of calculation of the Annual Budget

In compiling the Annual Budget, Shire officers have, in accordance with the Local Government Accounting Manual, –

- Identified recurring operating revenue and expense,
- Prepared salary and wage schedules, including proposed new employees, employee increment changes and enterprise agreement increases,
- Prepare water, power, and other essential cost estimates and increase assumptions,
- Prepared capital expense based, where possible, on reasonably assumed estimates for construction,
- Confirmed grants for both operating and capital requirements,
- Determined and applied the assumptions for the opening current position from the previous financial year,
- Identified carry forward projects from the previous financial year,
- Flagged committed funds and treated these in accordance with accounting standards,
- Established the legislated compliance of the proposed end of year financial position,
- Obtained estimates for non-current assets to be traded or sold,
- Obtained estimates for insurance, including workers’ compensation,
- Updated the schedule of fees and charges for the applicable period,

- Compiled projected cash flows over the reporting period to ensure there is sufficient liquidity to meet current commitments throughout the year,
- Prepared the budget document consistently with comparative financial results from the previous period (noting there is a change in reporting method which may cause some individual line-item differences, although totals are comparable),
- Ensured any invested surplus funds conform with the short-term requirements for drawdowns, as and when the funds are required.

Consultation

Community
Councillors
Executive Leadership Team
Middle Management Group
Finance Team

Statutory environment

Local Government Act 1995

Section 6.2 (Local government to prepare annual budget)

During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time the Minister allows, each local government is to prepare and adopt, by absolute majority, in the form and manner prescribed, a budget for its Municipal Fund for the financial year ending on 30 June next following the 31 August.

In formulating the budget, Council is to have regard to the contents of the *Strategic Community Plan* and prepare detailed estimates for the applicable year.

Part 3 of the Local Government (Financial Management) Regulations 1996

This area establishes the form and content of the budget document and requires a copy of the Annual Budget to be submitted to the Department responsible for Local Government within thirty (30) days of adoption by Council.

Local Government (Financial Management) Regulations 1996

Regulation 34 (Financial Activity Statement required each month)

Council is required to adopt a percentage or value, calculated in accordance with Australian Accounting Standards, to be used in the monthly Statement of Financial Activity.

Numerous other pieces of legislation impact the budget document including, although not limited to, -

- The *Local Government (Miscellaneous Provisions) Act 1960*,
- The *Waste Avoidance and Resources Recovery Act 2007*, and
- The *Building Regulations 2012*.

Financial implications

This report makes recommendation to Council on the adoption of the 2021-2022 Annual Budget, which includes –

- Operating expense of \$66.6 million,
- Operating revenue of \$66.2 million,
- Capital expense of \$73.2 million,
- Capital funding of \$21.4 million,
- New loans of \$5.0 million,
- Surplus brought forward of \$2.4 million,
- Transfer to Reserve Accounts of \$1.1 million,
- Transfer from Reserve Accounts of \$31.8 million.

Strategic implications

Shire of Ashburton Strategic Community Plan 2017-2027 Living Life (2019 Desktop Review)

Goal 5	Inspiring Governance
Objective 1	Effective planning for the future
Strategic Direction	Monitor trends, anticipate needs, and capitalise on opportunities to build strong communities.

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Potential cash flow issues may result if the Annual Budget is not adopted.	Possible (3)	Moderate (3)	Moderate (9)	<u>Financial Impact</u> \$100,000 to \$1m	Provide Councillors with sufficient information for decision making, including workshops and community submission periods.
Negative public perception if Council does not adopt the Annual Budget.	Possible (3)	Moderate (3)	Moderate (9)	<u>Reputation</u> Substantiated, public embarrassment, moderate impact on community trust or moderate media profile	Provide Councillors with sufficient information for decision making, including workshops and community submission periods.
Potential reduction in the quality of assets provided and services delivered if the Annual Budget is not adopted.	Possible (3)	Major (4)	High (12)	<u>Interruption to Service</u> Prolonged interruption of services	Provide Councillors with sufficient information for decision making, including workshops and community submission periods.
Failing to adopt the Annual Budget by 31 August in any year is a compliance breach without Ministerial approval.	Possible (3)	Moderate (3)	Moderate (9)	<u>Compliance</u> Short-term non-compliance with significant regulatory requirements imposed	Provide Councillors with sufficient information for decision making, including workshops and community submission periods.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “Moderate” to “High” because of the importance adopting the budget has to the overall operation of the Shire. Involving Councillors through workshops and correspondence reduces this risk level.

Policy implications

FIN06 Significant Accounting Policy

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

ELM10 Financial Sustainability Policy

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

Voting requirement

Absolute majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the Adoption of the 2021-2022 Annual Budget, Council.

2021-2022 Annual Budget

- a In accordance with the provisions of Section 6.2 of the *Local Government Act 1995* (as amended), and Part 3 of the *Local Government (Financial Management) Regulations 1996*, adopts the Annual Budget for the Shire of Ashburton for the 2021-2022 financial year, which includes the following:
 - i Statement of Comprehensive Income by Nature and Type showing a net result for the year of \$22,320,092,
 - ii Statement of Comprehensive Income by Program showing a net result for the year of \$22,320,092,
 - iii Rate Setting Statement showing an amount required to be raised from rates of \$48,500,000,
 - iv Notes to, and forming part of, the budget,
 - v Program schedules budgeted, and
 - vi Additional information to assist in the decision-making process, as attached at Attachment 12.2A,

Differential Rates, Minimum Payments, and Instalment Payment Arrangements

a For the purpose of yielding the deficiency disclosed in the 2021-2022 Annual Budget, and in accordance with Section 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995*, imposes the following differential rates and minimum payments:

i	<u>GRV Residential and Community</u>	
	Rate in the \$	0.10236
	Minimum Payment	\$ 1,010
ii	<u>GRV Commercial and Industrial</u>	
	Rate in the \$	0.06593
	Minimum Payment	\$ 1,263
iii	<u>GRV Transient Worker Accommodation</u>	
	Rate in the \$	0.13185
	Minimum Payment	\$ 1,263
iv	<u>UV Pastoral</u>	
	Rate in the \$	0.18500
	Minimum Payment	\$ 1,263
v	<u>UV Non-Pastoral</u>	
	Rate in the \$	0.36957
	Minimum Payment	\$ 1,263

b In accordance with Section 6.45 of the *Local Government Act 1995* and Regulation 64 of the *Local Government (Financial Management) Regulations 1996*, nominates the following due dates for rate payment in full and by instalments:

Option 1 – Payment in full by a single instalment due 7 October 2021

Option 2 – Two instalments

- i Full payment and 1st instalment due date of 7 October 2021, and
- ii 2nd instalment due date of 4 February 2022.

Option 3 – Four instalments

- i Full payment and 1st instalment due date of 7 October 2021,
- ii 2nd instalment due date of 6 December 2021,
- iii 3rd instalment due date of 4 February 2022, and
- iv 4th instalment due date of 7 April 2022.

- c In accordance with Section 6.45 of the *Local Government Act 1995* and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*, adopts an instalment administration charge where the owner has elected to pay rates (and services charges) through an instalment option of \$15 for each instalment after the initial instalment is paid (i.e., a total of \$45).
- d In accordance with Section 6.45 of the *Local Government Act 1995* and Regulation 68 of the *Local Government (Financial Management) Regulations 1996*, adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option (noting Council has a Hardship Policy).
- e In accordance with Section 6.51 and subject to Section 6.51 of the *Local Government Act 1995* and Regulation 70 of the *Local Government (Financial Management) Regulations 1996*, and associated COVID-19 response orders, adopts an interest rate of 7% for rates and service charges, and costs of proceedings to recover such charges, remaining unpaid after becoming due and payable.

Rates Concessions, Rates Waivers and Debt Waivers

- a In accordance with Section 6.47 of the *Local Government Act 1995*, grant a 30% concession for those property holders with the following eligibility criteria –
 - i Ownership of no more than three (3) GRV – Residential / Community properties located within the townsite boundary of Onslow, and
 - ii Not lower than the minimum payment of \$1,010,to help alleviate the financial impact caused by increased property valuations and the impact of COVID-19.
- b In accordance with Section 6.47 of the *Local Government Act 1995*, grant a 30% concession for those assessment holders with the following eligibility criteria –
 - i Ownership of an assessment in the UV – Pastoral rating category, and
 - ii Not lower than the minimum payment of \$1,263,to help alleviate the financial impact caused by drought conditions and the impact of COVID-19.
- c In accordance with Section 6.47 of the *Local Government Act 1995*, grant a 100% waiver to Rates and Service Charges for –
 - i Properties leased to Not-for-Profit Community Groups, subject to it being provided for in their lease or being previously waived / applied in the previous financial year.

Fees and Charges

- a In accordance with Section 6.16 of the *Local Government Act 1995* and other statutory fee setting instruments, adopts the Fees and Charges included in the attached 2021-2022 Annual Budget.

Elected Member Payments

- a In accordance with Section 5.99 of the *Local Government Act 1995* and Regulation 30 of the *Local Government (Administration) Regulations 1996*, Council adopts the following annual fees for Elected Members in lieu of individual meeting attendance fees:
 - i Shire President \$31,149, and
 - ii Councillors \$23,230.
- b In accordance with to Section 5.99A of the *Local Government Act 1995*, adopts the Information and Communications Technology Allowance of \$2,500 for Elected Members.
- c In accordance with Section 5.98 of the *Local Government Act 1995* and adopts the annual local government allowance of \$63,354 to be paid to the Shire President in addition to the annual meeting allowance.
- d In accordance with Section 5.98A of the *Local Government Act 1995* adopts the annual local government allowance of \$15,838 to be paid to the Deputy Mayor in addition to the annual meeting allowance.
- e In accordance with Section 5.99A of the *Local Government Act 1995* and Regulation 32 of the *Local Government (Financial Management) Regulations 1996*, Council adopts a childcare reimbursement rate of the actual cost per hour or \$30 per hour, whichever is the lesser, for Elected Members requiring childcare services whilst undertaking their role as an Elected Member.

Material Variance Reporting

- a Pursuant to Regulation 3 of the *Local Government (Financial Management) Regulations 1996*, and *Australian Accounting Standards AASB1031 Materiality*, adopts the following materiality thresholds to be used in Statement of Financial Activity in 2021-2022 for reporting material variances of any individual Management Area:
 - i Actual variances to Budget up to 5% of budget – Do not report,

- ii Actual variances to Budget between 5% and 10% of budget – Use management discretion, and
- iii Actual variances exceeding 10% and a greater value than \$40,000 – Must report.

Council Decision 129/2021

Moved Cr L Rumble

Second Cr M Lynch

That with respect to the Adoption of the 2021-2022 Annual Budget, Council,

2021-2022 Annual Budget

- a In accordance with the provisions of Section 6.2 of the *Local Government Act 1995* (as amended), and Part 3 of the *Local Government (Financial Management) Regulations 1996*, adopts the Annual Budget for the Shire of Ashburton for the 2021-2022 financial year, which includes the following:
 - i Statement of Comprehensive Income by Nature and Type showing a net result for the year of \$22,320,092,
 - ii Statement of Comprehensive Income by Program showing a net result for the year of \$22,320,092,
 - iii Rate Setting Statement showing an amount required to be raised from rates of \$48,500,000,
 - iv Notes to, and forming part of, the budget,
 - v Program schedules budgeted, and
 - vi Additional information to assist in the decision-making process, as attached at Attachment 12.2A,

Differential Rates, Minimum Payments, and Instalment Payment Arrangements

a For the purpose of yielding the deficiency disclosed in the 2021-2022 Annual Budget, and in accordance with Section 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995*, imposes the following differential rates and minimum payments:

i **GRV Residential and Community**

Rate in the \$ 0.10236

Minimum Payment \$ 1,010

ii **GRV Commercial and Industrial**

Rate in the \$ 0.06593

Minimum Payment \$ 1,263

iii **GRV Transient Worker Accommodation**

Rate in the \$ 0.13185

Minimum Payment \$ 1,263

iv **UV Pastoral**

Rate in the \$ 0.18500

Minimum Payment \$ 1,263

v **UV Non-Pastoral**

Rate in the \$ 0.36957

Minimum Payment \$ 1,263

b In accordance with Section 6.45 of the *Local Government Act 1995* and Regulation 64 of the *Local Government (Financial Management) Regulations 1996*, nominates the following due dates for rate payment in full and by instalments:

Option 1 – Payment in full by a single instalment due 7 October 2021

Option 2 – Two instalments

i Full payment and 1st instalment due date of 7 October 2021, and

ii 2nd instalment due date of 4 February 2022.

Option 3 – Four instalments

i Full payment and 1st instalment due date of 7 October 2021,

ii 2nd instalment due date of 6 December 2021,

iii 3rd instalment due date of 4 February 2022, and

iv 4th instalment due date of 7 April 2022.

- c** In accordance with Section 6.45 of the *Local Government Act 1995* and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*, adopts an instalment administration charge where the owner has elected to pay rates (and services charges) through an instalment option of \$15 for each instalment after the initial instalment is paid (i.e., a total of \$45).
- d** In accordance with Section 6.45 of the *Local Government Act 1995* and Regulation 68 of the *Local Government (Financial Management) Regulations 1996*, adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option (noting Council has a Hardship Policy).
- e** In accordance with Section 6.51 and subject to Section 6.51 of the *Local Government Act 1995* and Regulation 70 of the *Local Government (Financial Management) Regulations 1996*, and associated *COVID-19 response orders*, adopts an interest rate of 7% for rates and service charges, and costs of proceedings to recover such charges, remaining unpaid after becoming due and payable.

Rates Concessions, Rates Waivers and Debt Waivers

- a** In accordance with Section 6.47 of the *Local Government Act 1995*, grant a 30% concession for those property holders with the following eligibility criteria –

 - i** Ownership of no more than three (3) GRV – Residential / Community properties located within the townsite boundary of Onslow, and
 - ii** Not lower than the minimum payment of \$1,010, to help alleviate the financial impact caused by increased property valuations and the impact of COVID-19.
- b** In accordance with Section 6.47 of the *Local Government Act 1995*, grant a 30% concession for those assessment holders with the following eligibility criteria –

 - i** Ownership of an assessment in the UV – Pastoral rating category, and
 - ii** Not lower than the minimum payment of \$1,263, to help alleviate the financial impact caused by drought conditions and the impact of COVID-19.
- c** In accordance with Section 6.47 of the *Local Government Act 1995*, grant a 100% waiver to Rates and Service Charges for –

- i **Properties leased to Not-for-Profit Community Groups, subject to it being provided for in their lease or being previously waived / applied in the previous financial year.**

Fees and Charges

- a **In accordance with Section 6.16 of the *Local Government Act 1995* and other statutory fee setting instruments, adopts the Fees and Charges included in the attached 2021-2022 Annual Budget.**

Elected Member Payments

- a **In accordance with Section 5.99 of the *Local Government Act 1995* and Regulation 30 of the *Local Government (Administration) Regulations 1996*, Council adopts the following annual fees for Elected Members in lieu of individual meeting attendance fees:
 - i **Shire President \$31,149, and**
 - ii **Councillors \$23,230.****
- b **In accordance with to Section 5.99A of the *Local Government Act 1995*, adopts the Information and Communications Technology Allowance of \$2,500 for Elected Members.**
- c **In accordance with Section 5.98 of the *Local Government Act 1995* and adopts the annual local government allowance of \$63,354 to be paid to the Shire President in addition to the annual meeting allowance.**
- d **In accordance with Section 5.98A of the *Local Government Act 1995* adopts the annual local government allowance of \$15,838 to be paid to the Deputy Mayor in addition to the annual meeting allowance.**
- e **In accordance with Section 5.99A of the *Local Government Act 1995* and Regulation 32 of the *Local Government (Financial Management) Regulations 1996*, Council adopts a childcare reimbursement rate of the actual cost per hour or \$30 per hour, whichever is the lesser, for Elected Members requiring childcare services whilst undertaking their role as an Elected Member.**

Material Variance Reporting

- a **Pursuant to Regulation 3 of the *Local Government (Financial Management) Regulations 1996*, and *Australian Accounting Standards***

AASB1031 Materiality, adopts the following materiality thresholds to be used in Statement of Financial Activity in 2021-2022 for reporting material variances of any individual Management Area:

- i Actual variances to Budget up to 5% of budget – Do not report,**
- ii Actual variances to Budget between 5% and 10% of budget – Use management discretion, and**
- iii Actual variances exceeding 10% and a greater value than \$40,000 – Must report.**

Carried by Absolute Majority 5/0

12.2 Monthly Schedule of Accounts Paid

File reference	FM03
Author's name	T Dayman
Author's position	Manager Finance and Administration
Author's interest	Nil
Authorising officer's name	N Cain
Authorising officer's position	Director Corporate Services
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	8 August 2021
Previous meeting reference	Not applicable

Summary

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

The purpose of this Report is to present the Monthly Schedule of Accounts Paid for July 2021.

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

Background

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

Comment

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

Attachment 12.2A

Consultation

Executive Leadership Team
 Middle Management Group
 Finance Team

Statutory environment

Local Government (Financial Management) Regulations 1996

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

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

Financial implications

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

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

Municipal Fund

Description	Amount
Electronic Funds Transfer	\$3,989,065.26
Superannuation / Payroll	\$184,768.71
Cheques	\$39,841.30
Credit Cards	\$12,462.10
Bank Fees and Charges	\$2,239.46
Total	\$4,228,376.83

Corporate Credit Cards

Description	Amount
Corporate Services	\$2,900.62
Infrastructure Services	\$1,428.90
People and Place	\$7,431.87
Projects and Procurement	\$700.71
Total	\$12,462.10

Strategic implications

Shire of Ashburton Strategic Community Plan 2017-2027 Living Life (2019 Desktop Review)

Goal 5 Inspiring Governance
 Objective 4 Exemplary team and work environment
 Desired Outcome Highly functioning Shire team who effectively manages Shire resources to build strong communities.

Risk management

Risk has been assessed based on the Officer Recommendation.

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

The following Risk Matrix has been applied:

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

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

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

Policy implications

FIN06 Significant Accounting Policy

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

ELM10 Financial Sustainability Policy

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

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the Monthly Schedule of Accounts Paid, Council, in accordance with *Local Government (Financial Management) Regulations 1996* Regulation 13 confirms the Monthly Schedule of Accounts Paid for June 2021, as included at Attachment 12.2A.

Council Decision	130/2021
Moved	Cr R de Pledge
Second	Cr M Lynch
That with respect to the Monthly Schedule of Accounts Paid, Council, in accordance with <i>Local Government (Financial Management) Regulations 1996</i> Regulation 13 confirms the Monthly Schedule of Accounts Paid for June 2021, as included at Attachment 12.2A.	
Carried 5/0	

13 Infrastructure Services reports

13.1 Onslow Detention Basin Beautification Project Basin Two (2)

File reference	RFP2019
Author's name	M Fanning
Author's position	Manager Roads and Civil Projects
Author's interest	Nil
Authorising officer's name	M Khosravi
Authorising officer's position	Director Infrastructure Services
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	29 July 2021
Previous meeting reference	Agenda Item 14.1 (Minute 98/2021) Ordinary Council Meeting 15 June 2021

Summary

The Onslow Detention Basin Beautification project is funded under the Local Roads and Community Infrastructure Program (LRCIP) – Phase 2 Program announced by the Federal Government on 30 October 2020.

In addition, funding has been secured for a water feature to be installed in Onslow Detention Basin 2 with funding to be provided under the Small Grants Program 2021.

The purpose of this report is to seek Council consideration of a preferred water feature sculpture design option to enable Shire officers to further progress the project development.

Background

As part of the Onslow Detention Basin Drainage and Beautification Project, Shire officers have been developing a concept for a central water feature in Detention Basin Two (2). The water feature is essential for providing continuous recirculation of water and minimising the breeding of mosquitoes in the detention basin. Based on technical discussions with consultants, it was identified the water feature should also be designed to take account of water constraints in Onslow.

The purpose of this report is to propose a preferred design option for the water feature and to seek Council approval to proceed with community consultation and detailed concept design, which is specific to the Onslow landscape.

The scope of works for the beautification project involve;

- shared use footpaths with solar footpath lighting,
- additional tree planting along with salt tolerant shrubs and grasses,
- coloured rock in-lay (blue) within the basin to suit likely flow paths infilled with limestone rock (Pilbara Red),
- salt tolerant grasses within the basin,
- picnic shelters,
- limestone feature walls, and
- replacement / modification of the existing fountain with a more substantial structure.

Attachment 13.1A

It was originally intended the project incorporate a public art component. However, public art is not an allowable expenditure under the LRCIP.

Works under the LRCIP Phase 2 program are required to be physically complete by 31 December 2021, unless otherwise agreed by the Federal Department of Infrastructure. Projects are required to be nominated on a Project Nomination template which appears to be a relatively straight forward process. The process is very similar to the one used for the Roads to Recovery Program, which is managed by the same Department.

It is intended the preferred water feature design concept be based on a “Staircase to the Moon” theme as per Council workshop during the 15 June 2021 Ordinary Council Meeting. Once the preferred design option is chosen it is proposed to share this with the community seeking feedback and then bring this back to Council. At the same time Shire officers will be further developing the concept details.

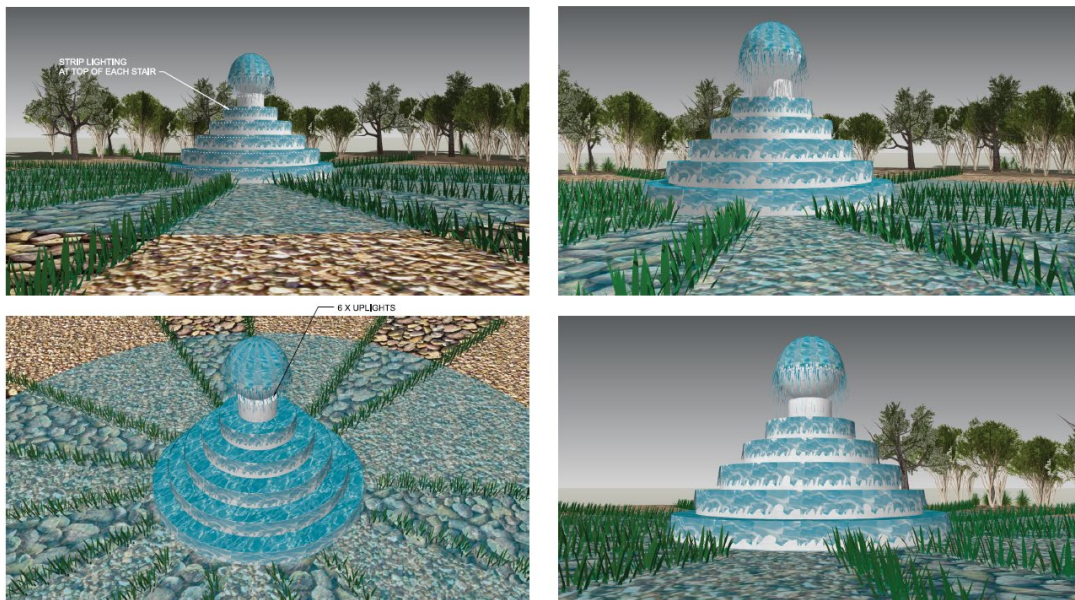
At the 15 June 2021 Ordinary Council Meeting Council endorsed the concept of a water feature in Pond Two (2) and the detailed design of such a feature commence. Further at the briefing session held prior to the Council Meeting held on the same day Council received additional concept design options which were more in alignment with the local environment.

Comment

As presented at the Briefing session prior to the 15 June 2021 Ordinary Council Meeting, two final options have been prepared for Council consideration.

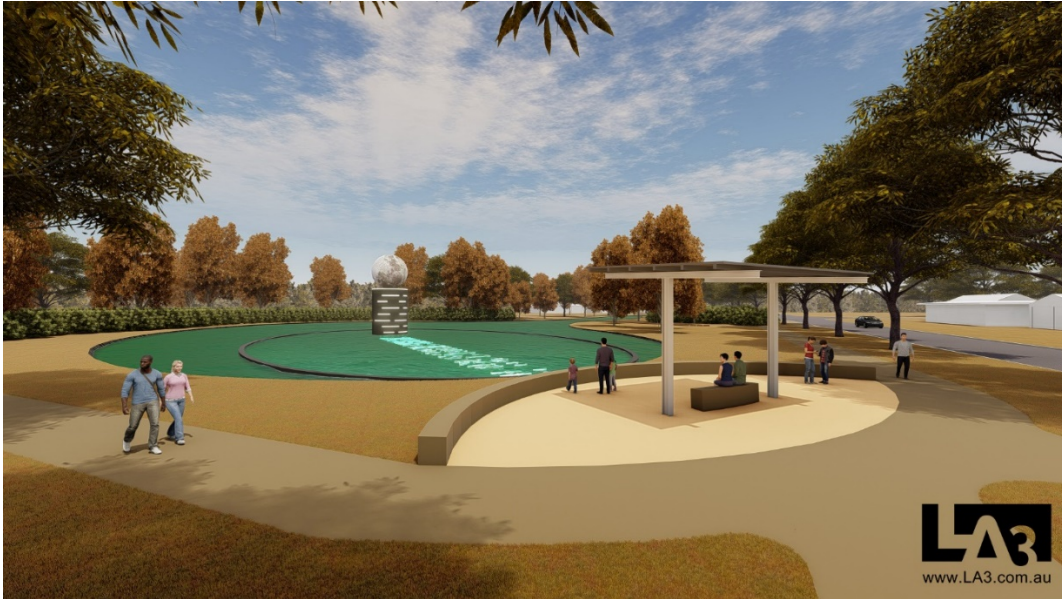
Option 1 – Stepped Pyramid Shape

This option incorporates a Stacked Pyramid shape with a sphere on top. The stepped pyramid to represent a staircase with water flowing from the top of the spherical moon. This structure has been estimated to cost in the vicinity of \$180,000 for the stainless-steel shape, plus transport ~ \$50,000 and mechanical fit out. This option may be difficult to have the moon sphere illuminated.



Option 2 – Cylindrical Shaft Shapes

This option incorporates a Cylindrical shaft and Spherical illuminated Moon. The shaft has LED lighting to mimic the water shimmer. In addition, it is proposed to install an inner pool within the basin to hold water to a depth up to the outlet to ensure there is a constant interaction between the illuminated sphere (moon) and the water to create the Staircase effect.



It is proposed to have interpretive signage of the Staircase to the Moon phenomenon and indigenous artwork elements describing local history within the proposed viewing platform.

Shire officers are currently seeking costs for this option using a range of materials.

For this solution, if chosen, it is proposed to reverse engineer the structure to try and use products which are off the shelf. The illuminated sphere (moon) however, is the more difficult item to procure with many enquiries already yielding minimal results.

It is proposed to utilise Council's website and social media channels seeking comments.

It is intended both options will have water running from the top of the sphere (moon).

Consultation

Council
Executive Leadership Team
Manager Assets and Programming

Statutory environment

There are no known statutory issues for this part of the overall process.

Financial implications

The proposed project budget for the entire projects is as follows:

Confirmed Minutes – Public Ordinary Council Meeting 17 August 2021

- LRCIP 20/21 - \$865,000 Grant awarded, 50% received to date
- Small Grants Program 21/22 - \$100,0000 Awarded no funds claimed
- General Fund 20/21 - \$400,000 Carry Over
- General Fund 21/22 - \$400,000 Proposed

Total project Budget \$1,765,000

Expenditure \$25,000 including commitments.

It should be noted the combined project budget covers the Onslow Detention Basin Beautification works which include the Basin Two (2) water feature. It should be noted the LRCIP funds are not available to be used on the water feature.

Strategic implications

Shire of Ashburton Strategic Community Plan 2017-2027 Living Life (2019 Desktop Review)

Goal 4 Quality Services and Infrastructure
 Objective 1 Quality Public Infrastructure
 Strategic Direction Provide and maintain affordable infrastructure which serves the current and future needs of the community, environment, industry, and business.

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Potential for contract dispute resulting in project delays, non-delivery of works and litigation	Likely (4)	Major (4)	High (16)	<u>Project Time</u> Exceeds deadline by 25% of project timeline.	Controls as follows: Comprehensive Technical Specification. Mandatory on-site briefing during tender process. Full time Superintendent on-site with contractor. Contractor responsible for

Confirmed Minutes – Public Ordinary Council Meeting 17 August 2021

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
					verifying materials and water sources. Proper reference checking of preferred tenderer. Complete contract documentation from project start.
Projects delays and scope changes are a risk as the project has a fixed budget requiring the works to be completed within the allocated budget.	Unlikely (2)	Minor (2)	Low (4)	<u>Financial</u> \$10,000 to \$100,000	Controls as follows: Experienced and qualified design consultant appointed. Comprehensive Technical Specification. Complete contract documentation

The following Risk Matrix has been applied:

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

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

The identified perceived level of risk is “High” due to the heightened local community interest regarding public art and historical drainage issues. However, following the implementation of risk mitigation strategies as indicated above, the risk has been reduced from “High” to “Moderate”. That is, the residual risk, following controls and treatments, is assessed as “Moderate”.

Policy implications

ADM08 – Community Engagement Policy

Council is committed to engaging with the Shire of Ashburton community and recognises community engagement is about involving the community in decisions impacting them, noting community engagement does not mean achieving consensus, however it does involve seeking broad, informed agreement and the best possible solution for Council and community.

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the Onslow Detention Basin Beautification Project Basin Two (2), Council:

- a Select Option Two (2), as contained within the Agenda Item, as its preferred final concept design,
- b Request the Chief Executive Officer to present and seek feedback for this option from the community, and
- c Request the Chief Executive Officer report back to Council following the community consultation process.

Council Decision 131/2021

Moved Cr M Gallanagh

Second Cr M Lynch

That with respect to the Onslow Detention Basin Beautification Project Basin Two (2), Council:

- a Select Option Two (2), as contained within the Agenda Item, as its preferred final concept design,**
- b Request the Chief Executive Officer to present and seek feedback for this option from the community, and**
- c Request the Chief Executive Officer report back to Council following the community consultation process.**

Carried 5/0

13.2 Control of Leucaena “Weed” Trees

File reference	EM01
Author’s name	C Hurstfield
Author’s position	Manager Town Maintenance
Author’s interest	Nil
Authorising officer’s name	M Khosravi
Authorising officer’s position	Director Infrastructure Services
Authorising officer’s interest	Nil
Name of applicant / respondent	Nil
Date report written	10 August 2021
Previous meeting reference	Nil

Summary

This item is a result of a Councillor’s Notice of Motion carried at the July 2021 Ordinary Council Meeting (Minute 118/2021).

The purpose of the item is to seek Council support to commence consultation for the creation of a working group with membership from with Government Departments, industry, local organisations and community groups to investigate options to control the spread of Leucaena trees throughout the townsites within the Shire of Ashburton.

Background

Leucaena (weed) trees have been spreading rapidly throughout the Tom Price townsite, primarily around watercourses. These trees grow extremely rapidly and can form impenetrable thickets, displacing occupiable space and reducing biodiversity. The seeds can lay dormant in the soil for up to 20 years and are highly transportable by humans, animals, birds and water.

Leucaena (weed) trees are regarded as an environmental weed in Queensland, Northern Territory, Western Australia, New South Wales and on Christmas Island. Leucaena is listed in the Global Invasive Species Database and regarded to be in the Top 100 of the world’s worst invasive alien species (Reference Invasive Species Specialist Group

<http://www.iucngisd.org/gisd/speciesname/Leucaena+leucocephala#>).

In Tom Price, major Leucaena infestations are primarily concentrated along watercourses, including the drain between Central Road and Doradeen Road, the creek from Doradeen Road through to the wastewater treatment ponds, the creek in Kanberra Drive, Paraburdoo-Tom Price Road (near the go kart track) and Blake Sreet, as shown in the attachments.

Attachment 13.2A

Initial discussions have been held regarding conducting a trial with a Rayco T275 Forestry Mulcher recently purchased by Pilbara Trees. This will test the effectiveness of the equipment in removing Leucaena to enable ongoing herbicide treatment to prevent regrowth. If approved, it is proposed the trial will be conducted in the Leucaena infestation around Kanberra Drive which will provide safe access for machinery and a suitable area for interested parties to view the trial clearing being undertaken.

Attachment 13.2B

Consultation

It is proposed consultation will be held with Government departments (Commonwealth Department of Agriculture, Water and the Environment; Main Roads WA, Water and Environmental Regulation; Agriculture; Biodiversity, Conservation and Attractions); industry (Rio Tinto, FMG etc); local organisations (Indigenous corporations) and community groups to seek their participation in a Working Group. The aim of the Working Group will include potential options regarding removal of Leucaena trees around the townsites and potential funding sources to assist with costs associated with the removal, with a Charter to be developed upon formation.

Since the July Ordinary Council Meeting, an initial telephone conversation has been held with Main Roads WA's Pilbara Network Operation Manager who advised that MRWA would be interested in viewing the results of a trial removal of Leucaena trees around Tom Price.

Statutory environment

Local Government Act 1995

Section 2.10 - Role of Councillors

Shire of Ashburton Standing Orders Local Law

Section 5.3 – Motions of which previous notice has been given

Shire of Ashburton Local Government Property Local Law 2013

Section 1.5 – Definitions

“local government property means anything except a thoroughfare –
(c) which is an 'otherwise unvested facility' within section 3.53 of the Act”

Financial implications

There will be considerable cost involved to remove all existing Leucaena trees around the townsites. If it is feasible to create a partnership with local and state stakeholders, potential grant funding sources will be investigated to assist with contributing to the removal programme. Additional funding will be requested from Shire of Ashburton and Industry. In kind support will be sought from local organisations and community groups to assist with the removal of Leucaena from watercourses.

There is no dedicated budget for removal of Leucaena trees. The approximate cost for contracting Pilbara Trees' forestry mulcher to conduct a trial removal is \$10,000. It is proposed this trial work be funded from the general street trees account. If this trial is successful, additional funding will be sought as part of the Funding and Costing Review process to formulate a future works programme.

Strategic implications

Shire of Ashburton Strategic Community Plan 2017-2027 Living Life (2019 Desktop Review)

Goal 3 Unique Heritage and Environment
 Objective 1 Flourishing Natural Environments
 Strategic Direction Partner with government agencies, industry, traditional owners, non-government organisations, local governments, research institutions, pastoralists, and the community to better manage natural assets and deliver improved conservation outcomes that reflect the region's high biodiversity and landscape values.

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
That the spread of Leucaena trees will not be able to be prevented	Likely (4)	Major (4)	High (16)	<u>Environment</u> Uncontained, reversible impact managed by a coordinated response from external agencies.	Establishment of a working group to investigate options to control the spread of Leucaena trees around townsites.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “High” due to the increased likelihood of environmental damage caused by the uncontrolled spread of Leucaena trees.

Policy implications

ELM21

Tree Management Overview Policy

Voting requirement

Simple Majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the Control of Leucaena “Weed” trees around the townsites, Council delegate the Chief Executive Officer to:

- a Commence consultation with Government Departments, industry, local organisations and community groups to investigate potential options to control the spread of Leucaena trees,
- b Commence investigation of the formation of a partnership / working group between the Shire of Ashburton, Government Departments, industry, local organisations and community groups to control the spread of Leucaena trees,
- c Commence investigation of sources to obtain external grant funding to assist with controlling the spread of Leucaena trees, and
- d Conduct a trial removal of Leucaena trees to test the long term effectiveness of using a forestry mulcher to eradicate local Leucaena infestations.

Council Decision 132/2021

Moved Cr R de Pledge

Second Cr M Lynch

That with respect to the Control of Leucaena “Weed” trees around the townsites, Council delegate the Chief Executive Officer to:

- a Commence consultation with Government Departments, industry, local organisations and community groups to investigate potential options to control the spread of Leucaena trees,**
- b Commence investigation of the formation of a partnership / working group between the Shire of Ashburton, Government Departments, industry, local organisations and community groups to control the spread of Leucaena trees,**
- c Commence investigation of sources to obtain external grant funding to assist with controlling the spread of Leucaena trees, and**
- d Conduct a trial removal of Leucaena trees to test the long term effectiveness of using a forestry mulcher to eradicate local Leucaena infestations.**

Carried 5/0

14 People and Place reports

14.1 Proposal to Revoke Multiple Local Planning Policies

File reference	LP10.7.0
Author's name	B McKay
Author's position	Manager Town Planning
Author's interest	Nil
Authorising officer's name	A Majid
Authorising officer's position	Director People and Place
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	27 July 2021
Previous meeting reference	Not applicable

Summary

As part of a review of the Shire's Local Planning Policies, several planning policies have been identified which are no longer considered relevant or necessary.

In accordance with Schedule 2, Part 2 Clause 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council must resolve to revoke a local planning policy through the publication of a notice of revocation in a newspaper circulating within the Local Planning Scheme No.7 (LPS7) area.

Council is requested to resolve to revoke the twenty identified local planning policies and request the Chief Executive Officer to have published a notice in accordance with Schedule 2, Part 2 Clause 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Background

As part of a review of the statutory framework which currently guides Development Services, several endorsed Local Planning Policies (LPP) have been identified which are no longer necessary due to changes in legislation or State government policy.

Under Schedule 2, Part 23, Clause 6 of the *Planning and Development (Local Planning Schemes Regulations 2015* (effective 19 October 2015), Council must resolve to

revoke a local planning policy through the publication of a notice in a newspaper circulating within the Scheme area. This provision supersedes clause 2.4 of Local Planning Scheme No.7 (LPS7), where Council must resolve to revoke a local planning policy through the publication of a notice of revocation once a week for 2 consecutive weeks in a newspaper circulating in the LPS7 area. It is proposed the identified group of planning policies will be simultaneously revoked through the publication of a notice.

Comment

A total of twenty (20) currently endorsed local planning policies have been identified by Shire Officers as no longer necessary. The policies are redundant, with most policies adopted between 2003 and 2006. Over this time there has been considerable planning reform, with amendments to State Planning Policy 7.3 - Residential Design Codes (R-Codes) and the introduction of mandatory provisions in LPS7 through *Planning and Development (Local Planning Schemes) Regulations 2015*.

These policies only serve in adding another layer of assessment and complexity which is unnecessary and burdensome for applicants. Each of these policies, along with the justification for their removal, is outlined below.

LPP01 - Transportable Dwellings New and Second-hand

The objective is to ensure transportable buildings complement the existing amenity of the surrounding area. However, single houses are generally exempt from requiring a planning permit and there is no planning rationale for treating transportable dwellings different to buildings built in-situ.

LPP02 - Home Occupations / Home Businesses

This policy is no longer applicable as Home Occupations are now exempt from requiring planning approval through the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. *AM – define provisions

The Planning and Development (Local Planning Schemes) Regulations 2015 were gazetted on 25 August 2015, and introduced a set of deemed provisions, which automatically applied to every local planning scheme in WA. The deemed provisions override certain clauses in the Shire's Town Planning Schemes No. 7.

Recent amendments have been made to the Regulations as part of the State Government's 'Action Plan for Planning Reform' and became operational in February 2021. As part of the amended Regulations, the development types and land uses that are exempt from requiring development approval were expanded to include home occupations within all zones.

LPP04 - Retail Uses in the Industrial Zone

The purpose of this policy is to ensure the approval of shops within the industrial zone do not impact the economic viability of established commercial areas. Unfortunately, the policy gives no clear direction or guidance and adds no additional requirements and is therefore ineffectual.

LPP05 - Alfresco Dining

This policy aims to guide the location of alfresco dining on footpaths and other public places, however there is no provision for alfresco dining to be captured through a planning application. Any provisions need to be captured in Council's *Trading in Thoroughfares and Public Places Local Law*.

LPP06 - Caretaker Accommodation

The objective is to describe the applicable conditions that relate to applications for caretaker accommodation. The policy adds no additional requirements or considerations and simply restates the provisions within LPS7.

LPP07 - Cat Pounds and Catteries

There have been no known applications for these types of applications, and the Shire's pounds do not fall under the parameters of this policy.

This policy was established to regulate catteries in accordance with the *Guidelines and Conduct of Boarding Kennels and Catteries* produced by the RSPCA. This policy makes references to uses which do not exist under LPS7, and as such can no longer be used as an assessment guide for planning applications.

It is considered the protection of cats is not a matter to be considered under the Planning and Development Act 2005 and rather a matter considered under the Cat Act 2011. As a result, it is recommended Council revoke LPP 07. The matters considered in this policy are inappropriate to use for assessing planning applications.

LPP08 - Dog Kennels

There have been no known applications for this type of application, and the Shire's pounds do not fall under the parameters of this policy.

This policy was established to regulate kennels in accordance with the *Guidelines and Conduct of Boarding Kennels and Catteries* produced by the RSPCA. This policy

makes references to uses that do not exist under LPS7, and as such can no longer be used by as an assessment guide for planning applications.

It is considered the protection of dogs is not a matter considered under the *Planning and Development Act 2005* rather a matter considered under the *Dog Act 1976*. The matters considered in this policy are inappropriate to use for assessing planning applications.

LPP09 - Non-Residential Land Uses in Residential Areas

The objective of this policy is to provide guidance in the assessment of planning applications received for 'Non-residential' activities proposed in existing residential premises within the 'Residential' area. LPS7 provides the most appropriate mechanism for assessing non-residential uses.

LPP10 - Design Guidelines for the Tom Price Town Centre

The purpose of the policy is to provide guidance on the design of private buildings within the Tom Price town centre. The policy has not been updated to reflect changes within LPS7 and State Planning Policy 7.3 - Residential Design Codes (R-Codes). The Town Centre has not been defined within LPS7; therefore, the application of this policy is not possible.

LPP12 - Mineral Exploration

The objective of this policy is to ensure all mineral exploration has due regard to the character and amenity of the Shire. This policy was not vetted by the Department of Planning and Section 120(1) of the Mining Act prevents local planning schemes from prohibiting or affecting mining activities authorised under the Mining Act.

The policy places requirements on applications for mineral exploration that we have no control to request or cannot enforce.

LPP16 - Outbuildings Assessment

This policy aims to streamline the approval process and provide further interpretation of the R-Codes and LPS7 and includes building classifications from the *Building Code of Australia* (BCA) as well.

The R-Codes apply to residentially zoned land already, and provisions within the policy have not been updated to reflect changes to the R-Codes. The policy is predominately related to Building Approvals, which should not be guided through a planning policy.

LPP17 - Consultation for Planning Proposals

The intention of this policy is to define the different levels of consultation undertaken for development proposals and to develop a method of assessing the impact of a proposal. The impact of a development however will be assessed through LPP20 – Social impact Assessment and the level of advertising is addressed through Clause 64 of the Deemed provisions of *Planning and Development (Local Planning Schemes) Regulations 2015*.

LPP18 - Conversion of Dwellings and Outbuildings to Residential Buildings

This policy aims to establish guidelines and conditions applicable to planning applications for the conversion of Dwellings and Outbuildings to Residential Buildings, along with managing and land use conflicts. The provisions identified within the policy either contradict those in the *Planning and Development (Local Planning Schemes) Regulations 2015* or simply restate the provisions within LPS7 the BCA and R-Codes.

LPP19 - Unauthorised Existing Development

The goal of this policy is to outline how existing development, which has not obtained development approval, will be dealt with in accordance with the LPS7. However, the bulk of the policy simply restates the provisions within LPS7.

LPP21 - Assessment of Applications Under Clause 6.10.4 and 6.10.5 Local Planning Scheme No.7

The purpose of this policy is to provide guidelines for the application of clause 6.10.4 of LPS7, which relates to Transient Workforce Accommodation. The policy adds no additional requirements or considerations and simply restates the provisions within LPS7 and the R-Codes.

LPP22 - Assessment of Applications Under Clause 6.6.3 Local Planning Scheme No. 7

The purpose of this policy is to provide greater development opportunity for lots in Onslow by amending the site area requirements within the R-Codes for lots zoned R20.

The policy was adopted in January 2013, concurrently with Scheme Amendment 13, which increased the density coding from 'R12.5' to 'R20' and introduced similar clauses from LPP22 into LPS7. The intention of the policy was to 'qualify' provisions within the scheme; however, it adds no additional requirements or considerations and simply

restates the provisions within LPS7 and the R-Codes.

LPP23 - Assessment of Applications Under Clause 6.6.2 Local Planning Scheme No. 7

The intention of this policy is to provide greater development opportunity for lots in Tom Price and Paraburdoo by amending the site area requirements within the R-Codes for lots zoned R20.

The policy was adopted in March 2011, concurrently with Scheme Amendment 12, which introduced similar clauses from LPP23 into LPS7. The intention of the policy was to 'qualify' provisions within the scheme; however, it adds no additional requirements or considerations and simply restates the provisions within LPS7 and the R-Codes.

LPP24 - Consideration of Group Housing Development and Bedrooms

This policy is designed to regulate the use of spaces within dwellings and ensure rooms designated as 'store', 'home theatre' or 'study' aren't used as bedrooms. The policy simply restates the provisions with the scheme and the R-codes; however, the R-Codes offer clear definitions and requirements for habitable and non-habitable rooms which provide greater clarity than LPP24.

LPP25 - Onslow Coastal Hazard Area - Scheme Control Area

This policy was established to control development floor levels and rezoning of land that were potentially exposed to flood and storm surge events within the Onslow town site. This policy refers to technical information that is now outdated and superseded by LPS7 Amendment 24- Onslow Coastal Hazard Area entered in the Government Gazette 1 August 2014. The outdated technical information makes it inappropriate to use for assessing applications.

LPP28 - Beadon Bay Village Concept Plan (Version 2)

This policy is intended to guide the orderly and efficient development of Lots 555, 556, 557 and 563 Beadon Creek Road. On the 6 June 2012, Discovery Parks submitted a Concept Plan for consideration as a Local Planning Policy over Lots 555, 556, 557 and 563 Beadon Creek Road, Onslow. The Concept Plan would provide for the construction in the order of 880 Transient Worker Accommodation units, 68 caravan park sites, seven (7) cabins, common recreational areas, a mess hall / kitchen facilities and car parking and was subsequently adopted at the 20 June 2012 Ordinary Council Meeting. On 24 April 2014, the Western Australian Planning Commission approved an

application to amalgamate Lots 555, 556, 557 and 563 to form Lot 100 Beadon Creek Road.

Given construction has been finalised, the site has been developed for its intended use, and the lots have been amalgamated, it is no longer appropriate or valid for LPP28 to be applied to the site.

All policies have been attached for Council consideration.

Attachment 14.1A

Consultation

Executive Leadership Team

Statutory environment

Planning and Development (Local Planning Schemes) Regulations 2015

6. Revocation of local planning policy

A local planning policy may be revoked —

(a) by a subsequent local planning policy that —

- (i) is prepared in accordance with this Part; and*
- (ii) expressly revokes the local planning policy;*

or

(b) by a notice of revocation —

- (i) prepared by the local government; and*
- (ii) published by the local government in accordance with clause 87*

87. Requirements for making documents available to public

- (1) This clause applies if under a provision of this Scheme the local government is required to publish in accordance with this clause a notice, plan, application, or other document (the document).*
- (2) The local government must make the document available in accordance with the applicable requirements of subclauses (3) to (5).*
- (3) For all documents, the local government must —*

(a) publish on the website of the local government —

(i) the document; or

(ii) a hyperlink to a webpage on which the document is published;

and

(b) if it is reasonably practicable to do so — make a copy of the document available for public inspection at a place in the district of the local government during normal business hours.

(4) If the document is a notice and the local government considers that it is appropriate in the circumstances for the notice to be published in a newspaper, the local government must also ensure that the notice is published in a newspaper circulating in the relevant locality in the local government district

(5) The local government must ensure that the document remains published under subclause (3)(a) and (if applicable) available for public inspection under subclause (3)(b) —

(a) if the document is published in compliance with a requirement that is expressed to be an ongoing publication requirement — at all times that the document is in effect; or

(b) if the document is published in compliance with a requirement to advertise for submissions under this Scheme — during the whole of the period within which submissions may be made; or

(c) if paragraphs (a) and (b) do not apply — during a period that the local government considers is reasonable.

Financial implications

There are no known financial implications for this matter other than advertising charges.

Strategic implications

Shire of Ashburton Strategic Community Plan 2017-2027 Living Life (2019 Desktop Review)

Goal 4 Quality Services and Infrastructure
 Objective 3 Well-planned Towns
 Strategic Direction Continue to monitor industry and economic trends and ensure town planning schemes respond appropriately to future housing, accommodation, and commercial needs.

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Additional and unnecessary constraint on new development.	Unlikely (2)	Insignificant (1)	Low (2)	<u>Compliance</u> No noticeable regulatory or statutory impact.	Accepting the Officer Recommendation will mitigate this.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “Low” due to the statutory requirements for revoking local planning policies.

Policy implications

There are no known additional policy implications other than those contained in the Agenda Item.

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the Proposal to Revoke Multiple Local Planning Policies, Council;

a in accordance with Regulation 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, revokes the following Local Planning Policies:

- LPP01 - Transportable Dwellings New and Second-hand,
- LPP02 - Home Occupations / Home Businesses,
- LPP04 - Retail Uses in the Industrial Zone,
- LPP05 - Alfresco Dining,
- LPP06 - Caretaker Accommodation,
- LPP07 - Cat Pounds and Catteries,
- LPP08 - Dog Kennels,
- LPP09 - Non-Residential Land Uses in Residential Areas,
- LPP10 - Design Guidelines for the Tom Price Town Centre,
- LPP12 - Mineral Exploration,
- LPP16 - Outbuildings Assessment,
- LPP17 - Consultation for Planning Proposals,
- LPP18 - Conversion of Dwellings and Outbuildings to Residential Buildings,
- LPP19 - Unauthorised Existing Development,
- LPP21 - Assessment of Applications Under Clause 6.10.4 and 6.10.5 Local Planning Scheme No.7,
- LPP22 - Assessment of Applications Under Clause 6.6.3 Local Planning Scheme No. 7,
- LPP23 - Assessment of Applications Under Clause 6.6.2 Local Planning Scheme No. 7,
- LPP24 - Consideration of Group Housing Development and Bedrooms,
- LPP25 - Onslow Coastal Hazard Area - Scheme Control Area,
- LPP28 - Beadon Bay Village Concept Plan (Version 2), and

b in accordance with Regulation 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requests the Chief Executive Officer to carry out notification of the resolution.

Council Decision **133/202**

Moved **Cr M Lynch**

Second **Cr L Rumble**

That with respect to the Proposal to Revoke Multiple Local Planning Policies, Council,

a **in accordance with Regulation 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, revokes the following Local Planning Policies:**

LPP01 - Transportable Dwellings New and Second-hand,

LPP02 - Home Occupations / Home Businesses,

LPP04 - Retail Uses in the Industrial Zone,

LPP05 - Alfresco Dining,

LPP06 - Caretaker Accommodation,

LPP07 - Cat Pounds and Catteries,

LPP08 - Dog Kennels,

LPP09 - Non-Residential Land Uses in Residential Areas,

LPP10 - Design Guidelines for the Tom Price Town Centre,

LPP12 - Mineral Exploration,

LPP16 - Outbuildings Assessment,

LPP17 - Consultation for Planning Proposals,

LPP18 - Conversion of Dwellings and Outbuildings to Residential Buildings,

LPP19 - Unauthorised Existing Development,

LPP21 - Assessment of Applications Under Clause 6.10.4 and 6.10.5 Local Planning Scheme No.7,

LPP22 - Assessment of Applications Under Clause 6.6.3 Local Planning Scheme No. 7,

LPP23 - Assessment of Applications Under Clause 6.6.2 Local Planning Scheme No. 7,

LPP24 - Consideration of Group Housing Development and Bedrooms,

LPP25 - Onslow Coastal Hazard Area - Scheme Control Area,

LPP28 - Beadon Bay Village Concept Plan (Version 2), and

b **in accordance with Regulation 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requests the Chief Executive Officer to carry out notification of the resolution.**

Carried 5/0

15 Projects and Procurement reports

Nil

16 Councillor agenda items / notices of motions

Nil

17 New Business of an Urgent Nature Introduced by Council Decision

Nil

18 Confidential matters

Council Decision **134/2021**

Moved **Cr L Rumble**

Second **Cr R de Pledge**

That Council, at 1:15pm, pursuant to Clause 6.2 of the *Shire of Ashburton Standing Orders Local Law 2012* consider the following confidential items behind closed doors –

18.1 Onslow Water Tank Mural Project – Contractual Matters between Shire of Ashburton and Guido van Helten, and

18.2 Property Purchase – Onslow

Carried 5/0

18.1 Onslow Water Tank Mural Project – Contractual Matters between Shire of Ashburton and Guido van Helten

File reference	AS.TE.05.07
Author's name	M Walsh
Author's position	Chief Operating Officer Airport and Tourism
Author's interest	Nil
Authorising officer's name	K Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	2 August 2021
Previous meeting reference	Agenda Item 12.3 (Minute 95/2021) Ordinary Council Meeting 15 June 2021

Summary

At the Ordinary Meeting of Council on June 21, a recommendation from Council was to investigate contractual terms between the artist Guido Van Helten Pty Ltd and the Shire of Ashburton.

The purpose of this item seeks to -

- a Update and inform Council of the legal advice received in relation to the contractual agreement between the Shire of Ashburton, Water Corporation, and Guido Van Helten Pty Ltd,
- b Consider the correspondence received from the artist and the lawyer, and
- c Request the Chief Executive Officer to resolve the contract matters between the Shire of Ashburton and Guido Van Helten Pty Ltd.

Confidentiality

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

“legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.”

Council Decision 135/2021

Moved Cr L Rumble

Second Cr R de Pledge

That with respect to the Onslow Water Tank Mural Project – Contractual Matters between Shire of Ashburton and Guido van Helten, Council request the Chief Executive Officer to resolve the contract matters between the Shire of Ashburton and Guido Van Helten Pty Ltd, noting the following requirements:

- a The artist acknowledges the Agreement has terminated,**
- b The Shire offers to pay (on a no admission of liability basis) Guido Van Helten Pty Ltd a commercial sum,**
- c The Artist agrees not to make any further claims against the Shire or the Water Corporation in relation to the Agreement,**
- d The Artist releases the Shire and Water Corporation,**
- e The Artist agrees not to make any statements about the Shire or Water Corporation which may damage their reputation,**
- f The Shire and Water Corporation are not liable for any further payments, and**
- g The artist agrees the terms of the Deed Poll are confidential.**

Carried 5/0

18.2 Property Purchase - Onslow

File reference	PE06
Author's name	R Wright
Author's position	Manager Land and Asset Compliance
Author's interest	Nil
Authorising officer's name	K Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	12 August 2021
Previous meeting reference	Not applicable

Summary

Council has previously identified the need to increase property holdings to house Shire employees and key workers.

An opportunity has presented itself for the purchase of suitable property in Onslow.

Council is requested to consider the purchase of the subject property, subject to conditions and impositions.

Confidentiality

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

“a 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.”

Council Decision **136/2021**

Moved **Cr R de Pledge**

Second **Cr L Rumble**

That with respect to Property Purchase – Onslow, Council:

- a Authorises the Chief Executive Officer to negotiate commercial conditions, the purchase price, and submit an offer within the parameters of this Report, for the property which is the subject to this Report, and**
- b Authorises the Shire President and Chief Executive Officer to engross all documents including applying the Common Seal, associated with the land purchase outlined within this report, in accordance with all laws of Western Australia.**

Carried 5/0

Council moved out from behind closed doors at 1.20pm.

One (1) member of the media returned.

On behalf of the Shire President, K Donohoe read aloud the Council decisions made behind closed doors.

19 Next meeting

The next Ordinary Council Meeting will be held at 1:00pm on Tuesday 28 September 2021 at Council Chambers – Onslow Shire Complex, Second Avenue, Onslow.

20 Closure of meeting

There being no further business, the Presiding Member closed the meeting at 1:23pm.

Attachments (not for inclusion with Agenda print)

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Attachment 9.2A	10
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