



Published Minutes

Ordinary Council Meeting

Tuesday, 14 February 2023

Date:	Tuesday 14 February 2023
Time:	1:00pm
Location:	Clem Thompson Sports Pavilion, Stadium Road, , Tom Price
Distribution Date:	Friday 17 February 2023



**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
17 February 2023

These minutes were confirmed by Council as a true and accurate record of proceedings at the Ordinary Council Meeting held on Tuesday, 14 February 2023.

Presiding Member

Date

14/03/2023

Disclaimer

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

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1 Declaration Of Opening

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

Presiding Member Recommendation

In accordance with regulation 14C(2)(b) of the *Local Government (Administration) Regulations 1996*, approves Councillor M Gallanagh and Councillor Kerry White to attend the meeting via electronic means, noting they are in instantaneous communication with the meeting.

Cr M Gallanagh Declaration

In accordance with regulation 14CA(5) of the *Local Government (Administration) Regulations 1996*, I declare that I can maintain confidentiality during the meeting or the closed part of the meeting.

Cr K White Declaration

In accordance with regulation 14CA(5) of the *Local Government (Administration) Regulations 1996*, I declare that I can maintain confidentiality during the meeting or the closed part of the meeting.

1.1 Acknowledgement Of Country

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

2 Announcement Of Visitors

The Presiding Member welcomed Mineral Resources to the gallery.

3 Attendance

3.1 Present

Elected Members:	Cr K White	Shire President, Onslow Ward (via electronic means from 1:00pm to 1:29pm)
	Cr M Lynch	Deputy Shire President (Presiding Member), Tom Price Ward
	Cr R De Pledge	Ashburton Ward

	Cr M Gallanagh Cr L Rumble JP Cr J Richardson Cr A Sullivan Cr A Smith Cr T Mladenovic	Pannawonica Ward (via electronic means) Paraburdoo Ward Tableland Ward Paraburdoo Ward Tom Price Ward Tom Price Ward
Employees:	K Donohoe C McGurk T Dayman R Miller A Lennon R Wright J Bray A Furfaro A Rauhihi	Chief Executive Officer Director Community Development Acting Director Corporate Services Director Infrastructure Services Manager Media and Communications Executive Manager Land, Property and Regulatory Services Manager Governance Governance Officer Executive Services Support Officer
Guests:	Nil	
Members of Public:	There were two members of the public in attendance at the commencement of the meeting.	
Members of media:	There were no members of the media in attendance at the commencement of the meeting.	

3.2 Apologies

Nil

3.3 Approved Leave Of Absence

Nil

4 Question Time

4.1 Response To Previous Public Questions Taken On Notice

Nil

4.2 Public Question Time

Nil

5 Declaration By Members

5.1 Due Consideration By Councillors To The Agenda

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

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



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

Our ref E23013023
Enquiries Steven Elliott
Phone (08) 8552 1642
Email legislation@dlgsc.wa.gov.au

Mr Kenn Donohoe
Chief Executive Officer
Shire of Ashburton

Email: governance@ashburton.wa.gov.au

Dear Mr Donohoe

I refer to your correspondence dated 8 February 2023 and advise that, in accordance with the authority delegated by the Minister for Local Government, I have approved your application, under section 5.69(3) of the *Local Government Act 1995* (the Act).

It has been noted that the Shire requires a minimum approval of two members in order to achieve quorum. Accordingly, approval has been granted for two members, Cr Lynch and Cr Mladenovic, to fully participate in the discussion and decision making relating to the following agenda item at the Shire's Ordinary Council Meeting, to be held on 14 February 2023:

18.2 – STAFF ACCOMMODATION STRATEGY UPDATE – TOM PRICE AND PARABURDOO

Conditions of approval:

1. *The approval is only valid for the 14 February 2023 Ordinary Council Meeting when agenda item 18.2 is considered;*
2. *The abovementioned councillors must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;*
3. *The Chief Executive Officer (CEO) is to provide a copy of the Department of Local Government, Sport and Cultural Industries (DLGSC) letter of approval to the abovementioned councillors;*
4. *The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;*
5. *The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the DLGSC, to allow the DLGSC to verify compliance with the conditions of this approval; and*
6. *The approval granted is based solely on the interests disclosed by the abovementioned councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.*

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

Yours sincerely

A handwritten signature in black ink, appearing to be 'Tim Fraser'.

TIM FRASER
EXECUTIVE DIRECTOR – LOCAL GOVERNMENT

10 February 2023

5.2 Declaration Of Interest

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

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

The following declarations of interest are disclosed –

11.3 Unauthorised Occupation of Crown Reserve R19291	
Name	Cr R De Pledge
Nature of interest	Impartiality
Interest description	Friend of occupant.
11.5 Amendment to DAP/21/02078 – DA22-76 Lot 300 (No. 5) Back Beach Road, Onslow – Amendment to previous approval of Transient Workforce Accommodation	
Name	Cr K White
Nature of interest	Proximity
Interest description	
14.1 Acceptance of Community Support Grant Allocations - Tom Price Amateur Basketball Association	
Name	Cr T Mladenovic
Nature of interest	Impartiality
Interest description	I am a general member committee for Tom Price Amateur Basketball Association.
Name	Cr A Smith
Nature of interest	Impartiality
Interest description	I am a committee member of Tom Price Amateur Basketball Association. General committee and coordinator of their all abilities program.
18.2 Staff Accommodation Strategy Update - Tom Price and Paraburdoo	
Name	Cr M Gallanagh
Nature of interest	Direct Financial
Interest description	I am Rio Tinto employee and own share in the company. My husband and I both work for Rio Tinto, live in company housing and own shares in Rio Tinto over the prescribed amount.
Name	Deputy Shire President M Lynch
Nature of interest	Indirect Financial

Interest description	I am an employee and tenant of Rio Tinto. I am paid a salary by Pilbara Iron.
Name	Cr T Mladenovic
Nature of interest	Direct Financial
Interest description	My partner is employed by Rio Tinto and we live in subsidised housing provided as part of his employment.
Name	Cr L Rumble JP
Nature of interest	Direct Financial
Interest description	I am share holder of Rio Tinto and have shares greater than the prescribed amount.
Name	Cr A Smith
Nature of interest	Direct Financial
Interest description	My husband is an employee of Rio Tinto and owns shares over the prescribed amount. My husband's employment with Rio Tino provides him with subsidised housing and utilities in which I reside too.

6 Announcements By The Presiding Member And Councillors Without Discussion

Nil

7 Petitions / Deputations / Presentations

7.1 Petitions

Nil

7.2 Deputations

Nil

7.3 Presentations

Nil

8 Applications for Leave of Absence

8.1 Application for Leave of Absence

Council Decision **001/2023**

Moved **Cr L Rumble JP**

Seconded **Cr A Smith**

That Council approve the request for Leave of Absence, for

- 1. Councillor Melanie Gallanagh of Pannawonica Ward for the period from 14 March 2023 to 14 March 2023 inclusive, and**
- 2. Councillor Alana Sullivan of Paraburdoo Ward for the period from 14 February 2023 to 14 February 2023 inclusive.**

Carried 8/0

9 Confirmation Of Minutes

9.1 Confirmation Of Council Minutes

9.1.1 Minutes Of The Ordinary Council Meeting Held On 13 December 2022

Council Decision **002/2023**

Moved **Cr T Mladenovic**

Seconded **Cr L Rumble JP**

That the Minutes of the Ordinary Council Meeting held 13 December 2022 (Item 9.1.1 Attachment 1) be confirmed as a true and accurate record.

Carried 8/0

9.2 Receipt Of Committee And Other Minutes

9.2.1 Minutes Of The Onslow Local Emergency Management Committee Meeting Held On 6 December 2022

Council Decision **003/2023**

Moved **Cr A Smith**

Seconded **Cr T Mladenovic**

That the Minutes of the Onslow Local Emergency Management Committee Meeting held 6 December 2022 be received.

Carried 8/0

9.2.2 Minutes Of The Inland Local Emergency Management Committee Meeting Held On 22 November 2022

Council Decision **004/2023**

Moved **Cr L Rumble JP**

Seconded **Cr A Smith**

That the Minutes of the Inland Local Emergency Management Committee Meeting held 22 November 2022 be received.

Carried 8/0

9.2.3 Minutes Of The Pannawonica Local Emergency Management Committee Meeting Held On 7 December 2022

Council Decision **005/2023**

Moved **Cr R De Pledge**

Seconded **Cr T Mladenovic**

That the Minutes of the Pannawonica Local Emergency Management Committee Meeting held 7 December 2022 be received.

Carried 8/0

10 En Bloc Council Resolutions

10.1 Agenda Items Adopted En Bloc

Nil

10.2 Change of Order of Business

Procedural motion

Moved Cr R De Pledge

Seconded Cr J Richardson

That Council, at 1.10pm, pursuant to Clause 5.2(1) of the *Shire of Ashburton Standing Orders Local Law 2012* changed the order of business to allow the following items to be considered first,

12.4 Ward Boundary and Representation Review – results of public consultation and final adoption

14.1 Acceptance of Community Support Grant Allocations – Tom Price Amateur Basketball Association

18.2 Staff Accommodation Strategy Update – Tom Price and Paraburdoo

18.3 Property Purchase - Onslow

Carried 8/0

12.4 Ward Boundary and Representation Review - results of public consultation and final adoption

File Reference	GV02
Applicant or Proponent(s)	Not Applicable
Author	J Bray, Manager Governance
Authorising Officer	T Dayman, Acting Director of Corporate Services
Previous Meeting Reference	Ordinary Council Meeting 18 June 2014 – Item 13.5 Ordinary Council Meeting 11 October 2022 – Item 12.4 – 140/2022 Ordinary Council Meeting 8 November 2022 – Item 12.4 – 154/2022
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. Shire of Ashburton Ward Boundary and Representation Review Discussion Paper ⇒

Report Purpose

Council is required to review its ward boundaries and representation at least every eight years.

The purpose of this report is to analyse community feedback from the recently exhibited Ward Boundary and Representation Review Discussion Paper (the Discussion Paper) and recommend a preferred representation model.

Council is requested to decide upon a preferred representation model for submission to the Local Government Advisory Board (LGAB).

Background

Schedule 2.2 of the *Local Government Act 1995* (the Act) requires a local government, with ward representation, to carry out a review of its ward boundaries, and the number of councillors representing each ward, every eight years. The Shire of Ashburton (the Shire) last reviewed its wards at its meeting held 18 June 2014.

Following the Minister for Local Government's recent reforms announcement in relation to the 2023 local government ordinary elections, the Council endorsed the Chief Executive Officer to continue with the current ward boundary and representation review, at its meeting on 11 October 2022.

At its meeting held 8 November 2022, Council resolved as follows:

“That with respect to Ward Boundary and Representation Review, Council,

- 1. Initiates a review of the Shire of Ashburton's wards and representation system, in accordance with clause 6 of Schedule 2.2 of the Local Government Act 1995;*
- 2. Endorses the Review of Ward Boundaries and Representation Discussion Paper detailed in Attachment 1, for the purpose of community consultation;*

3. *Requests the Chief Executive Officer to give local public notice of its intention to carry out a review of wards and representation and invite public submissions in accordance with clause 7(1) of Schedule 2.2 of the Local Government Act 1995; and*
4. *Notes that the results of the community consultation will be presented to Council for consideration, prior to a submission to the Local Government Advisory Board."*

Comments

The current position of elected member ratios to electors in the various wards is as follows:

Ward	No of electors	No. of councillors	Councillor / elector ratio	% Deviation
Ashburton	40	1	40	-88%
Onslow	417	1	417	25%
Pannawonica	286	1	286	-14%
Paraburdoo	650	2	325	-2%
Tablelands	80	1	80	-76%
Tom Price	1524	3	508	53%
Total	2997	9	333	

The discussion paper put forward five options for community consideration as follows:

Option	Option name	Number of wards	No. of ward councillors	No. of elected members	Shire President elected by the public
1	No change	6	9	9	No
2	No wards	0	0	9	Yes
3	5 Wards	5	8	9	Yes
4	4 Wards	4	8	9	Yes
5	2 Wards	2	8	9	Yes

Option 1 (no change) should be excluded from consideration as it does not meet the requirements of proposed legislative changes that will limit the total number of elected members to nine, including a popularly elected Shire President.

The LGAB has advised a clear preference for the ratio of councillors to electors to be no greater than plus or minus 10%.

This 10% preference is not a legislative provision but is used to guide consideration for one of the five statutory matters to which the local government must have regard. Those matters are:

1. community of interests;
2. physical and topographic features;
3. demographic trends;
4. economic factors; and
5. ratio of councillors to elected members in the various wards.

It is not known what weightings the LGAB applies to these five statutory matters when making their overall determination.

It seems clear, however, that a fully developed metropolitan local government with essentially seamless residential development, would require a significantly different approach to assessment to that of a sparsely populated, regional local government with towns or settlements located many hundreds of kilometres apart.

The metropolitan local government would, and indeed should, find achieving the required 10% elector ratio limitation a relatively simple exercise. The Shire, on the other hand, because of its vast distance between settlements, sparse population disbursement and different communities of interest will experience some difficulty in achieving the same.

The Discussion Paper explained the relative positive and negative attributes of the four models in some detail.

All four models propose eight councillors as well as a popularly elected Shire President.

Both the no ward and 2-ward options would achieve, or get close to achieving, the 10% elector ratio preference. However, both options would have limited regard to the varying communities of interest that exist in the four towns and rural and remote settlements within the Shire.

The 4 and 5-ward options would pay more regard to communities of interest but would do so at the expense of the 10% elector ratio preference.

Of the two options, the 4-ward proposal carries a significant improvement on the current representation ratio status quo (+34% to -18% variation) whilst having reasonable regard to the communities of interest of the four major settlements.

The 5-ward proposal does provide better representation for rural and remote communities of interest but does so at the expense of the representation ratio (+54% to -70%).

It is considered that the 4-ward proposal provides the best compromise between representation ratio and communities of interest whilst giving due regard to the other statutory matters.

Consultation

The consultation period commenced on 23 November 2022 and concluded on 13 January 2023.

Consultation was undertaken utilising the following outlets and processes:

- Publication in the Pilbara News on 23 November 2022;
- Public noticeboards; and
- Shire's website and social media accounts.

13 submissions were received. None carried any substantive feedback in support of their preferred option. Seven submissions supported the 4-ward option, four submissions supported the 5-ward option, one submission supported no wards and one submission supported the status quo.

A communication received from Rio Tinto submitted the following:

“We note the Shire of Ashburton Ward Boundary and Representation Review that was issued for comment on 17 November 2022.

Rio Tinto is committed to working with the Shire of Ashburton in partnership to enhance the liveability of the Pilbara communities that support our operations.

Rio Tinto believes that community members of the towns within the Shire are well placed to comment on the proposed options outlined in the discussion paper.

Rio Tinto makes no comment on the options and reassures the Shire that we are committed to working closely in partnership with the Shire irrespective of any changes to the ward boundaries and representation.”

Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

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

Council Policy

Nil

Financial Implications

Current Financial Year

There are sufficient funds allocated in the 2022/2023 Annual Budget to conduct the ward boundary and representation review.

Future Financial Year(s)

Nil

Legislative Implications

Schedule 2.2 of the Act requires a local government, with ward representation, to carry out a review of its ward boundaries, and the number of councillors representing each ward, every eight years and prescribes the process that is to be undertaken when conducting the review.

If the proposed local government reforms proceed to legislation, any outcome of a review process undertaken by the Shire should take this into account but will only have an effect if it proposes to reduce the total number of elected members to nine or less inclusive of a popularly elected Shire President.

Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Compliance	The ward boundary and representation review is not completed within the prescribed timeframe.	Possible (3)	Moderate (3)	Moderate (5-9)	Council adopts the recommended option for the ward boundary and representation review.
Reputation (social/community)	The ward boundary review is not completed and presented to the LGAB by 14 February 2023, as requested by the Minister for Local Government.	Almost Certain (5)	Moderate (3)	High (10-16)	Council adopts the recommended option for the ward boundary and representation review. The administration has contacted the LGAB and advised that Council's February meeting is the 14 th and therefore, a report will be submitted as soon as possible following the meeting.

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

Voting Requirements

Absolute Majority

Officer Recommendation

That with respect to Ward Boundary and Representation Review, Council,

1. Acknowledges receipt of the submissions received regarding the ward boundary and representation review in accordance with clause 7 of Schedule 2.2 of the *Local Government Act 1995*;
2. Confirms the completion of the ward boundary and representation review in accordance with clause 6.1 of Schedule 2.2 of the *Local Government Act 1995*;
3. Requests the Chief Executive Officer to prepare and submit a report to the Local Government Advisory Board in accordance with clause 9 of Schedule 2.2 of the *Local Government Act 1995*, proposing a representation model based upon option 4 of the attached Ward Boundary and Representation Review Discussion Paper as follows:
 - (a) Four wards with eight councillors (spatial distribution to be in accordance with the “new option 4 – 4 wards” map contained within the attachment):
 - (i) Onslow Ward – two councillors;
 - (ii) Pannawonica Ward – one councillor;
 - (iii) Paraburdoo Ward – two councillors;
 - (iv) Tom Price Ward – three councillors; and
 - (b) Popularly elected Shire President.

Alternative Recommendation

That with respect to Ward Boundary and Representation Review, Council,

1. Acknowledges receipt of the submissions received regarding the ward boundary and representation review in accordance with clause 7 of Schedule 2.2 of the *Local Government Act 1995*;
2. Confirms the completion of the ward boundary and representation review in accordance with clause 6.1 of Schedule 2.2 of the *Local Government Act 1995*;
3. Requests the Chief Executive Officer to prepare and submit a report to the Local Government Advisory Board in accordance with clause 9 of Schedule 2.2 of the *Local Government Act 1995*, proposing a representation model based upon option 3 of the attached Ward Boundary and Representation Review Discussion Paper as follows:
 - (a) Five wards with eight councillors (spatial distribution to be in accordance with the “new option 3 – 5 wards” map contained within the attachment):
 - (i) Onslow Ward – one councillor;
 - (ii) Pannawonica Ward – one councillor;
 - (iii) Paraburdoo Ward – two councillors;
 - (iv) Tom Price Ward – three councillors;
 - (v) Ashburton-Tablelands Ward – one councillor; and
 - (b) Popularly elected Shire President.

Reason for change:

Option three ensures representation of the pastoral and remote communities.

Council Decision **006/2023**

Moved **Cr R De Pledge**

Seconded **Cr J Richardson**

That with respect to Ward Boundary and Representation Review, Council,

- 1. Acknowledges receipt of the submissions received regarding the ward boundary and representation review in accordance with clause 7 of Schedule 2.2 of the *Local Government Act 1995*;**
- 2. Confirms the completion of the ward boundary and representation review in accordance with clause 6.1 of Schedule 2.2 of the *Local Government Act 1995*;**
- 3. Requests the Chief Executive Officer to prepare and submit a report to the Local Government Advisory Board in accordance with clause 9 of Schedule 2.2 of the *Local Government Act 1995*, proposing a representation model based upon option 3 of the attached Ward Boundary and Representation Review Discussion Paper as follows:**
 - (a) Five wards with eight councillors (spatial distribution to be in accordance with the “new option 3 – 5 wards” map contained within the attachment):**
 - (i) Onslow Ward – one councillor;**
 - (ii) Pannawonica Ward – one councillor;**
 - (iii) Paraburdoo Ward – two councillors;**
 - (iv) Tom Price Ward – three councillors;**
 - (v) Ashburton-Tablelands Ward – one councillor; and**
 - (b) Popularly elected Shire President.**

Reason for change:

Option three ensures representation of the pastoral and remote communities.

Carried By Absolute Majority 8/0

Cr T Mladenovic disclosed an impartiality interest in Item 14.1 (detailed in Item 5.2).

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

14.1 Acceptance of Community Support Grant Allocations - Tom Price Amateur Basketball Association

File Reference	GS01
Applicant or Proponent(s)	Not Applicable
Author	J Murphy, Grants and Communities Administrator
Authorising Officer	C McGurk, Director Community Development
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	Nil

Report Purpose

Council is required to consider the application for a Community Support Grant in accordance with Council Policy REC08 – Community Donations, Grants and Funding (REC08). These grants are provided as in-kind and or/financial assistance to enable and support community groups to deliver quality programs, community events and services.

The purpose of this report is to provide the application for Council to review.

Council is requested to support the application submitted for Tom Price Amateur Basketball Association to assist in sending five teams to the Basketball Western Australia (BWA) Country Championships in Perth.

Background

The Shire recently promoted and invited applications for the Community Support Grants Round 1 in accordance with REC08, with applications closing on 31 August 2022.

At the close of the application period, 10 applications were received. An additional application has since been received by the Shire on 12 December 2022 from the Tom Price Amateur Basketball Association.

The team originally did not have enough players to enter the competition when the applications for the Community Support Grants Round 1 were open, so the team did not apply for the grant. However, as of December 2022, the club had enough players willing to travel to Perth to participate in the BWA Country Championships 2023.

The club are requesting a \$500 financial donation towards purchasing game basketballs, which are a specific type of ball that each team must provide for every game. They have also requested an additional \$1176.03 in-kind donation to waive the fees incurred for additional training sessions booked at the Tom Price Recreation Centre Sports Hall. These training sessions have been booked to assist the team in preparation for the BWA Country Championships.

In total there are five teams travelling to Perth, comprised of approximately 30 senior players and 16 junior players (ages ranging from 11-15 years old).

The teams will be travelling between 11 February and 5 March 2023 to participate in the competition. Each player travelling is responsible for their own flights and accommodation costs.

The club has reached out to a number of local businesses who are supporting them, such as Rio Tinto, Bennco, Byblos, GAP Mechanical and Premier Tree Services. They are also actively participating in community fundraising initiatives between Paraburdoo and Tom Price, and the club recently funded the purchase of sporting bags for each of the team members to the value of \$1,000.

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

- Applicant is to reside or operate within the Shire, or be able to show a direct and substantial benefit to residents within the Shire,
- Assistance is not available retrospectively,
- Funds are to be used only for the purpose for which they are given or via agreed variations,
- Successful applicants are required to complete an acquittal report and submit this to the Shire within three months on the agreed completion date, and
- Applicants who do not submit an acquittal will not be considered for future funding and may be requested to return unused funds.

Comments

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

All applications have been assessed on the:

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

The summary of the application is as follows:

Tom Price	
Club/ Organisation:	Tom Price Basketball Association
Project:	BWA Country Championships
Funding Sought:	\$500 cash to purchase game basketballs for each team. \$1176.03 in-kind donation to waive facility hire fees for additional training sessions before the championships.
Is this Compliant?	Yes
Suggested Action:	Approve application.

Consultation

Executive Leadership Team

Facilities

Tom Price Amateur Basketball Association

Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

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

Council Policy

Council Policy REC08 - Community Donations, Grants and Funding, provides the guidelines for the applications and the criteria for assessment.

Financial ImplicationsCurrent Financial Year

Council has provided a budget allocation of \$45,000 for Community Support Grants (GL CU24075). Council approved round 1 funding to eight applicants across the four towns totalling \$17,067. At time of preparing this report, the year-to-date expenditure for GL CU24075 totals \$48,288.58, which exceeds the budget allocation.

The approval of the grant funding to Tom Price Basketball Association for \$1676.03 will result in total expenditure of \$49,964.61, exceeding the budget provision by \$4,964.61.

An investigation into the over expenditure has identified \$32,830 of grant payments were relating to past rounds that we budgeted for in the prior year. These funds were incorrectly excluded from carried forward budget calculations.

A review of the budget provision for Community Support Grants will be included in the upcoming review of the budget, taking into consideration all of the above, and will provide an adequate provision for round 2.

Future Financial Year(s)

Nil

Legislative Implications

Section 6.7 of *Local Government Act 1995*

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

Risk Management

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

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

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

Voting Requirements

Simple Majority

Officer Recommendation

That with respect to Acceptance of Community Support Grant Allocations - Tom Price Amateur Basketball association and in accordance with Council Policy REC08 Community Donations, Grants and Funding, Council approves the application for Tom Price Amateur Basketball Association for \$500 financial assistance and \$1176.03 in-kind donation, to a total of \$1,676.03.

Council Decision **007/2023**

Moved **Cr L Rumble JP**

Seconded **Cr J Richardson**

That with respect to Acceptance of Community Support Grant Allocations - Tom Price Amateur Basketball Association and in accordance with Council Policy REC08 Community Donations, Grants and Funding, Council approves the application for Tom Price Amateur Basketball Association for \$500 financial assistance and \$1176.03 in-kind donation, to a total of \$1,676.03.

Carried 7/1

Procedural motion

Moved **Cr R De Pledge**

Second **Cr L Rumble JP**

That Council, at 1.17pm, pursuant to Clause 6.2 of the *Shire of Ashburton Standing Orders Local Law 2012* close the meeting to the public,

18.2 Staff Accommodation Strategy Update – Tom Price and Paraburdoo

18.3 Property Purchase - Onslow

Carried 8/0

Cr M Gallanagh disclosed a direct financial interest in Item 18.2 (detailed in Item 5.2).

Deputy Shire President Cr M Lynch disclosed an indirect financial interest in Item 18.2 (detailed in Item 5.2).

Cr T Mladenovic disclosed a direct financial interest in Item 18.2 (detailed in Item 5.2).

Cr L Rumble JP disclosed a direct financial interest in Item 18.2 (detailed in Item 5.2).

Cr A Smith disclosed a direct financial interest in Item 18.2 (detailed in Item 5.2).

At 1:19 pm, Cr Melanie Gallanagh electronically left the meeting.

At 1:19 pm, Cr Audra Smith left the meeting.

At 1:19 pm, Cr Linton Rumble JP left the meeting.

18.2 Staff Accommodation Strategy Update - Tom Price and Paraburdoo

File Reference	PE06
Applicant or Proponent(s)	Not Applicable
Author	R Wright, Executive Manager Land, Property and Regulatory Services
Authorising Officer	K Donohoe, Chief Executive Officer
Previous Meeting Reference	Special Council Meeting Agenda Item 18.2 (Minute 136/2021) 17 August 2021
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	<ol style="list-style-type: none"> 1. Property Transfer List - Confidential 2. Detailed Property Report Card - Confidential 3. Side Letter Property Transfer - Confidential 4. Residential Property Umbrella Deed - Final - Confidential 5. Legal Advice - Major Land Transaction - Confidential

Reason for Confidentiality

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

Report Purpose

The purpose of this report is to provide Council with an update on the ceding of 31 properties, currently leased from Hamersley Iron Pty Ltd to the Shire of Ashburton (the Shire), for \$1.

Council is required to approve the list of houses proposed to be transferred to the Shire and authorise the signing of a Residential Property Umbrella Deed to affect the transfer.

Voting Requirements: Simple Majority

Council Decision **008/2023**

Moved **Cr R De Pledge**

Seconded **Cr T Mladenovic**

That with respect to Staff Accommodation Strategy Update - Tom Price and Paraburdoo Council,

- 1. Endorses the transfer of properties from the landowner to the Shire of Ashburton as detailed in Attachment 1,**
- 2. Endorses the Residential Property Umbrella Deed as detailed in Attachment 4;**
- 3. Authorises the Chief Executive Officer to negotiate minor amendments to the Residential Property Umbrella Deed;**
- 4. Authorises the Chief Executive Officer to sign any Offer and Acceptance for the properties detailed in Attachment 1; and**
- 5. Authorises the Shire President and Chief Executive Officer to engross all documents including applying the Common Seal, associated with the property transfer outlined within this report, in accordance with all laws of Western Australia.**

Carried 5/0

At 1:21 pm, Cr Audra Smith returned to the meeting.

At 1:21 pm, Cr Melanie Gallanagh returned to the meeting electronically.

At 1:21 pm, Cr Linton Rumble JP returned to the meeting.

Procedural Motion

Moved **Cr T Mladenovic**

Second **Cr R De Pledge**

That with respect to new business of an urgent nature introduced by Council decision Council, at 1:22pm, pursuant to Clause 5.4 of the *Shire of Ashburton Standing Orders Local Law 2012* consider the following new business –

18.3 Property Purchase – Onslow

Carried 8/0

18.3 Property Purchase - Onslow

File Reference	ONS.027
Applicant or Proponent(s)	Not Applicable
Author	R Wright, Executive Manager Land, Property and Regulatory Services
Authorising Officer	K Donohoe, Chief Executive Officer
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	Nil

Reason for Confidentiality

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

Report Purpose

Council is required to consider an opportunity to purchase a commercially zoned vacant parcel of land within the town of Onslow.

Voting Requirements: Absolute Majority

Council Decision **009/2023**

Moved **Cr K White**

Seconded **Cr T Mladenovic**

That with respect to Property Purchase - Onslow Council,

- 1. Authorises the purchase price and “Offer, as defined” section of this report, for the vacant land, described within this report;**
- 2. Approves an amendment to the 2022/2023 Annual Budget, with an allocation to Onslow Strategic Land funding (new capital item) as shown in the “Offer, as defined by the seller” plus \$10,000 settlement fees; and**
- 3. Authorises the Shire President and Chief Executive Officer to engross all documents including applying the Common Seal, associated with the purchase outlined within this report.**

Carried By Absolute Majority 8/0

Procedural Motion

Moved **Cr L Rumble**

Second **Cr R De Pledge**

That Council re-open the meeting to the public at 1:28pm.

Carried 8/0

At 1:29 pm, Cr Kerry White left the meeting.

The Chief Executive Officer on behalf of the Presiding Member, read aloud the Council decisions made behind closed doors.

11 Office of the Chief Executive Officer Reports

11.1 Onslow Foreshore Development Business Case and Cost Benefit Analysis

File Reference	SEC.0381
Applicant or Proponent(s)	Not Applicable
Author	P Hanlon, Manager Business and Economic Development
Authorising Officer	K Donohoe, Chief Executive Officer
Previous Meeting Reference	Ordinary Council Meeting 14 June 2022 - Item 15.1 – 084/2022
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	<ol style="list-style-type: none"> 1. Onslow Foreshore Development Business Case January 2023 ⇨ 2. Onslow Foreshore Development Cost Benefit Analysis January 2023 ⇨

Report Purpose

Council is required to consider the independently prepared Onslow Foreshore Development Business Case and Cost Benefit Analysis (CBA).

The purpose of this report is to present the Onslow Foreshore Development Business Case and CBA for Council endorsement.

Council is requested to receive the Onslow Foreshore Development Business Case and CBA and endorse the documents as key advocacy and investment attraction items.

Background

In 2021, Council adopted the Chief Executive Officer's Key Performance Indicators (KPI's), one being to complete an Onslow Foreshore Promenade Masterplan with the intent of developing an overarching staged construction timeline/program, future budget allocation and request any Unallocated Crown Land (UCL) through the Department of Planning, Lands and Heritage (DPLH), if required.

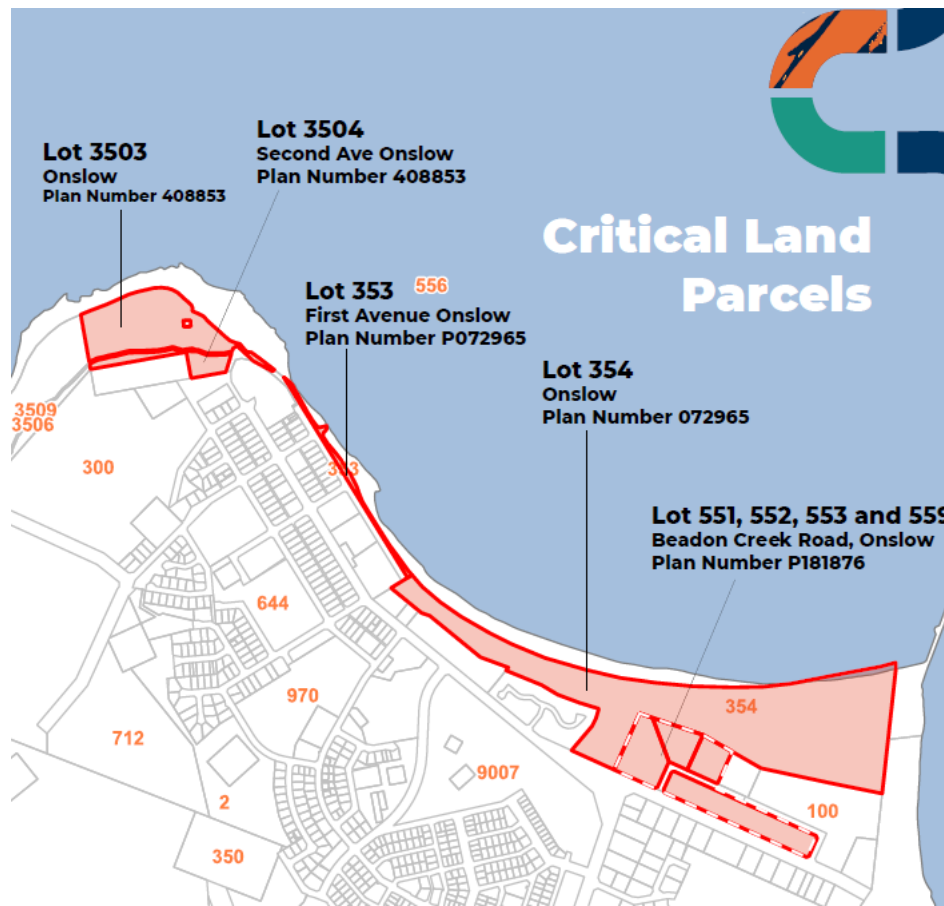
In 2022, Council adopted the Onslow Foreshore Promenade Masterplan and authorised the Chief Executive Officer to advocate for management orders over key parcels of UCL. The Shire of Ashburton (the Shire) have now received management orders for the following parcels of UCL which are critical for the Memorial Parklands end of the development:

- Lot 3504 Second Avenue, Onslow – Plan Number 408853, and
- Lot 3503 Onslow – Plan Number 408853.

The State Government is still considering the remaining parcels of UCL:

- Lot 353 First Avenue, Onslow – Plan Number P072965,
- Lot 354 Onslow – Plan Number 072965, and

- Lots 551, 552, 553 and 559 Beadon Creek Road, Onslow – Plan Number P181876.



(Critical Land Parcels taken from Onslow – Towards a Visitor Economy)

<https://www.ashburton.wa.gov.au/council/publications/strategic-plans.aspx>

To strengthen advocacy and investment attraction efforts, the Shire contracted an independent economic consultant to prepare a Business Case and CBA.

Comments

The Shire contracted Whitney Consulting, a specialist Western Australian grant attraction consultancy, to prepare an independent Business Case and CBA for the Onslow Foreshore Development.

These reports confirm that the Onslow Foreshore Development has the potential to yield significant financial, economic, social and environmental benefits for visitors, local residents, service population/workers and the wider Ashburton region.

The CBA estimates that the project will generate an economic output (direct and indirect) of \$21.87 million per year from 2030 onwards. The CBA also confirms that the project delivers a positive return on investment for the Shire.

It is estimated that the project will return almost twice the amount of benefits to the community with the project costs delivering \$1.96 for every \$1 spent (Benefit Cost Ratio of 1.96 at the preferred 7% discount rate). This is a positive result for a tourism related asset (from which the benefits yield over a longer period than other sectors).

The Economic Impact Assessment of the CBA also illustrates the impact of the project both during construction and operational phases, contributing significant economic impacts to incomes, growth and employment. This includes over 50 FTEs per year across the 2-year construction phase as well as almost 94 FTEs each year once the full benefit of the project is experienced in the local tourism sector. In addition, the social benefits of the project will be:

- improved amenity value for Onslow locals,
- preservation of culture and heritage values through the design of the foreshore,
- improved sense of pride for the local community in their town,
- increased social connection amongst the Onslow community, and
- increased physical activity amongst the Onslow community, both through planned sporting activities such as fishing and diving and through incidental activity along the foreshore.

With the above benefits now confirmed by the independent reports, the Shire can utilise this information to seek the remaining \$29.8 million needed to deliver the project through contributions from industry partners, Lotterywest and the Federal and State Governments.

Consultation

- Chief Executive Officer
- Director Communities
- Tourism Western Australia
- Australia’s North West Tourism
- Onslow Beach Resort
- Pilbara Tourism Association
- Onslow Chamber of Commerce and Industry

Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	3. Prosperity - We will advocate and drive opportunities for the community to be economically desirable, resilient, and prosperous.
Strategic Outcome	3.4 Sustainable commerce and tourism opportunities
Strategy	4 Partner with the Pilbara Development Commission, key resource industry partners and State Government to target investment opportunities designed at stimulating more diversified business and economic development to benefit the community.

Council Policy

Council Policy – Tourism Support and Promotion

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

Financial Implications

Current Financial Year

The Onslow Foreshore Development is an estimated \$31.4 million project with \$1.6 million currently budgeted this financial year.

Future Financial Year(s)

The current shortfall of \$29.8 million will need to be funded in future financial years unless further investment is attracted in the current financial year.

Legislative Implications

Nil

Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Reputation (social/community)	There is a reputation risk to Council if the Shire do not support the use of the independently prepared documents for advocacy and investment attraction.	Possible (3)	Moderate (3)	Moderate (5-9)	Reputational risk is mitigated by following the officer's recommendation, which supports the Shire's prior vision for the Onslow Foreshore.
Project (time)	There is a risk to Council that the project will be delayed if advocacy and investment attraction efforts are not supported.	Possible (3)	Moderate (3)	Moderate (5-9)	Reputational risk is mitigated by following the officer's recommendation, which will enable the Shire to begin approaching funding partners for investment.

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

Voting Requirements

Simple Majority

Officer Recommendation

That with respect to Onslow Foreshore Development Business Case and Cost Benefit Analysis, Council,

1. Receives the independently prepared reports, as detailed in Attachments 1 and 2,
2. Endorses the use of the Business Case and Cost Benefit Analysis as key advocacy and investment attraction items, and
3. Has consideration for these items in the review of the Long-Term Financial Plan.

Council Decision **010/2023**

Moved **Cr L Rumble JP**

Seconded **Cr R De Pledge**

That with respect to Onslow Foreshore Development Business Case and Cost Benefit Analysis, Council,

- 1. Receives the independently prepared reports, as detailed in Attachments 1 and 2,**
- 2. Endorses the use of the Business Case and Cost Benefit Analysis as key advocacy and investment attraction items, and**
- 3. Has consideration for these items in the review of the Long-Term Financial Plan.**

Carried 7/0

11.2 Onslow Airport - Pavement Engineering

File Reference	TT06
Applicant or Proponent(s)	Not Applicable
Author	M Walsh, Manager Airport Services
Authorising Officer	K Donohoe, Chief Executive Officer
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	<ol style="list-style-type: none"> 1. Proposed B737-700 Operations - Virgin Australia - Confidential 2. Airport Financial Report ↗ 3. Detailed Engineering Assessment - Confidential 4. Summary Upgrade Assessment - Confidential

Report Purpose

Council is required to consider the investment needed to improve the runway and associated facilities at Onslow Airport to cater for larger aircraft as part of the fleet upgrade for Virgin Australia Regional Airlines (VARA) and other regional airlines.

The purpose of this report is to provide the information to date, from the airline and recommendations from expert consultants.

Council is requested to decide a course of action to facilitate upgrades to the aerodrome to meet the expected future growth forecasts and approve the budget variation amount of \$200,000, to be transferred from the Airport Reserve to the Airport Operating Budget.

Background

Onslow aerodrome (YOLW) is a certified aerodrome owned and operated by the Shire of Ashburton. YOLW consists of a single sealed runway 1900m long and 30m wide (designation 03/21), sealed parallel taxiway and feeder taxiways from the runway to the parallel taxiway and Regular Passenger Transport (RPT) and general aviation aprons. The aerodrome is currently nominated as Code 3C. The runway was commissioned and became operational in August 2013.

The aerodrome currently receives a mix of high-capacity air transport, medivac and general aviation aircraft. The largest aircraft to regularly use the aerodrome is a Fokker 100 (F100) aircraft operated by VARA, Qantas (Network Aviation) and Alliance Airlines.

VARA has been operating a F100 service into Onslow since 2013 and are the primary carrier for the airport.

In April 2022, Virgin Australia announced it would retire its fleet of F100s and replace them with 138 seat Boeing B737-700s. The move is part of the airline's push for net-zero emissions by 2050, with the B737-700's using 30% less fuel per passenger than the F100s.

Virgin Australia have engaged with the Shire of Ashburton's Chief Executive Officer and Manager Airport Services, to discuss how this change can be managed, given the Onslow Airport was principally built for F100 aircraft and the pavement rating of the runway is below the classification required for the B737-700.

As outlined in the attached proposal from Virgin Australia (refer to Attachment 1), the replacement of the F100 is necessary due to ageing of the fleet, ongoing reliability issues and parts shortages. The aircraft change will provide benefits for the greater population of the Shire of Ashburton with additional community seat capacity and additional cargo capacity to and from Perth.

Onslow Airport was designed and constructed to cater for F100 operations. This includes the terminal design, apron parking (configuration) pavement size and strength. Due to B737-700 being a larger and heavier aircraft than the F100 and the pavement coming up to 10-year life usage, Airport Consultancy Group (ACG) were engaged to undertake a feasibility study including a pavement load assessment.

This assessment process included:

- Review of all previous and supporting documentation,
- Feasibility Study by Aviation Projects, and Aircraft Capability Study Report by ACG,
- Pavement and site inspection by ACG Civil Engineer, Phil Bell, and
- Engineering Assessment of Onslow Airport pavement by Dr Gary Chai, ACG.

A fully detailed Engineering Assessment Report (refer to Attachment 3) and Summary Upgrade Assessment Report (refer to Attachment 4) have been attached for Council's information.

In accordance with the Onslow Airport's Asset Management Plan, the pavement areas are due for an overlay in 2026. The original design details were for F100 aircraft operations however, the number of flights has not been specified, so the actual design life has not been theoretically determined. Anecdotal information suggests that the pavement would last for 10-15 years based on F100 aircraft operations. The standards used in construction have some departures from industry standards (bitumen grade, base course material, compaction process) for airport construction, which will contribute to the pavement being less likely to achieve the optimistic end of the life assessment.

Comments

Pavement Strength Assessment

To protect airport pavements from negligent overload, a pavement strength rating system and an aircraft load classification system are adopted. Aircraft Classification Number (ACN) and Pavement Classification Number (PCN) are calculated to assess the aircraft loads and the load-carrying capacity of airport pavements for unrestricted operations.

Airport asset owners rely on their PCN value to determine if their pavement will be strong enough for a specific aircraft type. The pavement at Onslow Airport was recently measured via Heavy Weight Deflectometer (HWD) testing and the outcome demonstrated strength reduction from when previous testing was undertaken in 2019.

The current PCN has reduced from 27 in 2019 to 24.6 and is now lower than the minimum PCN for F100 operations. A F100 requires a runway to have a minimum PCN of 26 to operate unrestricted and a B737-700 requires a PCN of 40 unrestricted, 32 for proposed VARA operations (this requires the airline operator to operate under restrictions using a lighter load).

Existing F100 Operations

The reduction in the PCN value measured from the HWD since early 2019 indicates that the pavement structure is declining. The pavement remaining life is calculated to be approximately one year for the F100 aircraft before maintenance levels will start to increase.

Continuing F100 operations after one year without applying the overlay will increase deterioration of the overall structure of the pavement, resulting in a thicker overlay in the future as the pavement will be in poorer condition.

Suitability to Larger Aircraft

The pavement analysis shows that without pavement strengthening, the pavement is not adequate for extended operations of the potential B737-700 or larger aircraft operations without significantly increased maintenance and there is a high potential for rapid pavement condition deterioration.

Apart from the pavement strengthening, other works required to support the operation of larger aircraft include:

- confirmation of alignment or adjustment to Pilot Approach Path Indicators,
- reallocation and demarcation of aircraft parking positions,
- review and redesign of floodlighting for updated aircraft type and parking arrangements,
- review of Obstacle Limitation Surface, and
- review of aircraft and passenger turnaround and processing times.

When the Civil Aviation Safety Authority (CASA) introduced the new Manual of Standards in 2019, a number of facilities at the YOLW were subject to grandfathering. As the YOLW was compliant with the regulations prior to the change, the existing facilities were exempt from the new statutes. It is considered that these adjustments should not affect the current grandfathered facilities as the larger aircraft type remains in the same code letter group (Code C) as the existing critical aircraft type. This will require consultation with CASA and remains a CASA determination whether the minor changes constitute no change to the grandfathering.

Outcome

It is recommended that the runway pavement structure be strengthened to accommodate either the F100 and/or the proposed B737-700 operation.

Should the project continue to detail design, then a geotechnical investigation would be required to confirm current conditions of the various pavement layers which may have deteriorated since the last investigation. The investigation should also confirm the presence of ground water (if any) within the pavement area. The information relating to the moisture and salt content within the pavement layers are essential for the structural strengthening design.

The assessment includes a cost estimate of works required for:

Option 1:	Retain operation of the F100 Unrestricted maximum Take-off Weight (MTOW) 46T Retain Grandfathering.	\$8,720,000
Option 2:	Upgrade the airport for B737-700 operations Restricted to MTOW 60T Retain Grandfathering to previous standards.	\$11,000,000
Option 2B:	Upgrade to suit larger aircrafts Restricted MTOW 60T No Grandfathering applied. Compliant to new aviation standards.	\$11,230,000

It is important to note the F100 aircraft is an aging fleet worldwide and operators of this aircraft are facing ongoing reliability issues and parts shortages. As the major airlines look toward their future needs, they are investigating and investing in the next generation of aircraft to meet the demand for lower emissions targets and passenger comfort. With the largest fleet of F100s in the world, Western Australia will be impacted by this change more than anywhere, with many regional ports serviced exclusively by F100s.

On the basis of the information already received, and to meet the future growth forecasts, upgrading to the higher specification (option 2B) will ensure moving into the future, the YOLW will be able to cater for expected changes of aircraft and increased air traffic.

Consultation

- Chief Executive Officer
- Department of Transport
- Virgin Australia
- Virgin Australia Regional Airlines
- Price Waterhouse Cooper

Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	3. Prosperity - We will advocate and drive opportunities for the community to be economically desirable, resilient, and prosperous.
Strategic Outcome	3.2 Aviation transport opportunities for the community
Strategy	4 Promote opportunities for air services, aviation facilities, associated businesses, and future expansion.

Council Policy

ENG09 Asset Management Policy

The Asset Management Policy has been developed to support the vision, goals and objectives in the Shire of Ashburton’s Strategic Community Plan.

Financial Implications

Current Financial Year

In 2014/15, the Airport Reserve was created to fund the long-term sustainability of Onslow Airport with respect to maintaining assets and supporting operational deficits for several years, past the construction ‘boom’ in Onslow. Prior to 2014/15, income received from the airport was transferred into the Shire’s municipal fund. Since the creation of the reserve the Onslow Airport’s income and expenses have operated through this account.

In 2019/20, the Airport Reserve experienced a significant decline. This has been due to a decrease in passenger charges (to attract new business) and a reduction in services.

The 2022/23 Annual Budget has the Airport Reserve valued at \$7,145,887 (refer to Attachment 2). It is not anticipated the shortfall in funds needed for the upgrade can be obtained from the Onslow Airport’s income stream in the time needed, therefore additional funds will need to be sought from outside the Airport Reserve.

To undertake the works in the recommended timeframe it is crucial preliminary planning commences as soon as possible. Preliminary items will include aviation consultancy services, geotechnical investigation, and detailed pavement design. A budget allocation of \$200,000 is requested to cover these costs. The funds can be accessed from the Airport Reserve.

Future Financial Year(s)

Council will need to note that the existing terminal is designed with a departure lounge to cater for 100 passengers. The adoption of the B737-700 aircraft, which caters for up to 138 passengers, will require further expansion of the departure lounge and amenities.

Into the future, should Onslow Airport service larger aircraft such as the A320 (carrying up to 170 passengers) it will be prudent for Council to consider an expansion of the terminal to service the increased number of passengers.

Council must be conscious of the impact on the Long-Term Financial Plan if funds are withdrawn from the Airport Reserve at this time. It will be necessary for Council to review the Long-Term Financial Plan as a result of the proposed expenditure.

Legislative Implications

Civil Aviation Act 1988

Civil Aviation Safety Regulations 1998

Part 139 (Aerodromes) Manual of Standards 2019

This manual contains all the aerodrome rules, mandatory standards, procedures and guidance information relating to the planning, design and operation of aerodromes.

Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Reputation (social/community)	Airport not meeting Council’s vision for the community, resource companies and local business.	Almost Certain (5)	Major (4)	Extreme (17-25)	Commence preliminary planning. Continue to monitor the condition of the pavement.
Interruption to service	Unable to fulfill commitment to the community and airlines. Loss of services to other ports.	Possible (3)	Major (4)	High (10-16)	Continue to monitor the condition of the pavement. Start planning for the pavement reseal.

Financial impact	Not undertaking the works in the timeframe recommended will result in higher construction costs and loss of income.	Likely (4)	Major (4)	High (10-16)	Commence preliminary planning. Continue to monitor the condition of the pavement. Start planning for the pavement reseal.
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Based on the inherent risk rating and risk treatments, the residual risk to the Shire is considered to be high as the need to improve the pavement has become critical and a failure to accommodate these aircraft types into the future will have a deleterious impact on the Onslow Airport’s brand and useability.

Voting Requirements

Absolute Majority

Officer Recommendation

That with respect to Onslow Airport – Pavement Engineering, Council,

1. Approves Option 2B – Upgrade the airport pavement to cater for B737-700/Larger aircraft, with works to be completed within the required timeframe as detailed in Attachments 3 and 4.
2. Authorises the Chief Executive Officer and the Manager Airport Services to source additional funding streams outside of the Airport Reserve.
3. Approves the following amendment to the 2022/2023 Annual Budget:
 - (a) Increase Job 3157 – Airport Consultancy by \$200,000, and
 - (b) Increase General Ledger RF43107 by transfer from Airport Reserve by \$200,000.
4. Advises airlines that it will only accept F100 aircraft until such a time the pavement is strengthened, and other airport facilities are upgraded.

Council Decision **011/2023**

Moved **Cr R De Pledge**

Seconded **Cr T Mladenovic**

That with respect to Onslow Airport – Pavement Engineering, Council,

- 1. Approves Option 2B – Upgrade the airport pavement to cater for B737-700/Larger aircraft, with works to be completed within the required timeframe as detailed in Attachments 3 and 4.**
- 2. Authorises the Chief Executive Officer and the Manager Airport Services to source additional funding streams outside of the Airport Reserve.**
- 3. Approves the following amendment to the 2022/2023 Annual Budget:**
 - (a) Increase Job 3157 – Airport Consultancy by \$200,000, and**
 - (b) Increase General Ledger RF43107 by transfer from Airport Reserve by \$200,000.**
- 4. Advises airlines that it will only accept F100 aircraft until such a time the pavement is strengthened, and other airport facilities are upgraded.**

Carried By Absolute Majority 7/0

Cr R De Pledge disclosed an impartiality interest in Item 11.3 (detailed in Item 5.2).

11.3 Unauthorised Occupation of Crown Reserve R19291

File Reference	CP65
Applicant or Proponent(s)	Not Applicable
Author	R Richardson, Lease and Accommodation Officer
Authorising Officer	K Donohoe, Chief Executive Officer
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	<ol style="list-style-type: none"> 1. Map of Reserve 19291 ⇒ 2. Management Authority ⇒ 3. Aerial image of gates that are chained and locked ⇒ 4. Aerial image of reserve area with alleged unauthorised structures ⇒ 5. Alleged unauthorised structure on reserve ⇒ 6. Alleged unauthorised structures on reserve ⇒

Report Purpose

The purpose of this report is to advise Council of the unauthorised use of Crown Reserve R19291.

Council is requested to grant approval to Shire officers to investigate the matter with a view to approaching the occupant/s and requesting removal of any infrastructure that has been installed at their cost.

Further permission is requested for Shire officers to approach the Department of Planning, Lands and Heritage (DPLH) to excise a section of the Reserve in order to enter into negotiations for a lease or license of a smaller portion of land, to allow the occupant/s future use of the Reserve.

Background

During recent inspections at Shire managed Reserve 19291, it was noted that a section of the land (refer to Attachment 1) was occupied without any formal agreement. The Reserve is under Management Order N469567 XE (refer to Attachment 2), which states that the land is *“to be used for the purpose of “Common” only”*, with no power to lease or license any part of the area.

Ranger Services conducted a flyover of the area with a drone as access gates have been installed and were chained and padlocked (refer to Attachment 3). Improvements observed were stock pens, four truck dolly/trailers, hay bales, water troughs and metal frames/scrap. There was also evidence of livestock, with an approximately 6 month old calf on site (refer to Attachments 4, 5 and 6).

Officers were unable to determine the length of time this unauthorised use has been occurring.

Comment

Shire officers are requesting Council to authorise the Administration to investigate and approach the party responsible for the unauthorised use.

Should the occupant/s request formal use of the land, the Shire would need to approach the DPLH to request a section of the Reserve be excised and placed under a new Management Order. The Shire could then offer the occupant/s a formal lease/license of part of the area in the future.

Consultation

Department of Planning, Lands and Heritage

Ranger Services

Land, Property and Regulatory Services

Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	2. Place - We will provide sustainable, purposeful, and valued built and natural environment opportunities for the community.
Strategic Outcome	2.2 Appropriate, inviting, and diverse employee accommodation and land management opportunities
Strategy	1 Manage and oversee compliance of land assembly and development.

Council Policy

Nil

Financial ImplicationsCurrent Financial Year

If request to excise a portion of the area of the current Management Order is approved through the DPLH, the costs associated with surveying the land and/or advertising the new Management Order would be payable.

Future Financial Year(s)

Any new lease/license entered into with the occupant/s would recoup income in accordance with a licensed valuation or discounted rate as per Shire policy.

Legislative Implications

Section 270 of the *Land Administration Act 1997*

Provides the Minister the power to serve notices for alleged unauthorised structures on Crown land. Notices can direct the owner of, or any person occupying, that alleged unauthorised structure to remove it, its contents and any fixtures, materials, and objects in its vicinity, permanently from the Crown land.

The Shire would be within its rights and authority to serve notice to have the unauthorised structures removed, with no less than 90 days to comply.

Section 273 of the *Land Administration Act 1997*

This allows the Minister to delegate his or her powers and duties under section 270 or 271 to any management body responsible for the care, control, and management of a reserve.

As the Shire is the approved Management body for this reserve the Shire has powers delegated to it to serve notice.

Section 70 of the *Criminal Code Act Compilation Act 1913*

This references any person who stops a person entitled by law to the possession of the land is guilty of a crime.

The access gates to the reserve have been chained and locked with no means of access available.

Section 70A of the *Criminal Code Act Compilation Act 1913*

Trespass on a place means to enter or be in the place without the consent or licence of the owner, occupier or person having control or management of the place.

There is no agreement in place for use of the land and the Shire is not able to enter into an agreement with the current Management Authority.

Section 458 of the *Local Government (Miscellaneous Provisions) Act 1960*

Cattle found trespassing upon land may be impounded in the nearest suitable public pound by the owner or occupier of the land or by a Ranger.

There is evidence of livestock being held on the Reserve.

Section 23 of the *Litter Act 1979*

Any person who deposits litter, or causes litter to be deposited, on any land commits an offence.

Litter includes any articles or material abandoned or unwanted by the owner or the person in possession thereof. Items that have been left on the Reserve can be considered litter.

Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Financial impact		Unlikely (2)	Moderate (3)	Moderate (5-9)	Request occupant/s to vacate land immediately and remove all improvements and livestock.
Reputation (social/community)	Possible negative reaction to the Shire's request for the occupant/s to cease using land.	Unlikely (2)	Minor (2)	Low (1-4)	Continue to attempt to work with the occupant/s to keep them informed, with a view to enter into a formalised agreement.

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

Voting Requirements

Simple Majority

Officer Recommendation

That with respect to Unauthorised use of Crown Reserve R19291, Council,

1. Requests the Chief Executive Officer to commence the process to remove the occupant/s from Reserve 19291 and instruct the occupant/s to remove any improvements and livestock installed and/or stored on the Reserve at their cost,
2. Requests the Chief Executive Officer to approach the Department of Planning, Lands and Heritage, to apply to excise a section of Reserve 19291 for future lease or license, and
3. Authorises the Chief Executive Officer to enter into negotiations with the occupant/s to grant a lease or license of the land, subject to Department of Planning, Lands and Heritage approval.

Alternative Recommendation

That with respect to Unauthorised use of Crown Reserve R19291, Council,

1. Requests the Chief Executive Officer to commence the process to remove the occupant/s livestock, stored on Reserve 19291, at their cost,
2. Requests the Chief Executive Officer to approach the Department of Planning, Lands and Heritage, to apply to excise a section of Reserve 19291 for future lease or license, and
3. Authorises the Chief Executive Officer to enter into negotiations with the occupant/s to grant a lease or license of the land, subject to Department of Planning, Lands and Heritage approval, and
4. Should the occupant be unable/unwilling to seek a grant of a lease, the Chief Executive Officer is authorised to commence the process to remove the occupant/s infrastructure improvements.

Reason for change

To allow the occupant/s the opportunity to enter into a lease or license of the land, prior to removing the infrastructure.

Council Decision **012/2023**

Moved **Cr J Richardson**

Seconded **Cr T Mladenovic**

That with respect to Unauthorised use of Crown Reserve R19291, Council,

- 1. Requests the Chief Executive Officer to commence the process to remove the occupant/s livestock, stored on Reserve 19291, at their cost,**
- 2. Requests the Chief Executive Officer to approach the Department of Planning, Lands and Heritage, to apply to excise a section of Reserve 19291 for future lease or license, and**
- 3. Authorises the Chief Executive Officer to enter into negotiations with the occupant/s to grant a lease or license of the land, subject to Department of Planning, Lands and Heritage approval, and**
- 4. Should the occupant be unable/unwilling to seek a grant of a lease, the Chief Executive Officer is authorised to commence the process to remove the occupant/s infrastructure improvements.**

Reason for change

To allow the occupant/s the opportunity to enter into a lease or license of the land, prior to removing the infrastructure.

Carried 6/1

11.4 Response to Tom Price Community Arts and Cultural Centre Petition

File Reference	DOR.0867
Applicant or Proponent(s)	Tom Price Community Arts and Cultural Centre Committee
Author	J Hunter, Coordinator Planning and Lands
Authorising Officer	K Donohoe, Chief Executive Officer
Previous Meeting Reference	Ordinary Council Meeting 13 December 2022 – Item 7.1 (162/2022)
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	Nil

Report Purpose

Council is requested to consider a petition received at the Ordinary Council Meeting held on 13 December 2022 from the Tom Price Community Arts and Cultural Centre Committee, requesting that plans for the Tom Price Community Arts and Cultural Centre are included in the Community Lifestyle Infrastructure Plan (CLIP).

Background

At its meeting held 13 December 2022, Council resolved to receive the petition and refer it to the Chief Executive Officer for the appropriate action.

The petition included a total of 213 signatures. The Governance team reviewed the signatories in accordance with the relevant criteria and confirmed 90 valid signatures.

The petition requests that the CLIP incorporates a new Culture Centre in Tom Price to accommodate exhibition, performance, and workshop space to support current and future arts activities.

Comments

The comments raised in the petition have generally been considered through consultation and preparation of the draft CLIP, which is intended to become the fundamental guiding document to shape Tom Price and Paraburdoo to 2035 and beyond.

The draft CLIP is proposed to be presented to Council in early 2023 and at that time staff will ensure the comments raised in the petition are considered.

Consultation

The consultants engaged to prepare the CLIP have previously undertaken community engagement to solicit community feedback on future amenities for Tom Price.

This report was prepared in conjunction with the Shire's planning consultants, LK Advisory.

Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

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

Council Policy

Nil

Financial Implications

Current Financial Year

Nil

Future Financial Year(s)

Nil

Legislative Implications

Clause 6.10 of the *Shire of Ashburton Standing Orders Local Law 2012* outlines the procedures for dealing with petitions.

Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Reputation (social/community)	Community concern if the CLIP does not identify additional exhibition, performance, and workshop space to support improved arts and cultural activities in Tom Price.	Possible (3)	Minor (2)	Moderate (5-9)	Adopt the officer's recommendation.

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

Voting Requirements

Simple Majority

Officer Recommendation

That with respect to the Tom Price Community Arts and Cultural Centre Petition, Council,

1. Notes the petition received from the Tom Price Arts and Cultural Centre Committee, and
2. Requests the Chief Executive Officer to refer the petition to the consultants appointed to prepare the draft Community Lifestyle and Infrastructure Plan (CLIP).

Council Decision **013/2023**

Moved **Cr A Smith**

Seconded **Cr T Mladenovic**

That with respect to the Tom Price Community Arts and Cultural Centre Petition, Council,

1. **Notes the petition received from the Tom Price Arts and Cultural Centre Committee, and**
2. **Requests the Chief Executive Officer to refer the petition to the consultants appointed to prepare the draft Community Lifestyle and Infrastructure Plan (CLIP).**

Carried 7/0

Shire President Cr K White disclosed a proximity interest in Item 11.5 (detailed in Item 5.2).

11.5 Amendment to DAP/21/02078 – DA22-76 Lot 300 (No. 5) Back Beach Road, Onslow – Amendment to previous approval of Transient Workforce Accommodation

File Reference	BAC.0300
Applicant or Proponent(s)	Rowe Group/Mineral Resources Limited
Author	JH Hunter, Coordinator Planning and Lands
Authorising Officer	RW Wright, Executive Manager Land, Property and Regulatory Services
Previous Meeting Reference	Ordinary Council Meeting 9 August 2022 – Item 13.2 (109/2022) Ordinary Council Meeting 14 December 2021 – Item 13.2 (203/2021)
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	<ol style="list-style-type: none"> 1. Development Application Plans ⇨ 2. Updated Transport Impact Statement (22 December 2022) ⇨ 3. Bushfire Management Plan Addendum ⇨ 4. Stantec Addendum ⇨ 5. RJDAP Determination (24 August 2022) ⇨

Report Purpose

To consider an application to amend the previous development approval granted by the Regional Joint Development Assessment Panel (RJDAP) for Transient Workforce Accommodation at Lot 300 (No. 5) Back Beach Road, Onslow.

In accordance with Regulation 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011* (DAP Regulations), Council can amend a development approval granted by the RJDAP, at the request of the landowner (Buurabalayji Thalanyji Aboriginal Corporation).

The primary differences between the previous development approval granted by the RJDAP and the amended proposal which is the subject of this report are summarised below:

- The vehicle access point for the development has been relocated from Third Avenue to Back Beach Road. This is an improved outcome compared to the current approval, is consistent with the Onslow Expansion Structure Plan and responds to community concerns raised during the consultation process for the original application;
- To accommodate the change in vehicle access, the amended proposal incorporates a reconfigured internal driveway, carpark and building layout within the site (particularly the gymnasium, indoor recreation building and administration office); and
- Reduction in the number of accommodation ‘pods’ from 253 to 206 and a reduction in the total number of rooms from 500 to 412.

These changes are considered to be minor and are not expected to have any adverse impact on adjoining properties or the Onslow townsite more broadly. It is recommended that Council approve the application.

Background

Lot 300 (No. 5) Back Beach Road, Onslow (formally known as Lot 300 on Deposited Plan 422325, Certificate of Title Volume 4014 Folio 669) has a site area of 20.45 hectares, with a frontage of 467m to Back Beach Road and 114.17m to Third Avenue.

The subject land was formerly Unallocated Crown Land and is now owned freehold by the Buurabalayji Thalanyji Aboriginal Corporation.

DA21-67 DAP/21/029078

On 23 December 2021, the RJDAP approved a development application for a transient workers accommodation development on the subject land, comprising 500 bedrooms and various resort-style amenities.

DA22-40 DAP/21/02078

On 24 August 2022, the RJDAP approved an amendment to the original application, which related to conditions of approval and minor building modifications, including a reduction in the size of the on-site restaurant and tavern, and reconfiguration and relocation of facilities (recreational, administrative and laundry).

Surrounding Land Uses

The site is located on the north-western edge of the Onslow townsite, with constructed road frontage to Third Avenue and Back Beach Road, and unconstructed road frontage to First Street. To the northwest of the site is the coastal reserve comprising the Ian Blair Memorial Boardwalk, while to the north is the Onslow lookout hill/point and the Shire's development site. The south-western corner of the site abuts private residential properties at the intersection Back Beach Road and Simpson Street.

Proposal

The application proposes the following eight amendments to the development approval (DA22-40 – DAP/21/02078) granted by the RJDAP on 24 August 2022.

1. Primary access to the development has been reconfigured to use Back Beach Road instead of Third Avenue.
2. Changes to the configuration/orientation of the main carpark resulting from the new entry road.
3. Minor amendments to the layout of the 'gymnasium', 'indoor recreation' and 'administration' buildings to improve the flow and function of the development also resulting from the new entry road.
4. Relocation of a multipurpose outdoor court and outdoor facilities from the southern side of the outdoor recreation oval to the northern side of the oval.
5. Minor increase to the size of accommodation pods.
6. Reduction in the number of accommodation pods from 253 to 206 (including three (3) accessible pods) due to the new entry road.
7. Changes to site levels and topography as an outcome of detailed design development to provide safe and compliant path of travel and access in accordance with the requirements of the National Construction Codes.

8. Request to delete conditions of approval 8, 9 and 12(K) which are detailed later in this report.

The table below provides a comparison of the key design changes between the approved development and the proposed amendments subject of this report.

Item	Approved (24 August 2022)	Proposed Amendments
Transient Workforce Accommodation	Total Type A (Sleeps 2) = 247 Total type C (Accessible – Sleeps 2) = 3 Total No. Pods = 253 Total No. Rooms = 500	Total Type A (Sleeps 2) = 203 Total Type C (Accessible – Sleeps 2) = 3 Total No. Pods 206 Total No. Rooms = 412
Restaurant	Dining area = 599m ² Outdoor area = 225 m ²	479m ² dining area 185m ² outdoor area
Tavern	Dining = 304.5m ² Outdoor area = 290m ²	238m ² dining area 114m ² outdoor area
Recreation Facilities	Swimming Pool 250 m ² Gym 560 m ² Sports hall 708 m ²	Pool 439 m ² Gym 632 m ²
Administration Facilities	252m ²	468 m ²

Comments

The proposed changes to the vehicle access for the development and amendments to conditions of approval are considered to be of most significance and are therefore discussed in detail below. All other changes proposed by this amendment application are internal to the development and will not be externally apparent.

Vehicle Access

The proposed relocated vehicle access for the development is supported by an updated Transport Impact Statement (TIS) (refer to Attachment 2) which assesses the proposal in the context of its vehicle access, car parking, servicing, and connections for pedestrians and cyclists. The TIS concludes that traffic flows (discussed below) are well within the capacity of Back Beach Road, which is designated as an ‘Access Road’ under Main Roads WA’s classification framework, to accommodate up to 3,000 vehicle movements per day.

The proposal to use Back Beach Road for vehicle access is consistent with the Shire’s strategic vision for the Onslow Townsite as shown in Figure 10 (Access Plan) of the Shire’s Onslow Townsite Expansion Structure Plan. Back Beach Road is also better suited (than Third Avenue via Simpson Street) to accommodate the movement of workers and visitors to and from the development and Onslow Road.

The table below (sourced from the TIS) indicates the amended proposal is likely to generate marginally fewer vehicle movements per day (vpd) compared to the approved development.

Total Trips Generated	Previous Development Application	AMENDED Development Application
To/from airport	10 vpd (4 in peak hour)	10 vpd (4 in peak hour)
To/from worksite	80 vpd (0 in peak hour)	80 vpd (0 in peak hour)
Locally based staff	20 vpd (5 in peak hour)	20 vpd (5 in peak hour)
Service Vehicles	10 vpd (0 in peak hour)	10 vpd (0 in peak hour)
Public Use of Facilities	210 vpd (41 in peak hour)	200 vpd (40 in peak hour)
Total	330 vpd (50 in peak hour)	320 vpd (49 in peak hour)

Conditions of approval

On 21 December 2021, the RJDAP imposed conditions 8 and 9, primarily to address concerns raised in submissions regarding potential traffic impacts on Third Avenue and surrounding properties. Those concerns are no longer applicable as vehicle access is now proposed to be relocated to Back Beach Road. Accordingly, the applicant has requested that conditions 8, 9 and 12(k), as listed below, are deleted.

8. *Prior to the commencement of construction, the Traffic Impact Statement is to be updated to the satisfaction of the Shire of Ashburton to address the following matters:*
 - a) *The full extent of the traffic impacts the development will have on the locality.*
 - b) *Assess the full potential impact of the development.*
 - c) *Include the likely post-development traffic volumes.*
 - d) *The impact is to be assessed for 10 years after full opening of the development.*
 - e) *The application relies on the assumption that the majority of the 500 occupants will travel to and from the site by bus. The Shire expects that other scenarios are considered within the Traffic Impact Assessment document whereby the use of work and private vehicles is also factored into transport arrangements. This is typical of the operation of other significant sized workforce accommodation facilities in the Shire of Ashburton.*
 - f) *Road condition and any necessary upgrades arising from the development including potential cost contributions.*

9. *Prior to the commencement of the use, any road upgrades or contributions arising from the development and articulated by satisfying Condition No. 8 are to be undertaken to the satisfaction of the responsible local government.*
12. *Prior to commencement of construction, the applicant must submit and have approved by the Local Government, and thereafter implement to the satisfaction of the Local Government, a Construction Environmental Management Plan addressing the following matters:*
 - (k) *Road condition report and any additional repairs*

The applicant's requested deletion of these conditions is discussed below.

The intent of the above conditions is reflected in an Advice Note that was recommended by the Shire for the current development approval, but which the RJDAP declined to impose at its meeting on 24 August 2022. The Advice Note is reproduced below and foreshadowed that the Shire would be prepared to consider an application to amend the RJDAP's approval if vehicle access for the development were relocated to Back Beach Road and if the proponent contributed to the upgrading of that road and the intersection with Simpson Street, where deemed necessary –

The Shire of Ashburton is prepared to consider an application from the owner of Lot 300 under Regulation 17A of the Planning and Development (Development Assessment Panels) Regulations 2011 to delete or amend Conditions 8 and 9, if it can be demonstrated that to the Shire's satisfaction that:

- a) *Vehicle access/egress connection will be provided to Back Beach Road;*
- b) *To the extent deemed necessary by and where agreed with the Shire, the proponent will contribute towards the upgrading of:*
 - (i) *Back Beach Road up to and including the intersection with Simpson Street.*

While this recommended Advice Note was not included on the RJDAP's approval, the applicant has nevertheless satisfied part a) by relocating the vehicle access point to Back Beach Road. This change, in turn, alleviates the need to comply with condition 8 and the Shire therefore supports deletion of that condition.

With respect to part b) of the recommended (but not imposed) Advice Note and condition 9, a contribution towards upgrading Back Beach Road up to and including the intersection with Simpson Street is no longer considered necessary because:

- Back Beach Road is designated as an Access Road, which can accommodate up to 3,000 vpd. Back Beach Road currently has low daily vehicle movements, and the proposed development is only expected to generate approximately 320 vpd, which is around 10% of an access road's capacity;
- The approach to Back Beach Road from the south comprises a 400m length of Onslow Road that has a posted speed limit of 50 kilometres per hour. This design speed is sufficient to allow for vehicles to safely turn left into Back Beach Road and right (southbound) from Back Beach Road onto Onslow Road;
- The deletion of condition 8 diminishes the need, nexus and purpose of retaining condition 9; and

- The amended proposal incorporates revised path and verge treatments on the northern side of Back Beach Road to accommodate the safe passage of pedestrians and cyclists once the existing continuous path is interrupted by the relocated access road to the development.

For these reasons, the Shire supports deleting condition 9.

In relation to condition 12, it is noted that this condition fundamentally relates to the preparation of a Construction Environmental Management Plan (CEMP). Item (k) of this condition was added by the RJDAP at its meeting on 24 August 2022 and requires the CEMP to incorporate (among other things) a road condition report and identify any additional repairs. It is understood this requirement was intended to capture road asset condition information so that any repairs needed to the local road network could be identified prior to construction. However, the condition itself does not define who would undertake those repairs or improvements nor does it oblige the proponent to carry out or pay for such works.

Previously, there may have been value in this condition when all construction and operating traffic was intending to access the development from Simpson Street and Third Avenue. However, that is no longer the case, and the relocated vehicle access to Back Beach Road can accommodate the traffic expected to be generated by this proposal. The need for condition 12 (k) therefore falls away and it is recommended this condition is deleted.

This report has been prepared in conjunction with the Shire’s Planning Consultant, LK Advisory.

Consultation

The proposal to amend the existing development approval was advertised for public comment for 31 days between 6 January 2023 and 6 February 2023 by the following means:

- A letter drop was undertaken to 59 properties located within a 200m radius of the subject site (excluding Shire-owned property).
- A Public Notice was placed in ‘The West Australian’ on Saturday 7 January 2023, advising of the proposed development.
- Three (3) A3 sized signs were placed in conspicuous points on the subject site giving notice of the proposal.
- Notice of the development application was published on the Shire’s Website and Facebook page.

One submission was received during the advertising period, expressing concerns regarding the proposal. A summary of the submission and Officer comment in response, is provided in the table below.

Issue	Officer Comment
<p>Traffic Management</p> <p>The submission raised concerns with the increase in heavy and light vehicle traffic.</p>	<p>It is acknowledged that the proposed development will generate additional traffic in the locality, however it must be noted that:</p> <ul style="list-style-type: none"> • The development has already been approved by the RJDAP and the proponent can act on that current approval; and

	<ul style="list-style-type: none"> • This amendment application will reduce the traffic impact from this development compared to the current approval.
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<p>Vehicle Noise</p> <p>The submission raised concerns with the impact that vehicle noise would have on nearby residents from vehicles driving on Back Beach Road up the hill to the proposed entry point.</p> <p>To address this concern, the submission suggests the use of noise barriers or an alternative access road along the alignment of the Onslow Salt conveyor, around 800m south-west of Back Beach Road.</p>	<p>The concerns raised in the submission are acknowledged.</p> <p>The amended development application included an addendum to the acoustic assessment (refer to Attachment 4) which addresses noise associated with the new vehicle access point. The <i>Environmental Protection (Noise) Regulations 1997</i> (Regulations) do not apply to noise emissions from vehicles operating on a public road. However, the noise emissions associated with vehicles within the can be assessed under the Regulations. The addendum to the acoustic assessment has modelled the noise emissions and indicates that the noise emissions from service vehicles are less than the predicted noise emissions from Onslow Salt operations in the area (60 dBA).</p> <p>Existing approval condition 12(g) requires the applicant to, prior to lodging an application for a building permit, submit and thereafter comply with a Construction Environmental Management Plan approved by the Shire, addressing noise management measures that will be implemented to mitigate noise impacts on neighbouring properties.</p> <p>This condition is not proposed to change and will allow appropriate noise mitigation measures to be incorporated in the development.</p> <p>The alternative vehicle access suggested by the submitter is not practical or achievable, as the land identified is remote from the development site and contains vital infrastructure related to Onslow Salt’s operations.</p> <p>The vehicle access proposed by this amendment application is:</p> <ul style="list-style-type: none"> • Better suited to the development than the Third Avenue access permitted by the current approval; and • Consistent with the Shire’s strategic vision for the Onslow Townsite as shown in Figure 10 (Access Plan) of the Shire’s Onslow Townsite Expansion Structure Plan.
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Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	2. Place - We will provide sustainable, purposeful, and valued built and natural environment opportunities for the community.
Strategic Outcome	2.6 Land use opportunities to benefit current and future communities
Strategy	2 Incorporate appropriate planning controls for land use planning and development.

Council Policy

Nil

Financial Implications

Current Financial Year

Nil

Future Financial Year(s)

Nil

Legislative Implications

Planning and Development Act 2005

This provides the legal framework regarding the role of planning and development in Western Australia.

Planning and Development (Local Planning Schemes) Regulations 2015 – Clause 64 (Advertising Applications) of the Deemed Provisions

Outlines the requirements for advertising of development applications.

Local Planning Scheme No. 7 – Clause 5.7 ‘Advertising’

Outlines the requirements for advertising of development applications as guided by the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Planning and Development (Development Assessment Panel) Regulations 2011 – Regulation 17A – Amendment or cancellation of development approval by responsible authority

Outlines the requirements for amending a development approval previously approved by a Development Assessment Panel.

Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Reputation (social/community)	Substantiated, localised impact on community trust or low media item.	Possible (3)	Minor (2)	Moderate (5-9)	Adopt the Officer's Recommendation.

Based on the inherent risk rating and risk treatments, the residual risk to the Shire is considered to be medium because of the identified reputational risk. Noting that if this application is approved, then the existing development approval will be amended to incorporate the changes summarised above. If this application is not approved, then the existing development approval granted on 24 August 2022 will remain valid.

Voting Requirements

Simple Majority

Officer Recommendation

That with respect to the proposed Amendment to DAP/21/02078 – DA22-76 Lot 300 (No. 5) Back Beach Road, Onslow – Amendment to previous approval of Transient Workforce Accommodation., Council, in accordance with Regulation 17A of the *Planning and Development (Development Assessment Panel) Regulations 2011* and Schedule 2, clauses 77(1)(b) and (c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

1. Approves the application submitted by Rowe Group on 22 December 2022, to amend Development Approval DAP/21/02078 granted by the Regional Joint Development Assessment Panel on 24 August 2022 for Transient Workforce Accommodation at Lot 300 Back Beach Road, Onslow, as shown on plans dated 1 December 2022 (Drawing No. DA002 Rev O, DA003 Rev H, DA004 Rev F, DA100 Rev J, DA101-DA201 Rev I, DA300-DA301 Rev I, DA302 Rev G, DA400 Rev H and DA500 F) subject to the following conditions:
 - (a) Condition 8 is deleted in its entirety,
 - (b) Condition 9 is deleted in its entirety,
 - (c) Item (k) under Condition 12 is deleted,
 - (d) All other Conditions and Advice Notes, as imposed by the Regional Joint Development Assessment Panel on 21 December 2021 and amended on 24 August 2022, remain in place and are renumbered accordingly, and
2. Requests the Chief Executive Officer to give written notification of Council's determination to the Administrative Officer of the Regional Joint Development Assessment Panel in accordance with Regulation 17A(3) of the *Planning and Development (Development Assessment Panel) Regulations 2011*.

Council Decision **014/2023**

Moved **Cr T Mladenovic**

Seconded **Cr R De Pledge**

That with respect to the proposed Amendment to DAP/21/02078 – DA22-76 Lot 300 (No. 5) Back Beach Road, Onslow – Amendment to previous approval of Transient Workforce Accommodation., Council, in accordance with Regulation 17A of the *Planning and Development (Development Assessment Panel) Regulations 2011* and Schedule 2, clauses 77(1)(b) and (c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

- 1. Approves the application submitted by Rowe Group on 22 December 2022, to amend Development Approval DAP/21/02078 granted by the Regional Joint Development Assessment Panel on 24 August 2022 for Transient Workforce Accommodation at Lot 300 Back Beach Road, Onslow, as shown on plans dated 1 December 2022 (Drawing No. DA002 Rev O, DA003 Rev H, DA004 Rev F, DA100 Rev J, DA101-DA201 Rev I, DA300-DA301 Rev I, DA302 Rev G, DA400 Rev H and DA500 F) subject to the following conditions:**
 - (a) Condition 8 is deleted in its entirety,**
 - (b) Condition 9 is deleted in its entirety,**
 - (c) Item (k) under Condition 12 is deleted,**
 - (d) All other Conditions and Advice Notes, as imposed by the Regional Joint Development Assessment Panel on 21 December 2021 and amended on 24 August 2022, remain in place and are renumbered accordingly, and**
- 2. Requests the Chief Executive Officer to give written notification of Council's determination to the Administrative Officer of the Regional Joint Development Assessment Panel in accordance with Regulation 17A(3) of the *Planning and Development (Development Assessment Panel) Regulations 2011*.**

Carried 7/0

11.6 Proposed Land Lease and Development of a Portion of the Pilbara Regional Waste Management Facility

File Reference	WM09
Applicant or Proponent(s)	CD Dodd Scrap Metal Recyclers
Author	J Hunter, Coordinator Planning and Lands
Authorising Officer	R Wright, Executive Manager Land, Property and Regulatory Services
Previous Meeting Reference	Ordinary Council Meeting 16 February 2021 - Item 19.2 – 17/2021
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	<ol style="list-style-type: none"> 1. Indicative Plans - CD Dodd Site Configuration ⇒ 2. PRWMF PFAS - Licence - Confidential 3. Indicative Plans of Lease and Licence Amendment Area ⇒

Report Purpose

To consider a request from CD Dodd Scrap Metal Recyclers (CD Dodd) to use a portion of the Shire managed Pilbara Regional Waste Management Facility site (Crown Reserve 53324), and to delegate authority to the Chief Executive Officer (CEO) to determine the request in line with any parameters set by Council.

Background

CD Dodd is proposing to:

1. Lease a portion of the Shire’s Pilbara Regional Waste Management Facility (PRWMF) site at Lot 550 on Deposited Plan 414367, Onslow Road, Onslow (Crown Reserve 53324) for the purposes of operating a scrap metal, cleaning, and salvaging operation to support offshore infrastructure decommissioning works (refer to Attachment 1); and
2. Apply for planning approval under Local Planning Scheme No. 7 (LPS 7) to undertake the operations described in point 1 above.

The subject land is reserved and vested with the Shire under a management order for the purpose of ‘Waste Disposal’ with power to lease for any term not exceeding 21 years, subject to the consent of the Minister for Lands.

The Shire will not accept an application for planning approval under LPS 7 unless the application form is signed by the owner, in this instance also the Shire as managing body of the reserve (through the powers delegated through the “Instrument of Authorisation”) and would not ordinarily sign a planning application form for use of its property unless lease arrangements have first been agreed with the proposed lessee. However, due to the background and timing imperative for this proposal, this report deals with both the proposed lease of land and future planning application.

CD Dodd Background

Council at its Ordinary Meeting held 16 February 2021, considered a report regarding lease arrangements for a portion of Crown Land Reserve 19291 Onslow (near the Shire's Onslow Waste Transfer Station) to facilitate CD Dodd's proposed scrap metal recycling operation. Council resolved as follows:

1. *Authorise the Chief Executive Officer to request the Minister for Lands create a reserve within Reserve 19291 for the purpose of "Waste" or similar, with Power to Lease;*
2. *Endorse lease of a ~6,000 sqm portion of Lot 330 on Deposited Plan 402361 to CD Dodd Scrap Metal Recycling for the purpose of scrap metal recycling;*
3. *Delegate authority to the Chief Executive Officer to negotiate the terms of the Lease Agreement with CD Dodd Scrap Metal Recycling, generally in accordance with the terms outlined in this report;*
4. *Authorise the Chief Executive Officer to advertise details of the Lease Agreement for two weeks, with any submissions referred back to Council; and*
5. *Subject to no submissions being received from advertising of the Lease, authorise the Chief Executive Officer to negotiate and execute the Lease Agreement, generally in accordance with the contents of this report, between the Shire of Ashburton and CD Dodd Scrap Metal Recycling.*

Onslow was identified as the preferred location by CD Dodd due to its proximity to offshore decommissioning works using the Port of Ashburton and transport connections to CD Dodd's processing facility in Karratha.

Council's resolution from 16 February 2021 was not acted upon as CD Dodd has now identified suitable land for its recycling operation within the purpose-built waste facility, the PRWMF.

PRWMF Background

The PRWMF is an integrated waste management facility located approximately 36km south of the Onslow townsite, offering hazardous waste solutions, including resource recovery initiatives across the Pilbara region.

The land on which the PRWMF operates is described as Lot 550 on Deposited Plan 414367, Onslow Road, Onslow (R 53324). Lot 550 is approximately 433.66 ha in area and is entirely reserved under LPS 7 for 'Conservation, recreation and nature landscape'. Refer Figure 1 below.



Fig. 1 – Location plan of PRWMF

The intentions of the ‘Conservation, recreation and nature landscape’ reserve are described in Clause 3.2.5 of the LPS 7 as follows.

“To accommodate a broad range of natural and modified land uses and development and may, subject to relevant approvals, include extractive or resource processing industry and infrastructure. Where applications for such development are considered by Local Government, it shall have regard for other legislation and/or the advice of the relevant landowner/manager.”

Despite its description, this reserve allows a variety of land uses related to extractive and resource processing industries, which would include CD Dodd’s proposed scrap metal recycling and processing operation.

The whole of Lot 550 is currently under a Prescribed Premises Licence (Licence) approved by the Department of Water and Environmental Regulation (DWER). The Licence (refer to Attachment 2) outlines provisions and conditions for undertaking waste disposal and associated uses. Any changes to this Licence would require a licence amendment and possibly a works approval (depending on the amendment).

A large portion (approximately half) of Lot 550 is currently utilised by Pilbara Environmental Services (PES) as a Class IV Waste Facility, with their main operations being within the area delineated in red in Figure 2 below.

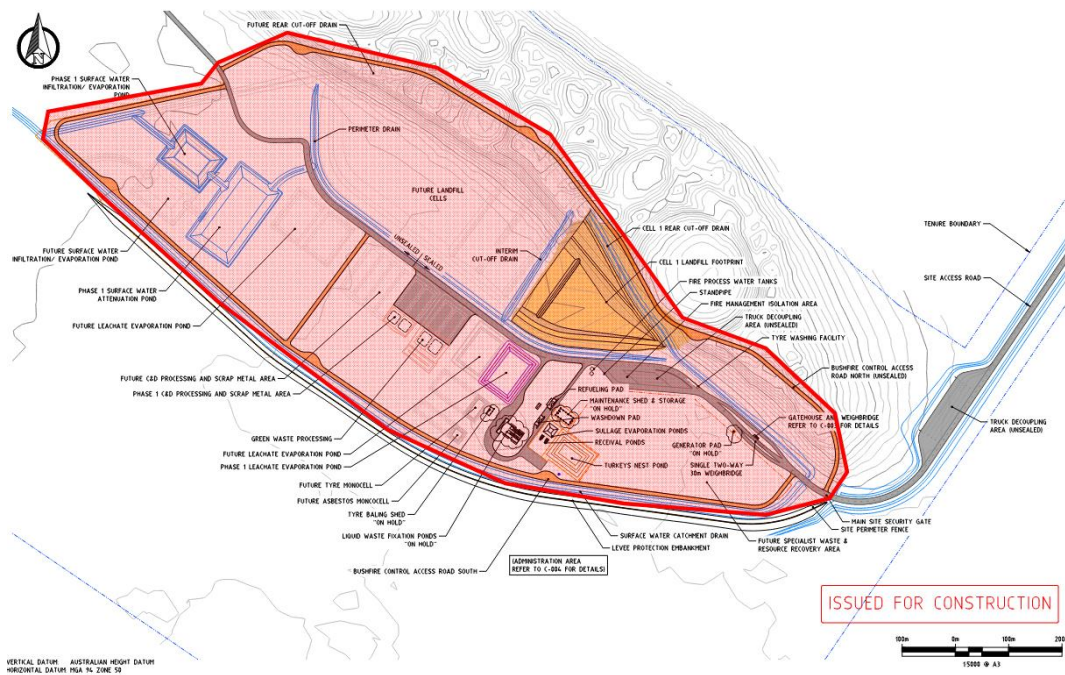


Fig. 2 – Site plan of PRWMF

Comments

The Licence, lease and planning considerations associated with this proposal are discussed below.

Licence

The Licence for the PRWMF does not currently include provisions for naturally occurring radioactive material (N.O.R.M’s), reactive metals such as mercury, or some putrescible wastes such as barnacles, all of which may be encountered in CD Dodd’s proposed scrap metal recycling operation at the subject site.

As the whole of Lot 550 is under a single Prescribed Premises Licence, it will be necessary to amend the Licence in order to accommodate the proposed use on site. To achieve this, Shire officers propose to apply for a minor amendment to the Licence to remove an area of approximately 4ha from the current licenced area. Once this is approved by DWER, CD Dodd will then be able to apply for its own licence(s) and works approvals for its proposed operation.

Attachment 3 provides an indicative plan outlining the area to be removed from the Shire’s licenced area that can then be leased to CD Dodd and reclassified by DWER for the proposed scrap metal recycling operation.

This location will not interfere with the current PES operations as it is outside of their fenced perimeter.

Lease proposal

Council previously agreed to lease a 6,000 square metre portion of Reserve 19291 in February 2021. Since that time, CD Dodd’s operational requirements have increased, with a request to lease an approximate 40,000 square metres (refer to Attachment 3). The PRWMF location has been agreed in principle for this increased service.

Shire officers have held preliminary negotiations with CD Dodd on the following essential terms:

Lessee	CD Dodd Scrap Metal Recyclers
Location	Portion of Lot 550 on Deposited Plan 414367 (Crown Reserve 53324) Onslow Road, Onslow WA (PRWMF)
Lease Commencement date	Upon signing, subject to negotiation of practical completion of works.
Basis of lease	Ground lease
Development Approvals	To be in accordance with the Development Approval issued by the Shire, agreed development plans and specifications, all required approvals and consents from all relevant statutory bodies and in compliance with applicable legislation and regulations with practical completion no later than 24 months (or otherwise agreed).
Term	Five (5) years
Initial Rent	To be negotiated – may be discounted during development.
Approximate area	Approximately 40,000 square metres (4 HA)
Permitted purpose	Operating a scrap metal, cleaning, and salvaging operation to support offshore infrastructure decommissioning works and ancillary use.
Optional Term	Five (5) years at the Lessee’s discretion.
Rent	To be negotiated and based on a licensed valuation.
Rent Commencement date	Following Practical Completion of the development.
Ownership of Improvements to the Land:	Ownership of all improvements to the Land erected or constructed on the Land by the Lessee shall remain the property of the Lessee and will revert to the Shire at the expiration of the Ground Lease unless otherwise agreed.

Demolition:	At the expiration of the Ground Lease, the Shire reserves the right to request the Lessee to demolish/remove the improvements to the Land and leave the Land flat, level and free of waste and rubbish at the Lessee's sole cost as applicable.
Assignment:	Any approved assignment of the Ground Lease will not result in the building and improvements reverting to Shire ownership with the assignee responsible for the cost of ongoing maintenance and repairs.
Sub Leasing	With Shire approval. Not to be unreasonably withheld.
Practical Completion	Practical Completion of the development will result in the immediate commencement of rent. Date of Practical Completion will be the date certified by the Lessee's architect as the date on which the development of the building is practically complete and has been accepted by the Shire.
Outgoings/Services:	All outgoing associated with the Premises, including electricity, water and gas, telephone, broadband etc. shall be payable by the Lessee.
Rates & Taxes:	All rates and taxes assessed on the Premises (Council rates ('commercial') and Emergency Services Levy and any other rates, taxes, assessments, and impositions) are payable by the Lessee.
HVAC/Mechanical Services:	The Lessee will be responsible for all maintenance of the Premises and all improvements thereon, including any items of a structural nature.
Insurance	The Lessee will take out and keep in force appropriate insurances for workers compensation, all buildings and improvements, fixtures, and fittings and the like. The Ground Lease will also include an indemnity from the Lessee to the Shire in relation to any damage, loss, injury, or death arising from the development and occupation by the Lessee. All required insurances to be arranged by Lessee at its sole cost (including, but not limited to) Contractors all risk (CAR), Public Liability (minimum \$20 million) and adequate Workers Compensation.
Public Liability	Subject to increase where required by the Shire.
Cleaning	Lessee responsibility
Consumables	Lessee responsibility
Signage	Lessee responsibility subject to relevant approvals
Fencing	By Lessee at its cost
Road Access	By Lessee at its cost
Legal costs	Each party to pay their respective costs incurred

Earthworks	By Lessee at its sole cost
Fit out/Development	By Lessee at its sole cost
Provision of or upgrade to services/utilities if required	By Lessee at its cost (further negotiation regarding possible water bore usage)
Compliance	Lessee responsibility
Conditions precedent	Statutory approvals (subdivision, building, planning, legislative compliance)
Special Conditions	<ul style="list-style-type: none"> • The Shire cannot guarantee against interruptions to Quiet Enjoyment. It has the care, control, and management of the Premises along with other property, roads, and reserves in the vicinity of the Premises including the PRWMF that may require essential works to be undertaken from time to time that may impact on the Lessee's business. Restrictions (not limited to): • disruption or closure of roads, reserves and road reserves; • pedestrian movement and access; • vehicle movement, access and parking; • vibration and noise; and • dust and dirt. <p>As a result, the Shire or its agents and contractor works will not be considered as having breached the Lessee's "quiet enjoyment" of the Premises and the Shire will not be liable to compensate the Lessee</p> <ul style="list-style-type: none"> • Further special conditions to be discussed such as those pertaining to the proximity to the PES and any land contamination due to decommissioning. /contamination and DWER licence arrangement • Subject to Minister for Lands consent.
Indemnity	The Lessee indemnifies the Shire and the Minister for Lands against all losses which the Shire/Minister for Lands suffers or incurs in connection with any damage, loss, injury or death arising directly or indirectly from the construction, installation or carrying out of the development/works.

Planning proposal

The proposed CD Dodd recycling operation is illustrated in the concept plans (refer to Attachments 1 and 3) and will generally involve:

- Multiple truck movements per day to transport containers and structures to the subject site shortly after receipt at the Port of Ashburton from offshore oil and gas decommissioning projects;
- Storing, sorting, disassembly, stripping and cleaning (by various mechanical and chemical processes) of decommissioned offshore oil and gas infrastructure, plant, and equipment; and

- Recycled scrap metal and other materials to be transported by road to CD Dodd's scrap metal facility in Karratha.

The proposed land use is classified as 'Industry – Noxious' under LPS 7, which means:

“an industry which is subject to licensing as “Prescribed Premises” under the environmental Protection Regulations 1987 (as amended).”

Industry – Noxious is a use that can only be approved within three zones under LPS 7, being the Industry zone, Industrial & Mixed Business Development zone, and Strategic Industry zone. The use is prohibited in all other zones under the Scheme but can be considered within the 'Conservation, recreation and nature landscape' reserve, as discussed earlier in this report.

In accordance with clause 3.2.2 of LPS 7, when dealing with an application for planning approval in respect of land reserved under the Scheme, the Shire is required to have regard to the ultimate purpose intended for the reserve.

In this instance, the intended purpose of the 'Conservation, recreation and nature landscape' reserve is to accommodate a broad range of natural and modified land uses, including include extractive and resource processing industries and infrastructure.

The proposed recycling operation accords with this purpose and is considered acceptable for the following reasons:

- The proposal is required to support decommissioning of offshore infrastructure directly associated with the oil and gas (resource) industry;
- The proposed activity can itself be considered to be a 'resource processing industry';
- The proposal is generally compatible with the PES operation already occurring on site and will represent co-location of waste management/waste handling activities at the PRWMF;
- The proposed activity will be temporary and time-limited and will (based on the proposed 5+5 year lease term) only exist on site for a maximum of 10 years. This timing will ensure the proposal does not impact future Shire plans for development or expansion of the PRWMF.

If Council is of a mind to entertain this proposal, then the following actions will need to occur:

- a. CD Dodd would need to prepare and lodge a formal application for planning approval, including all relevant information and documentation relating to the proposal as determined by the Shire. The planning application form will need to be signed by the Shire's CEO on behalf of the Shire as landowner/management body of Lot 550.
- b. The Shire would assess the application and determine whether consultation is required in accordance with clause 5.7 of LPS 7 and clause 64 of the 'Deemed Provisions' under the *Planning and Development (Local Planning Schemes) Regulations 2015*. This assessment will include consideration of the proposal against the following requirements of LPS 7:
 - i. Purpose and Aims of the Scheme
 - ii. Part 3 – Reserves
 - iii. Part 6 – Development Requirements

- c. The Shire would determine the application under delegated authority (if granted by Council) by either:
 - i. Approving the application with or without conditions; or
 - ii. Refusing the application, giving reasons for its decision.

Administration is recommending that Council delegates authority to the CEO to facilitate this proposal.

This report has been prepared in conjunction with the Shire’s Planning consultant, LK Advisory.

Consultation

CD Dodd

Executive Leadership Team

LK Advisory

JBS&G

Department of Planning, Lands and Heritage

Department of Water, Environment and Regulation

The need for any public or external agency consultation on the planning application will be considered through Administration’s assessment of the proposal, having regard to the nature and extent of any off-site impacts. The lease proposal will also be advertised for public comment, inviting submissions.

Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	2. Place - We will provide sustainable, purposeful, and valued built and natural environment opportunities for the community.
Strategic Outcome	2.6 Land use opportunities to benefit current and future communities
Strategy	3 Review and implement planning frameworks and strategies to ensure appropriate development outcomes.

Council Policy

Nil

Financial Implications

Current Financial Year

Council will receive a lease income from CD Dodd in line with a valuation to be obtained, subject to negotiation. A valuation was requested on 3 February 2023 and is anticipated to be received by 13 February 2023.

All application fees and development costs will be borne by CD Dodd.

The Shire will be required to pay for a revised valuation and advertising in accordance with the *Local Government Act 1995*.

Future Financial Year(s)

As above, lease fees will be received annually until the end of the term (up to 10 years).

Legislative Implications

Section 3.58(2) of the *Local Government Act 1995*

Provides that generally a local government can only dispose of property to:

- the highest bidder at a public action; or
- the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

The exception to this rule is provided for in s3.58(3). A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property:

- a. it gives local public notice of the proposed disposition: describing the property concerned;
- b. it gives details of the proposed disposition;
- c. it invites submissions to be made to the local government before a specified day, being a day not less than 2 weeks after the notice is first given; and
- d. it considers any submissions made to it before the date specified in the notice.

Schedule 7 of the *Planning and Development Act 2005*

Outlines the matters which may be dealt with by the Local Planning Scheme.

Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*

Introduce uniform processes and procedures to schemes, such as development assessment. The deemed provisions apply automatically to all schemes when the Regulations come into operation and cannot be altered, varied, or excluded.

Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Financial impact	Missed opportunity of partnership with CD Dodd for decommissioning support within the Pilbara.	Possible (3)	Moderate (3)	Moderate (5-9)	Enter into a five year plus five year lease over a portion of Lot 550.

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

Voting Requirements

Absolute Majority

Officer Recommendation

That in respect of the Proposed Land Lease and Development of a Portion of the Pilbara Regional Waste Management Facility Council:

1. Authorises the Chief Executive Officer to submit a minor amendment to the Prescribed Premises Licence for the Pilbara Regional Waste Management Facility to remove an approximate 4 hectares area from the licenced area, as shown at Attachment 3;
2. Authorises the Chief Executive Officer to negotiate the terms of the Lease Agreement with CD Dodd Scrap Metal Recycling at Lot 550 on DP 414367 (Crown Reserve 53324) Onslow Road, Onslow, generally in accordance with the terms outlined within this report;
3. Authorises the Chief Executive Officer to advertise details of the Lease at Lot 550 on DP 414367 (R 53324) Onslow Road, Onslow for a period of two weeks;
4. Authorises the Chief Executive Officer to consider and determine any submissions received in response to item 3, and negotiate and execute the Lease Agreement and associated documents including planning and building applications for Lot 550 on DP 414367 (R 53324) Onslow Road, Onslow, between the Shire of Ashburton and CD Dodd Scrap Metal Recycling; and
5. Delegates authority to the Chief Executive Officer to determine an application for planning approval under LPS 7 for CD Dodd's proposed scrap metal recycling, cleaning and salvaging operation on the Shire's PRWMF land at Lot 550 on DP 414367 (R53324) Onslow Road, Onslow generally in accordance with the plans included within the report.



Council Decision **015/2023**

Moved **Cr L Rumble JP**

Seconded **Cr R De Pledge**

That in respect of the Proposed Land Lease and Development of a Portion of the Pilbara Regional Waste Management Facility Council:

- 1. Authorises the Chief Executive Officer to submit a minor amendment to the Prescribed Premises Licence for the Pilbara Regional Waste Management Facility to remove an approximate 4 hectares area from the licenced area, as shown at Attachment 3;**
- 2. Authorises the Chief Executive Officer to negotiate the terms of the Lease Agreement with CD Dodd Scrap Metal Recycling at Lot 550 on DP 414367 (Crown Reserve 53324) Onslow Road, Onslow, generally in accordance with the terms outlined within this report;**
- 3. Authorises the Chief Executive Officer to advertise details of the Lease at Lot 550 on DP 414367 (R 53324) Onslow Road, Onslow for a period of two weeks;**
- 4. Authorises the Chief Executive Officer to consider and determine any submissions received in response to item 3, and negotiate and execute the Lease Agreement and associated documents including planning and building applications for Lot 550 on DP 414367 (R 53324) Onslow Road, Onslow, between the Shire of Ashburton and CD Dodd Scrap Metal Recycling; and**
- 5. Delegates authority to the Chief Executive Officer to determine an application for planning approval under LPS 7 for CD Dodd's proposed scrap metal recycling, cleaning and salvaging operation on the Shire's PRWMF land at Lot 550 on DP 414367 (R53324) Onslow Road, Onslow generally in accordance with the plans included within the report.**

Carried By Absolute Majority 7/0

12 Corporate Services Reports

12.1 Monthly Schedule of Accounts Paid - November 2022

File Reference	FM03
Applicant or Proponent(s)	Not Applicable
Author	T Dayman, Acting Director of Corporate Services
Authorising Officer	T Dayman, Acting Director of Corporate Services
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. Schedule of Accounts Paid - November 2022 ⇨

Report Purpose

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

The purpose of this report is to present the –

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

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

Background

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

Comments

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

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

Description	Amount \$
<u>Municipal Fund</u>	
Electronic Funds Transfers	4,300,986.50
Superannuation / Payroll (Direct Debits)	183,544.44
Cheques	-
Credit Cards	6,441.74

Bank Fees and Charges	2712.03
<u>Municipal Fund Total</u>	4,493,684.71
<u>Trust Fund</u>	
Electronic Funds Transfers	0.00
<u>Trust Fund Total</u>	0.00

Consultation

Executive Leadership Team
 Finance Team

Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

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

Council Policy

Nil

Financial Implications

Current Financial Year

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

Future Financial Year(s)

Nil

Legislative Implications

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.

Risk Management

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

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

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

Voting Requirements

Simple Majority

Officer Recommendation

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

Council Decision **016/2023**

Moved **Cr T Mladenovic**

Seconded **Cr L Rumble JP**

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

Carried 7/0

12.2 Monthly Schedule of Accounts Paid - December 2022

File Reference	FM03
Applicant or Proponent(s)	Not Applicable
Author	T Dayman, Acting Director of Corporate Services
Authorising Officer	T Dayman, Acting Director of Corporate Services
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. Schedule of Accounts Paid - December 2022 ↗

Report Purpose

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

The purpose of this report is to present the –

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

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

Background

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

Comments

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

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

Description	Amount \$
<u>Municipal Fund</u>	
Electronic Funds Transfers	5,531,800.76
Superannuation / Payroll (Direct Debits)	200,856.40
Cheques	-
Credit Cards	6,919.98
Bank Fees and Charges	2176.57
<u>Municipal Fund Total</u>	5,741,753.71

<u>Trust Fund</u>	
Electronic Funds Transfers	0.00
<u>Trust Fund Total</u>	0.00

Consultation

Executive Leadership Team

Finance Team

Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

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

Council Policy

Nil

Financial Implications

Current Financial Year

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

Future Financial Year(s)

Nil

Legislative Implications

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.

Risk Management

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

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

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

Voting Requirements

Simple Majority

Officer Recommendation

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

Council Decision **017/2023**

Moved **Cr T Mladenovic**

Seconded **Cr J Richardson**

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

Carried 7/0

12.3 Monthly Financial Statements - December 2022

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

Report Purpose

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

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

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

Background

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

Comments

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

The following 2022-2023 budget amendments are recommended:

GL / Job No.	GL / Job Description	Current Budget	Amendment	Revised Budget	Reason
X2330	Tom Price Emergency Services Facility	\$3,275,400	(\$513,000)	\$2,762,400	Project has come under budget.
X2862	Paraburdoo Sports Court Cover	\$6,000,000	\$400,000	\$6,400,000	Additional funds required to complete works.

F0373	Peter Sutherland Oval - Toilets	\$39,900	\$60,000	\$99,900	Additional budget required to address blocked and damaged drainage.
X2322	Four Mile Rest Area Renewal	\$130,000	\$13,000	\$143,000	Additional funds required to complete works.
X2321	Ashburton Hall Window Treatments Renewal	\$15,000	\$40,000	\$55,000	Additional funds required to complete works.
ED24081 J3106	Tourism Initiatives Solar Eclipse - Event	\$950,000	(\$120,000)	\$830,000	Transfer of funds to fund Onslow Dump point being a capital item
NEW	Onslow Dump Point	\$0	\$120,000	\$120,000	Capital project, funded from the Solar Eclipse operating budget to meet service delivery needs of visitors

Consultation

Executive Leadership Team

Middle Management Group

Finance Team

Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

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

Council Policy

Nil

Financial Implications

Current Financial Year

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

Future Financial Year(s)

Nil

Legislative Implications

Local Government Act 1995

Section 6.4 (Financial report)

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

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

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

Risk Management

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

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

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

Voting Requirements

Absolute Majority

Officer Recommendation

That with respect to Monthly Financial Statements, Council, in accordance with *Local Government (Financial Management) Regulations 1996* regulation 34,

1. Accepts the Statement of Financial Activity, and associated documentation, for November 2022, as included at Attachment 1, and
2. Approves the following amendments to the 2022-2023 Annual Budget –
 - a. Decrease Job X2330 Tom Price Emergency Services Facility by \$513,000,
 - b. Increase Job X2862 Paraburdoo Sports Court Cover by \$400,000,
 - c. Increase Job F0373 Peter Sutherland Oval – Toilets by \$60,000,
 - d. Increase Job X2322 Four Mile Rest Area Renewal by \$13,000, and
 - e. Increase Job X2321 Ashburton Hall Window Treatments Renewal by \$40,000.
 - f. Decrease Job J3106 Solar Eclipse – Event by \$120,000
 - g. Increase New Capital Expenditure – Onslow Dump Point by \$120,000

Council Decision **018/2023**

Moved **Cr T Mladenovic**

Seconded **Cr A Smith**

That with respect to Monthly Financial Statements, Council, in accordance with *Local Government (Financial Management) Regulations 1996* regulation 34,

- 1. Accepts the Statement of Financial Activity, and associated documentation, for November 2022, as included at Attachment 1, and**
- 2. Approves the following amendments to the 2022-2023 Annual Budget –**
 - a. Decrease Job X2330 Tom Price Emergency Services Facility by \$513,000,**
 - b. Increase Job X2862 Paraburdoo Sports Court Cover by \$400,000,**
 - c. Increase Job F0373 Peter Sutherland Oval – Toilets by \$60,000,**
 - d. Increase Job X2322 Four Mile Rest Area Renewal by \$13,000, and**
 - e. Increase Job X2321 Ashburton Hall Window Treatments Renewal by \$40,000.**
 - f. Decrease Job J3106 Solar Eclipse – Event by \$120,000**
 - g. Increase New Capital Expenditure – Onslow Dump Point by \$120,000**

Carried By Absolute Majority 7/0

Pursuant to Clause 5.2(1) of the *Shire of Ashburton Standing Orders Local Law 2012* changed the order of business to allow item 12.4 Ward Boundary and Representation Review – results of public consultation and final adoption to be considered first.

12.5 2022/2023 Policy Review - Amended and New Policies

File Reference	GV20
Applicant or Proponent(s)	Not Applicable
Author	J Bray, Manager Governance
Authorising Officer	T Dayman, Acting Director of Corporate Services
Previous Meeting Reference	Ordinary Council Meeting 11 October 2022 - Item 12.3 – (139/2022) Ordinary Council Meeting 8 November 2022 - Item 12.3 – (142/2022) Ordinary Council Meeting 13 December 2022 - Item 12.3 – (171/2022)
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	<ol style="list-style-type: none"> 1. Memorials on Shire Land ⇒ 2. Tree Management ⇒ 3. Asset Management ⇒ 4. Trading in Public Places ⇒ 5. Community Donations, Grants and Funding ⇒ 6. Australia Day WA Community Citizen of the Year ⇒ 7. Closed Circuit Television (CCTV) ⇒ 8. Election Caretaker ⇒ 9. Election Signs ⇒ 10. Procedures before the State Administrative Tribunal ⇒ 11. Public Use of Internet at Shire Libraries ⇒

Report Purpose

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

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

Council is requested to adopt the policies presented for the reasons set out in this report.

Background

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

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

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

Comments

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

Policy	Amendments
ADM11 Memorials on Council Controlled Land	Removed outdated information. Minor grammatical and formatting amendments made.
ELM21 Tree Management Overview Policy	Removed outdated information and expanded on the matters a tree may be removed. Minor grammatical and formatting amendments made.
ENG09 Asset Management Policy	Removed outdated information. Minor grammatical and formatting amendments made.
FIN05 Trading in Public Places – Fees and Charges	The conditions relating to no trading permitted within 100m of schools between the hours of 2:30pm and 4:00pm (except during school holidays) or within 100m of an approved event have been removed as these are difficult to enforce and can be managed on a case-by-case basis.
REC08 Community Donations, Grants and Funding	The policy has been updated to reflect current practices. Council-initiated contributions to Aboriginal Communities has been removed as this can be undertaken under the aboriginal environmental health program. Computers for Communities has been removed as this is dealt with in the Disposal of Property (Other than Land) Policy.
REC09 Australia Day WA Community Citizen of the Year	The current policy inhibits the ability to use the Australia Day Council linked non-profit organisation Auspire. Auspire is well respected and utilised by a vast number of Councils for their Citizenship awards. The policy has been amended to align to Auspire's program and clarifies that awards will be offered in the four categories in each town.

For the reasons set out in the table below, the following five new policies are proposed.

Policy	Amendments
Closed Circuit Television (CCTV)	Sets out the principles for the use of CCTV by the Shire and the sharing of footage.
Election Caretaker	Defines the election caretaker period and sets out what is and isn't appropriate during that period. This policy will be a legislative requirement following the introduction of the local government reforms and is based on practices across other local governments across Western Australia.
Election Signs	Restricts the placement of elections signs on local government property and ensures public safety is considered by candidates when erecting election signs for Federal, State and local government elections.
Procedures before the State Administrative Tribunal	Provides guidance for staff and elected members when matters affecting the Shire are under the State Administrative Tribunal's consideration.
Public Use of Internet at Shire Libraries	Outlines the obligations and responsibilities of all users of the internet at the Shire's public libraries.

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

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

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

Consultation

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

Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	4. Performance - We will lead the organisation, and create the culture, to deliver demonstrated performance excellence to the community.
Strategic Outcome	4.6 Visionary community leadership with sound, diligent and accountable governance
Strategy	2 Provide, and lead in the development of, meaningful policies and processes to ensure sound and compliant delivery of services to the community.

Council Policy

This report relates to the review, amendment and adoption of 11 Council policies.

Financial Implications

Current Financial Year

Nil

Future Financial Year(s)

Nil

Legislative Implications

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

Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Compliance	Policies are out of date/inconsistent with relevant legislation.	Likely (4)	Moderate (3)	High (10-16)	Adopt the policies detailed in this report and implement a system for the regular review.
Reputation (social/community)	Customer complaints when policy content doesn't reflect current processes.	Possible (3)	Minor (2)	Moderate (5-9)	Adopt the policies detailed in this report and implement a system for the regular review.

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

Voting Requirements

Simple Majority

Officer Recommendation

That with respect to 2022/2023 Policy Review, Council,

1. Adopts the following amended policies,
 - (a) Memorials on Shire Land,
 - (b) Tree Management,
 - (c) Asset Management,
 - (d) Trading in Public Places,
 - (e) Community Donations, Grants and Funding, and
 - (f) Australia Day WA Community Citizen of the Year.
2. Adopts the following new policies,
 - (a) Closed Circuit Television (CCTV),
 - (b) Election Caretaker,
 - (c) Election Signs,
 - (d) Procedures before the State Administrative Tribunal, and
 - (e) Public Use of Internet at Shire Libraries.

Council Decision 019/2023

Moved Cr T Mladenovic

Seconded Cr L Rumble JP

That with respect to 2022/2023 Policy Review, Council,

- 1. Adopts the following amended policies,**
 - (a) Memorials on Shire Land,**
 - (b) Tree Management,**
 - (c) Asset Management,**
 - (d) Trading in Public Places,**
 - (e) Community Donations, Grants and Funding (as amended), and**
 - (f) Australia Day WA Community Citizen of the Year (as amended).**
- 2. Adopts the following new policies,**
 - (a) Closed Circuit Television (CCTV),**
 - (b) Election Caretaker,**
 - (c) Election Signs,**
 - (d) Procedures before the State Administrative Tribunal, and**
 - (e) Public Use of Internet at Shire Libraries.**

Carried 7/0

13 Infrastructure Services Reports

Nil

14 Community Development Reports

Pursuant to Clause 5.2(1) of the *Shire of Ashburton Standing Orders Local Law 2012* changed the order of business to allow item 14.1 Acceptance of Community Support Grant Allocations - Tom Price Amateur Basketball Association to be considered first.

15 Councillor Agenda Items / Notices of Motion

Nil

16 Recommendations From Committee

Audit And Risk Management Committee Meeting held on 14 February 2023

6.1 Audit Log Status Update

File Reference	CM52
Applicant or Proponent(s)	Not Applicable
Author	J Bray, Manager Governance
Authorising Officer	T Dayman, Acting Director of Corporate Services
Previous Meeting Reference	Ordinary Council Meeting 13 December 2022 - Item 17/6.2 – 182/2022
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. Internal Audit Log as at 9 February 2023

Report Purpose

Council is required to review the Audit Log actions.

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

Council is requested to receive the Audit Log status updates.

Voting Requirements

Simple Majority

Officer Recommendation

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

Council Decision **020/2023**

Moved **Cr T Mladenovic**

Seconded **Cr L Rumble JP**

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

Carried 7/0

6.2 Internal Audit Report - Contract Management

File Reference	CM52
Applicant or Proponent(s)	Not Applicable
Author	J Bray, Manager Governance
Authorising Officer	T Dayman, Acting Director of Corporate Services
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. Internal Audit Report - Contract Management - 2 December 2022 - Confidential

Report Purpose

Council is required to review the Internal Audit Report on Contract Management.

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

Council is requested to receive the Internal Audit Report on Contract Management.

Voting Requirements

Simple Majority

Officer Recommendation

That with respect to Internal Audit Report – Contract Management, the Audit and Risk Management Committee recommends that Council,

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

Council Decision **021/2023**

Moved **Cr T Mladenovic**

Seconded **Cr R De Pledge**

That with respect to Internal Audit Report – Contract Management, the Audit and Risk Management Committee recommends that Council,

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

Carried 7/0

6.3 Internal Audit Report - Fraud and Corruption

File Reference	CM52
Applicant or Proponent(s)	Not Applicable
Author	J Bray, Manager Governance
Authorising Officer	T Dayman, Acting Director of Corporate Services
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. Internal Audit Report - Fraud and Corruption - 1 February 2023 - Confidential

Report Purpose

Council is required to review the Internal Audit Report on Fraud and Corruption.

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

Council is requested to receive the Internal Audit Report on Fraud and Corruption.

Voting Requirements

Simple Majority

Officer Recommendation

That with respect to Internal Audit Report – Fraud and Corruption, the Audit and Risk Management Committee recommends that Council,

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

Council Decision **022/2023**

Moved **Cr T Mladenovic**

Seconded **Cr R De Pledge**

That with respect to Internal Audit Report – Fraud and Corruption, the Audit and Risk Management Committee recommends that Council,

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

Carried 7/0

6.4 Internal Audit Report - Payroll and Human Resources

File Reference	CM52
Applicant or Proponent(s)	Not Applicable
Author	J Bray, Manager Governance
Authorising Officer	T Dayman, Acting Director of Corporate Services
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. Internal Audit Report - Payroll and HR - 1 February 2023 - Confidential

Report Purpose

Council is required to review the Internal Audit Report on Payroll and Human Resources.

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

Council is requested to receive the Internal Audit Report on Payroll and Human Resources.

Voting Requirements

Simple Majority

Officer Recommendation

That with respect to Internal Audit Report – Payroll and Human Resources, the Audit and Risk Management Committee recommends that Council,

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

Council Decision **023/2023**

Moved **Cr T Mladenovic**

Seconded **Cr J Richardson**

That with respect to Internal Audit Report – Payroll and Human Resources, the Audit and Risk Management Committee recommends that Council,

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

Carried 7/0

6.5 2022 Compliance Audit Return

File Reference	GV32
Applicant or Proponent(s)	Not Applicable
Author	J Bray, Manager Governance
Authorising Officer	T Dayman, Acting Director of Corporate Services
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. 2022 Compliance Audit Return

Report Purpose

Council is required to review the 2022 Compliance Audit Return (refer to Attachment 1).

The purpose of this report is to present the responses to the 2022 Compliance Audit Return for review by the Audit and Risk Management Committee and subsequent Council endorsement.

Council is requested to endorse the completed 2022 Compliance Audit Return for submission to the Department of Local Government, Sport and Cultural Industries by 31 March 2023.

Voting Requirements

Simple Majority

Officer Recommendation

That with respect to 2022 Compliance Audit Return, the Audit and Risk Management Committee recommends that Council,

1. Endorses the Compliance Audit Return for the period 1 January 2022 to 31 December 2022 as shown in Attachment 1, and
2. Authorises the Shire President and Chief Executive Officer to jointly certify the Compliance Audit Return for submission to the Department of Local Government, Sport and Cultural Industries.

Council Decision **024/2023**

Moved **Cr T Mladenovic**

Seconded **Cr L Rumble JP**

That with respect to 2022 Compliance Audit Return, the Audit and Risk Management Committee recommends that Council,

- 1. Endorses the Compliance Audit Return for the period 1 January 2022 to 31 December 2022 as shown in Attachment 1, and**
- 2. Authorises the Shire President and Chief Executive Officer to jointly certify the Compliance Audit Return for submission to the Department of Local Government, Sport and Cultural Industries.**

Carried 7/0

6.6 2020-2021 Annual Report

File Reference	FM09
Applicant or Proponent(s)	Not Applicable
Author	T Dayman, Acting Director of Corporate Services
Authorising Officer	T Dayman, Acting Director of Corporate Services
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	<ol style="list-style-type: none"> 1. 2020-2021 Annual Report 2. 2020-2021 Audit Report 3. 2020-2021 Auditors Report 4. Auditors Report Management Letter A 5. Auditors Report Management letter B

Report Purpose

Council is required to accept the annual report no later than 31 December after that financial year or if not available, no later than 2 months after the auditor's report becomes available.

The purpose of this report is to provide Audit and Risk Management Committee with a copy of the 2020-2021 Annual Report, Audited Financial Statements, and the Auditors General Independent Auditor's report and Auditors Report, including auditors' findings and recommendations.

The Audit and Risk Management Committee is requested to endorse and recommend to Council to accept the Annual Report, Financial Statements and Auditors Report for the period ending 30 June 2021.

Voting Requirements

Absolute Majority

Officer Recommendation

That with respect to the 2020-2021 Annual Report and Financial Statements, the Audit and Risk Management Committee recommends that Council,

1. Accepts the Auditors Report for the year ending 30 June 2021, as provided for in Attachment 3, 4 and 5, and notes the findings and recommendations,
2. Accepts the Annual Report, Financial Statements and Audit Report for the year ended 30 June 2021 as provided for in Attachment 1 and 2, and
3. Holds a general meeting of electors on the 4 April 2023, at the Ashburton Hall, Paraboradoo.

Council Decision **025/2023**

Moved **Cr A Smith**

Seconded **Cr T Mladenovic**

That with respect to the 2020-2021 Annual Report and Financial Statements, the Audit and Risk Management Committee recommends that Council,

- 1. Accepts the Auditors Report for the year ending 30 June 2021, as provided for in Attachment 3, 4 and 5, and notes the findings and recommendations,**
- 2. Accepts the Annual Report, Financial Statements and Audit Report for the year ended 30 June 2021 as provided for in Attachment 1 and 2, and**
- 3. Holds a general meeting of electors on the 4 April 2023, at the Ashburton Hall, Paraboradoo.**

Carried By Absolute Majority 7/0

17 New Business Of An Urgent Nature Introduced By Council Decision

Pursuant to Clause 5.2(1) of the *Shire of Ashburton Standing Orders Local Law 2012* changed the order of business to allow confidential late item 18.3 Property Purchase - Onslow to be considered first.

18 Confidential Matters

Procedural Motion

Moved Cr R De Pledge

Seconded Cr T Mladenovic

That Council move behind closed doors at 1:53pm, pursuant to clause 6.2 of the *Shire of Ashburton Standing Orders Local Law 2012* to consider the following confidential item.

18.1 Disposal of Assets Other Than Land - Onslow

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

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

Carried 7/0

18.1 Disposal of Assets Other Than Land - Onslow

File Reference	ONS.0016
Applicant or Proponent(s)	Not Applicable
Author	R Wright, Executive Manager Land, Property and Regulatory Services
Authorising Officer	K Donohoe, Chief Executive Officer
Previous Meeting Reference	Council Meeting 6 March 2019, Agenda Item 17.1 (Minute No. 329/2018) Council Meeting 19 November 2019 Agenda Item 13.8 (Minute No. 707/2019) Council Meeting 16 March 2021 Agenda Item 18.2 (Minute No. 152/2021) Council Meeting 26 October 2021 Agenda Item 18.1 (Minute No. 191/2021) Council Meeting 12 April 2022 Agenda Item 18.2 (Minute No. 047/2022)
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. Dredge Spoil Areas - Central, Southern, Northern

Reason for Confidentiality

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

Report Purpose

Council is requested to consider the outcome of a tender to dispose of dredge spoil on Lots 200 and 201 McAullay Road, Onslow (Onslow Airport subdivision land).

Council is required to consider the disposal of a larger quantity of spoil than originally proposed as recommended by Administration.

Voting Requirements: Simple Majority

Council Decision **026/2023**

Moved **Cr J Richardson**

Seconded **Cr R De Pledge**

That with respect to Disposal of Assets Other Than Land - Onslow, Council,

- 1. Notes all tender submissions for (RFT 14.22) - Design and Construction of Onslow Dredge Spoil Disposal and Drainage Reinstatement, were rejected under delegated authority,**
- 2. Authorises the sale of all of the dredge spoil at Lots 200 and 201 McAullay Road, Onslow as shown at Attachment 1, via tender (approximate 950,000m³) under section 3.58 of the *Local Government Act 1995*, within the parameters outlined within this report;**
- 3. Authorises the Chief Executive Officer to negotiate the sale of the dredge spoil at Lots 200 and 201 McAullay Road, Onslow following the tender closure, as an exempt disposition if required; and**
- 4. Authorises the Shire President and Chief Executive Officer to engross all documents including applying the Common Seal, associated with the disposal of assets outlined within this report, in accordance with all laws of Western Australia.**

Carried 7/0

Pursuant to Clause 5.2(1) of the *Shire of Ashburton Standing Orders Local Law 2012* changed the order of business to allow item 18.2 Staff Accommodation Strategy Update - Tom Price and Paraburdoo to be considered first.

19 Next Meeting

The next Ordinary Council Meeting will be held at 1:00pm on Tuesday 14 March 2023 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 1:57pm.