



Published Minutes

Ordinary Council Meeting

Tuesday, 14 March 2023

Date:	Tuesday 14 March 2023
Time:	1:00pm
Location:	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow
Distribution Date:	Friday 17 March 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 March 2023

These minutes were confirmed by Council as a true and accurate record of proceedings at the Ordinary Council Meeting held on Tuesday, 14 March 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 1:03pm.

Council Decision 027/2023

Moved Cr L Rumble JP

Second Cr R De Pledge

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

Carried 5/0

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 Matt Bishop and Amy Bishop to the gallery.

3 Attendance

3.1 Present

Elected Members:	Cr K White	Shire President, Onslow Ward – Via Electronic Means
	Cr M Lynch	Deputy Shire President (Presiding Member), Tom Price Ward
	Cr R De Pledge	Ashburton Ward
	Cr L Rumble JP	Paraburdoo Ward
	Cr A Smith	Tom Price Ward
	Cr T Mladenovic	Tom Price Ward

Employees:	C McGurk R Miller A Lennon M Walsh J Bray A Furfaro R Marlborough A Rauhihi	Director Projects and Procurement Director Infrastructure Services Manager Media and Communications Manager Airport Services Manager Governance Governance Officer Senior Governance Officer Executive Support Officer
Guests:	There were two guests in attendance at the commencement of the meeting.	
Members of Public:	There were no 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

Cr J Richardson Tableland Ward

3.3 Approved Leave Of Absence

Cr M Gallanagh Pannawonica Ward From 14 March 2023 to 14 March 2023

4 Question Time

4.1 Response To Previous Public Questions Taken On Notice

Nil

4.2 Public Question Time

Nil

5 Declaration By Members

5.1 Due Consideration By Councillors To The Agenda

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

5.2 Declaration Of Interest

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 –

Nil

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

Presiding Member presented the Community Citizen of the Year Award to Matt Bishop.

8 Applications for Leave of Absence

8.1 Application for Leave of Absence

Council Decision **028/2023**

Moved **Cr A Smith**

Seconded **Cr T Mladenovic**

That Council approve the request for Leave of Absence, for Councillor Alana Sullivan of Paraburdoo Ward for the period from 14 March 2023 to 14 March 2023 inclusive.

Carried 6/0

9 Confirmation Of Minutes

9.1 Confirmation Of Council Minutes

9.1.1 Minutes Of The Ordinary Council Meeting Held On 14 February 2023

Council Decision **029/2023**

Moved **Cr A Smith**

Seconded **Cr T Mladenovic**

That the Minutes of the Ordinary Council Meeting held 14 February 2023 (Item 9.1.1 Attachment 1) be confirmed as a true and accurate record.

Carried 6/0

9.2 Receipt Of Committee And Other Minutes**9.2.1 Minutes Of The Audit And Risk Management Committee Meeting Held On 14 February 2023**

Council Decision 030/2023

Moved Cr T Mladenovic

Seconded Cr A Smith

That the Minutes of the Audit And Risk Management Committee Meeting held 14 February 2023 (Item 9.2.1 Attachment 1) to be received.

Carried 6/0

10 En Bloc Council Resolutions**10.1 Agenda Items Adopted En Bloc**

Nil

11 Office of the Chief Executive Officer Reports

11.1 Surrender of Lease and New Lease - Boss Family Fitness

File Reference	RC40835
Applicant or Proponent(s)	B & J Davey T/A Boss Family Fitness
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

Report Purpose

For Council to consider the surrender of the current lease of Lot 347 Jacaranda Road, Tom Price (Reserve 40835) and a new lease proposal for a term of five years with a two year option.

Council is requested to endorse the proposed land transactions, subject to advertising under the *Local Government Act 1995*.

Background

A lease was fully executed by the Shire of Ashburton (the Shire) and A & K Bloem on 12 May 2015, for the business formerly known as the Tom Price Gymnasium and Bodyline Gym for a term of 10 years, expiring 11 May 2025.

The lease was assigned to B & J Davey trading as Bodyline Gym (now Boss Family Fitness) on 28 June 2016.

Boss Family Fitness (BFF) is located on a portion of Lot 347 on Deposited Plan 29716, Jacaranda Road, Tom Price (see Figure 1). The land is vested with the Shire as Reserve 40835 for the purpose of 'Recreation' with the power to lease for any term not exceeding 21 years.



Shire officers were contacted in September 2022 by both the manager and owner of BFF requesting an extension of 10 years, stating they wished to assign their lease to a new buyer. In October 2022, the proposal to sell BFF and assign the lease was abandoned.

Since that time, the owners have stated they are committed to revitalising their leased space but would like certainty of at least five years to ensure return on investment.

The draft Community Lifestyle Infrastructure Plan (CLIP) has earmarked this facility for significant renovation and/or future relocation. Given the uncertainty of the building's location in the long term, the owners have been advised that no more than five years could be committed to at this time.

As the current lease expires in May 2025 (approximately two years' remaining) a five-year lease could be considered, with the possibility of a further two-year term, at the Shire's discretion, of which the owners have agreed to. This will require a surrender of the current lease, and a new five-year lease, subject to the approval of Council and the Minister for Lands.

Comments

The existing lease signed in 2015 was heavily discounted, starting at \$500 annually with various increments over the years (currently \$974.36 per year) classified as a 'Community Lease' under Council Policy – REC05 Community Leases and License Agreements of Shire Assets (Facilities, Buildings and Land). The policy states that community leases apply when organisations are of a community or sporting nature, are not-for-profit and solely run for the purpose of the community.

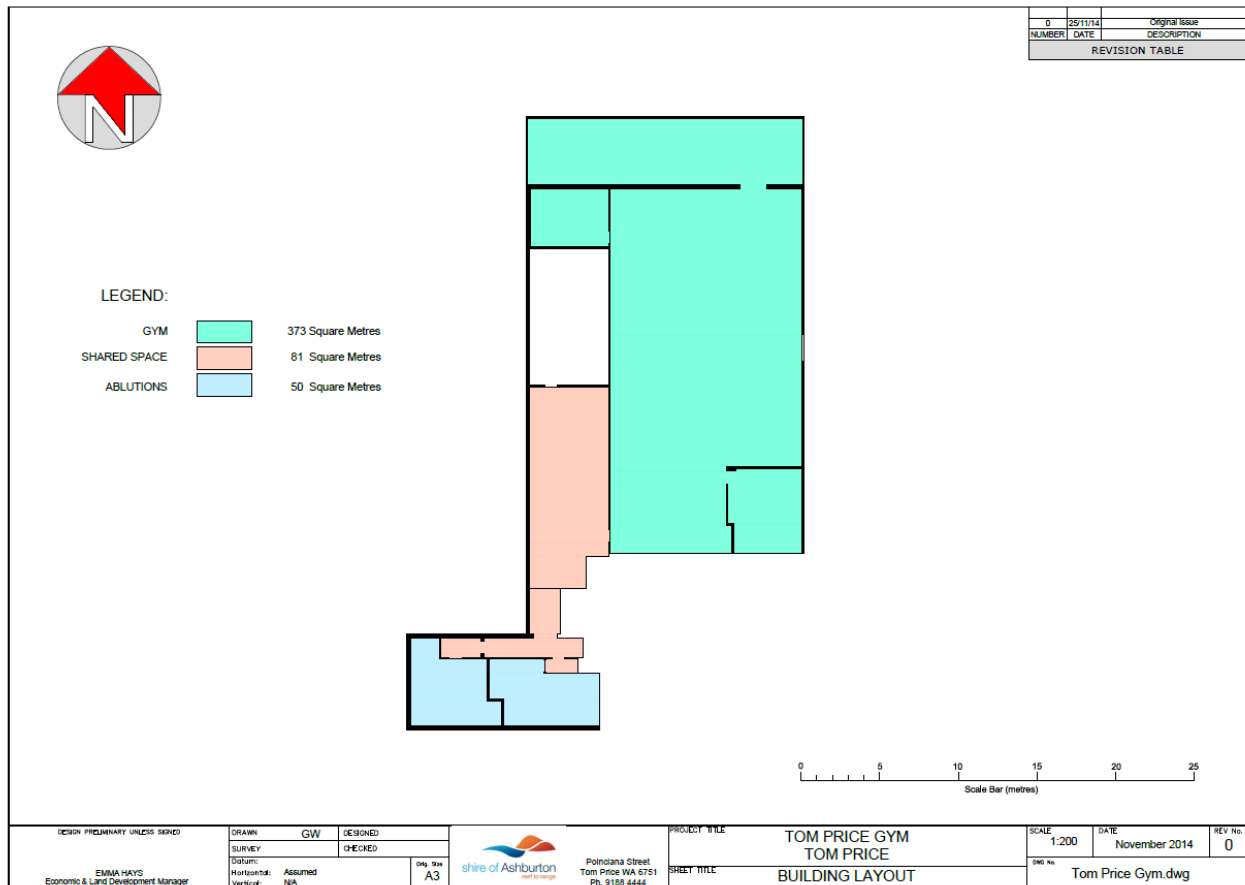
As this is a commercial business and classed as a retail shop as well as a community asset, it is proposed that the rental figure is increased accordingly.

A new valuation was sourced in September 2022, with a suggested annual rate of \$1,900 plus GST and outgoings. As the disposal of land is not exempt under section 3.58 of the *Local Government Act 1995*, the valuation and agreed rental amount will need to be advertised.

It is noted that the current lease being surrendered has two years remaining and the discounted fee would have applied for the remainder of that lease in this instance. Shire officers propose that the new lease fee is reduced for a two-year period offered at \$1,000 with a view to increasing the rental to the valuation figure in 2025.

The owners of BFF have agreed to the following lease terms, subject to Council approval and advertising:

Lessee:	B & J Davey T/A Boss Family Fitness
Lease Area:	Portion of Lot 347 Jacaranda Drive, Tom Price on Deposited Plan 29716. Certificate of Title Volume LR3125, Folio 496
Permitted Purpose:	Gymnasium, Recreation and Ancillary Use
Lease Term:	Five years
Commencement Date:	The date of execution (anticipated to be April/May 2023)
Lease Fee:	The current lease provides and annual income of \$974.36 plus GST and was classed as a community facility. It is proposed the new fee is \$1,000 for a two-year period with the new valuation figure applied in 2025.
Further Term:	Two years at the Shire’s discretion only, relevant to the CLIP.
Outgoings (Water, Electricity, Rates and Taxes):	Lessee responsibility
Insurance:	Lessee responsibility
Public Liability Insurance (PLI):	Lessee responsibility
Maintenance and Cleaning:	Lessee responsibility (and jointly with the Tom Price Bowls Club over the licenced portion)
Lease preparation and costs:	The lease will be prepared by the Shire at its cost, fees cannot be passed on as Retail Shops legislation applies.
Assignment or subleasing:	Consent of the Minister for Lands must be obtained to any assignment, sublease, in addition to the consent of the Shire in accordance with clause 39.1 of the <i>Land Administration Act 1997</i> .
Special Conditions:	Shared licence portion of the common areas and toilets (red and blue) with the adjoining Tom Price Bowls Club as shown in Figure 2 below.



Shire officers are supportive of a new five-year lease plus a further term of two years at the Shire’s discretion, between the Shire and the owners of BFF as this will ensure continuation and improvements to the facility.

Consultation

- Facilities
- Boss Family Fitness
- LK Advisory

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 | 2.7 Quality, well-maintained, and purposeful community facilities |
| Strategy | 1 Provide high-standard sport and recreation facilities across the Shire. |

Council Policy

The previous lease arrangement in 2015 was approved as a community facility under Council Policy – REC05 Community Leases and License Agreements of Shire Assets (Facilities, Buildings and Land) at a rate of \$500 per week with up to 10% rent review increments per year. As this is a commercial facility this policy should not apply.

Financial Implications

Current Financial Year

Income of \$1,000 (discounted lease fees) due to the previous lease arrangement.

Future Financial Year(s)

Income is expected, as per the valuation, in the vicinity of \$2,000 plus GST and Consumer Price Increase (CPI) annually.

Legislative Implications

Local Government Act 1995

Section 3.58 – Disposing of Property

Any private treaty negotiations to lease will be required to comply with section 3.58 of the *Local Government Act 1995*, such as the advertising of the lease and valuation for a period of no less than two weeks inviting submissions.

Commercial Tenancy (Retail Shops) Agreements Act 1985

As the BFF is classified as a Retail Shop under the *Commercial Tenancy (Retail Shops) Agreements Act 1985*, these provisions will apply. The Act regulates retail leasing agreements between landlords and tenants and aims to remedy the disparity in power to allow for fair and transparent leasing arrangements for small business owners.

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)	BFF lease is not renewed, tenant no longer provides quality service to patrons.	Unlikely (2)	Minor (2)	Low (1-4)	Enter into new five year lease with lessee.

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 Surrender of Lease and Lease - Boss Family Fitness, Council,

1. Supports the surrender of lease over a portion of Lot 347 Jacaranda Drive, Tom Price.
2. Supports in principle, and subject to advertising under section 3.58 of the *Local Government Act 1995*, a new lease over a portion of Lot 347 Jacaranda Drive, Tom Price to Beau and Josephine Davey trading as Boss Family Fitness for a term of up to five years with one two year option at the Shire's discretion, commencing upon execution.
3. Authorises the publication of a local public notice of the intention to dispose of portion of Lot 347 Jacaranda Drive, Tom Price in accordance with Section 3.58 of *the Local Government Act 1995*.
4. Authorises the Chief Executive Officer to:
 - (a) Consider any public submissions regarding item 3 above, noting that elected members will be informed of the result of the public consultation period, and
 - (b) Negotiate further commercial lease terms and engross all documentation and comply with all applicable legislation as is required to effect item 1 and 2.

Council Decision **031/2023**

Moved **Cr A Smith**

Seconded **Cr L Rumble JP**

That with respect to Surrender of Lease and Lease - Boss Family Fitness, Council,

- 1. Supports the surrender of lease over a portion of Lot 347 Jacaranda Drive, Tom Price.**
- 2. Supports in principle, and subject to advertising under section 3.58 of the *Local Government Act 1995*, a new lease over a portion of Lot 347 Jacaranda Drive, Tom Price to Beau and Josephine Davey trading as Boss Family Fitness for a term of up to five years with one two year option at the Shire's discretion, commencing upon execution.**
- 3. Authorises the publication of a local public notice of the intention to dispose of portion of Lot 347 Jacaranda Drive, Tom Price in accordance with Section 3.58 of *the Local Government Act 1995*.**
- 4. Authorises the Chief Executive Officer to:**
 - (a) Consider any public submissions regarding item 3 above, noting that elected members will be informed of the result of the public consultation period, and**
 - (b) Negotiate further commercial lease terms and engross all documentation and comply with all applicable legislation as is required to effect item 1 and 2.**

Carried 6/0

11.2 Proposed Lease Agreement with Department of Transport - Community Boating Precinct, Part Lot 561, Beadon Creek Maritime Facility, Onslow

File Reference	PR30711
Applicant or Proponent(s)	Department of Transport
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"> Proposed Lease Agreement Community Boating Precinct ⇒ Site Plan of Lease Area for Community Boating Precinct ⇒ McLeods Lawyers - Department of Transport Lease Agreement Review Comments ⇒

Report Purpose

The purpose of this report is to present the proposed lease agreement to Council for consideration following the practical completion of Stages 1A and 1B of the Beadon Creek Community Boating Precinct, Onslow.

Council is requested to endorse the proposed lease agreement following the negotiations with the Department of Transport (DoT) after a review completed by external lawyers.

Background

The Onslow Community Boating Precinct (CBP) was proposed in 2014, for use by recreational boaters and tourism/charter operators and included a new boat ramp and small marina with suitable space for the development of fully serviced boat pens.

In 2016, DoT in partnership with the Shire, other key government agencies and the local community, developed a concept plan and business case for the development of the Onslow CBP. The Shire allocated a significant portion of funding to enable Stage 1 of the project and DoT obtained relevant State approvals and managed the design process in close collaboration with the Shire. The DoT managed the Stage 1 construction phase on behalf of the Shire.

Following a brief break in construction activities, Stage 1 of the CBP will be further enhanced with kerbed islands, asphalt, line marking, signage, landscaping, and public amenities. These works are scheduled for completion by mid-2023.

The proposed Stage 2 of the CBP includes fully serviced boat pens, public jetties, and berthing, completed landscaping and car parks, serviced development lots (for lease), community open space and ablutions.

It is envisaged that this type of facility will provide economic and community benefits to Onslow and the wider Pilbara region. Funding options are currently being investigated.

The new boat ramp opened on 30 July 2022 and has been well-received by locals and visitors. The Shire is now required to enter into a lease agreement with DoT for the management of the facility and to allow future subletting of the proposed Stage 2 commercial and community land parcels.

Comments

A summary of proposed lease agreement terms is outlined as follows:

Premises	That part of Lot 561, Beadon Creek Maritime Facility, Onslow comprising an area of approximately 17,537m ²
Land	All the land and the seabed comprised in Reserve 30711 together with all buildings and improvements from time to time erected thereon and being known as Beadon Creek Maritime Facility, Onslow.
Term	Ten years commencing on the Date of Commencement
Date of Commencement	1 March 2020
Purpose	The development of Stage 1 of a community boating precinct, being to construct a boat launching ramp and boat trailer parking on the Premises and the use and maintenance of the Premises as a community boating precinct by members of the public.
Rent	\$1.00 per annum (peppercorn)
Rent Review Dates	Nil
Management Fee	The greater of: (a) Four per cent (4%) per annum of all amounts billed to the Lessee by the Lessor or its Managing Agent and payable by the Lessee in accordance with this Document; or (b) Five hundred dollars (\$500.00) per annum; payable by quarterly instalments in advance on the first days of March, June, September and December of each year of the Term.
Public Liability Insurance	\$20,000,000.00
Harbour Area Contribution	Nil
Further Term	10 years commencing on 1 March 2030 and expiring on 29 February 2040
Sum	Nil

The draft lease agreement has been reviewed by McLeods Lawyers with some proposed changes submitted to the DoT for consideration (refer to Attachment 1).

Consultation

Director Community Development
Department of Transport
McLeods Lawyers

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	2.7 Quality, well-maintained, and purposeful community facilities
Strategy	1 Provide high-standard sport and recreation facilities across the Shire.

Council Policy

Nil

Financial ImplicationsCurrent Financial Year

Rent of \$1.00 per annum plus GST.

Management Fee of \$500 per annum.

Maintenance of CBP – estimated to be \$25,000 per annum.

Future Financial Year(s)

Rent of \$1.00 per annum plus GST.

Management Fee of \$500 per annum.

Maintenance of Facility – estimated to be \$25,000 per annum.

Legislative Implications

Section 9 of the *Marine and Harbour Act 1981* provides the Minister for Transport authority to have Crown Land vested to them.

Section 12 of the *Marine and Harbour Act 1981* provides powers for land vested under this Act to be leased for community activities.

Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Property (plant, equipment, buildings)	Obligations of each party not formalised correctly; disputes may arise with regard to responsibilities.	Possible (3)	Minor (2)	Low (1-4)	Enter into lease agreement.

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 Community Boating Precinct, Part Lot 561, Beadon Creek Maritime Facility, Onslow, Council, authorises the Chief Executive Officer to,

1. Finalise lease negotiations, and
2. Execute the Lease Agreement and associated documents for the Community Boating Precinct, Part Lot 561, Beadon Creek Maritime Facility, Onslow between the Shire of Ashburton and the Department of Transport.

Council Decision **032/2023**

Moved **Cr T Mladenovic**

Seconded **Cr R De Pledge**

That with respect to Community Boating Precinct, Part Lot 561, Beadon Creek Maritime Facility, Onslow, Council, authorises the Chief Executive Officer to,

- 1. Finalise lease negotiations, and**
- 2. Execute the Lease Agreement and associated documents for the Community Boating Precinct, Part Lot 561, Beadon Creek Maritime Facility, Onslow between the Shire of Ashburton and the Department of Transport.**

Carried 6/0

11.3 Donation Request – Upgrade to Power Infrastructure – Tom Price Speedway (Reserve 39327)

File Reference	RC39327
Applicant or Proponent(s)	Not Applicable
Author	J Hunter, Coordinator Planning and Lands
Authorising Officer	R Wright, Executive Manager Land, Property and Regulatory Services
Previous Meeting Reference	Ordinary Council Meeting Council 12 February 2019 - Item 13.2 – Minute No. 502/2019 Ordinary Council Meeting Council 16 July 2019 - Item 13.2 – Minute No. 605/2019
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	<ol style="list-style-type: none"> 1. Implementation Plan - Tom Price Speedway Club ⇒ 2. Building inspection and compliance report ⇒ 3. Excerpt from July 2019 Council Report ⇒ 4. Speedway spend to date ⇒ 5. Works completed and works outstanding ⇒ 6. Sinewave Electrical - Lighting Quote ⇒ 7. Electrical Quote ⇒

Report Purpose

Council is required to consider the allocation of funding to the Tom Price Motorsport Club to contribute towards electrical infrastructure at the Tom Price Speedway.

The purpose of this report is to provide background and reasoning for the proposed funding and to gain Council's support to allocate the subject funding and proposed works.

Background

At the September 2015 Ordinary Council Meeting, Council was presented with a comprehensive Implementation Plan to address non-compliance issues relevant to the former *Council Policy REC05 – Community Lease and License Agreements*, regarding facilities under community leases. Attachment 1 provides an excerpt from this plan regarding the Tom Price Speedway.

The plan outlined legislative non-compliance, proposed solutions, timelines, and rectification costs.

To ensure the Shire was maintaining good community governance and protecting future tenants, its members and the community, remediation actions were highlighted at the Tom Price Speedway (Speedway) by the Shire's Building Surveyor and Compliance Officer in 2019 (refer to Attachment 2).

At the July 2019 Ordinary Council Meeting, Council was presented with proposed remediation works for the Tom Price Speedway, classified into five stages:

1. Removal of structures and rubbish;
2. Supply and install of ablutions;
3. Repairs to structures;
4. Engineer Assessment; and
5. Electrical Compliance (refer to Attachment 3), with a proposed total of \$200,000, from an available budget of \$350,000.

At the July 2019 Ordinary Meeting of Council, Council endorsed these remediation works on Reserve 39327 for the purpose of Recreation (Speedway) comprising Lot 53 on Deposited Plan 186853, Nameless Valley Drive, Tom Price.

“That with respect to Required Remediation Works - Reserve 39327, Council:

1. *Authorise expenditure up to \$200,000 for remediation of Reserve 39327 from GL 111223; and*
2. *Authorise the Chief Executive Officer to undertake the remediation works in accordance with this report.”*

Comments

Since the July 2019 resolution to authorise expenditure of up to \$200,000, the Shire granted \$122,137.25 to undertake the following works outlined in the Implementation Plan (refer to Attachment 1), Building Inspection and Compliance Report (refer to Attachment 2) and July 2019 Council report (refer to Attachment 3), leaving \$77,862.75 remaining of the \$200,000 agreed budget for the Speedway. An overview of the funding granted to date is provided within Attachment 4.

Remediation works have progressed with removal of structures and rubbish, supply and install of ablutions and some repairs to structures. From Shire officer's understanding, there are still some minor outstanding works, including further repairs to structures, engineer assessment of the water tank, and electrical compliance works (power main distribution board upgrade and light pole supply) as detailed in Attachment 5, however, most of the works previously identified above are now complete.

The main works outstanding are the electrical compliance works for power main distribution board upgrade and light pole supply.

A quote for new lighting at the Speedway has been provided at an estimated cost of \$70,814.70 which did not include the poles. The quote noted that the existing poles may not be suitable and could cost up to \$10,000 per replacement pole (22 light poles in total) as detailed in Attachment 6.

The Tom Price Motorsport Club have confirmed that while the lighting works are desirable, the most important works are the electrical works to supply power to the Speedway club house.

The Tom Price Motorsport Club has acquired a quote for these works, estimated to be \$83,073.91, including GST (refer to Attachment 7).

As there is \$77,862.75 remaining of the \$200,000 agreed by Council in 2019, the \$83,073.91 quoted for the works would result in the total expenditure of \$205,211.16 granted to the Tom Price Motorsport Club.

It is proposed that Council grant the required \$83,073.91 for the proposed electrical works, being an additional \$5,211.16 over the agreed amount in 2019. Shire officer's believe this would be beneficial to the Tom Price Motorsport Club and the Speedway as an asset to the broader community.

Consultation

Tom Price Motorsport Club

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	2.7 Quality, well-maintained, and purposeful community facilities
Strategy	1 Provide high-standard sport and recreation facilities across the Shire.

Council Policy

Council Policy – Community Leases and Licences provides a structured, equitable and consistent approach to the management of Council's community lease and licence agreements with local community groups for the use of Shire of Ashburton owned and controlled facilities, buildings, and land.

Financial Implications

Current Financial Year

There is currently \$276,800 allocated to the Community Group Compliance Contributions budget (GL LA24115) of which no funds have been expended this financial year.

Tom Price Motorsport Club Incorporated has acquired a quote for the proposed works (refer to Attachment 7) for \$83,073.91 including GST. It is proposed that Council grant the Tom Price Motorsport Club the required funds using existing surplus in GL LA24115.

Future Financial Year(s)

As per the *Implementation Plan for Risk Mitigation Works Required on Shire of Ashburton Reserves Leased to Community Groups* (refer to Attachment 1) there are possibly outstanding and ongoing compliance and maintenance works not only for the Tom Price Speedway, but for all reserves leased to community groups.

Shire officers recommend assigning \$50,000 as an ongoing item to the budget for this purpose.

Legislative Implications

Section 3.58 of the *Local Government Act 1995* provides powers and outlines provisions regarding Local Government Crown Reserve leases to third parties.

Regulation 30 of the *Local Government (Functions and General) Regulations 1996* provides exemptions to section 3.58 of the act, including leases to community groups.

Health Act 1911 and Health (Public Buildings Regulations) 1992 outlines occupancy conditions, including certificate of approval, certification of electrical work, facility lighting, sanitary facilities, evacuation plans etc.

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 Tom Price Motorsport Club and Tom Price Speedway continue to operate with non-compliant infrastructure.	Possible (3)	Moderate (3)	Moderate (5-9)	Allocate the funding as outlined within the officer recommendation.

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 the Donation Request for Upgrade to Power Infrastructure at the Tom Price Speedway (Reserve 39327), Council,

1. Authorises the donation of \$83,074 as per the quote provided in Attachment 7 from GL LA24115 to undertake the electrical works at the Tom Price Speedway as outlined within the scope of works.
2. Requests the Tom Price Motorsports Club, within 12 months of these funds being provided, to provide the Shire an acquittal to show evidence that the granted funds have been spent correctly and that the works have been completed.

Council Decision **033/2023**

Moved **Cr L Rumble JP**

Seconded **Cr T Mladenovic**

That with respect to the Donation Request for Upgrade to Power Infrastructure at the Tom Price Speedway (Reserve 39327), Council,

1. **Authorises the donation of \$83,074 as per the quote provided in Attachment 7 from GL LA24115 to undertake the electrical works at the Tom Price Speedway as outlined within the scope of works.**
2. **Requests the Tom Price Motorsports Club, within 12 months of these funds being provided, to provide the Shire an acquittal to show evidence that the granted funds have been spent correctly and that the works have been completed.**

Carried 6/0

11.4 Engagement of consultants for Onslow Aerodrome

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	Ordinary Council Meeting 14 February 2023 - Item 11.2 – 011/2023
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	Nil

Report Purpose

Council is requested to consider a budget variation amount of \$400,000, to be transferred from the Airport Reserve to the Airport operating budget, for consultancy services associated with the next stages of the Onslow Airport air services demand analysis.

Background

Price Waterhouse Cooper (PWC) were engaged by the Shire to support discussions with key stakeholders of Onslow Airport to understand the air service needs over the next 12-24 months as a means to collate data of the future demand through the airport.

The context of the study was to understand the forecast air service demand and Onslow Airport to support a case to the airlines and/or other stakeholders for expand services due to the ongoing challenges of limited connectivity in the current schedule for the community and local business users.

Through this process, PWC engaged mining and resource companies and local businesses to understand their flight requirements.

The aggregate demand across all stakeholders has been collated into a tracking tool to estimate the excess demand for flights beyond the current schedule.

The executive summary of this study was presented to Council at a briefing held 14 February 2023.

The outcome of the study identified there is a need and demand for additional services.

Comments

The next stage of the analysis incorporates the following activities.

Stakeholder Engagement

Ongoing stakeholder management and discussion:

- Stakeholder engagement
- Airline engagement
- Airport engagement.

Business Case and Updated Master Plan Development

The Airport Master Plan acts as guidance in planning future airport facilities and development over a 10-20 year period. It considers future aviation demand, industry changes, available funding, environmental components and airport needs that are associated with current demand as well as future growth. Typically, masterplans are updated approximately every five years. The existing Airport Master Plan, endorsed by Council in 2016, has now become dated and requires a full re-write to include developments and changes that have occurred since its inception.

The proposed business case and updated master plan will be high level strategic documents outlining the future vision and financial impacts for the Onslow Airport for the next 10-20 years. Comprehensive master plans and business cases provide a conceptual framework to drive project development and growth and are also critical documents when applying for Government funding and grants which substantiate the need for investment.

The documents will also be provided to external agencies to review and consider when considering investment opportunities.

Phase one of the PWC Air Services Demand Study has already identified future growth applicable to the airport. Should we not strategically invest now through the business case and the master plan, the Shire may not be ready for the anticipated investment in the town.

Consultation

Chief Executive Officer

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

Council Policy – Purchasing and Procurement

The Shire is committed to delivering best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance whereby establishing efficient, effective, economical, and sustainable procedures in all purchasing activities.

Financial Implications

Current Financial Year

There are sufficient funds available in the Airport Reserve.

Future Financial Year(s)

A well-considered master plan and business case will demonstrate that the Shire has a clear vision and strategy in place for the future of Onslow Airport, and will add significant strength to funding applications/investments associated with the upgrading of the runway and airport facilities to accommodate the future needs of larger aircraft.

Furthermore, data from the PWC Air Services Demand Study highlights an increase in future services which will generate more revenue into the future however, it is difficult to determine the exact amount at this early stage.

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
Financial impact	There is a risk to Council that funding and investments opportunities for airport will be forfeited due to not having supporting documentation.	Possible (3)	Moderate (3)	Moderate (5-9)	Commence drafting of documents promptly to support any future funding or investments opportunities.
Reputation (social/community)	Unable to fulfill commitment to the stakeholders of the airport and loss of services to other ports.	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation risk is mitigated by following the officer's recommendation, which supports the financial future of the airport.

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 Engagement of Consultants for Onslow Airport, Council, approves the following amendment to the 2022/2023 Annual Budget,

- (a) Increase Job 3157 – Airport Consultancy by \$400,000, and
- (b) Increase General Ledger RF43107 by transfer from Airport Reserve by \$400,000.

Council Decision 034/2023

Moved Cr R De Pledge

Seconded Cr L Rumble JP

That with respect to Engagement of Consultants for Onslow Airport, Council, approves the following amendment to the 2022/2023 Annual Budget,

- (a) Increase Job 3157 – Airport Consultancy by \$400,000, and**
- (b) Increase General Ledger RF43107 by transfer from Airport Reserve by \$400,000.**

Carried By Absolute Majority 6/0

12 Corporate Services Reports

12.1 Monthly Financial Statements - January 2023

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. Monthly Financial Report January 2023 ↗

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 January 2023 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).

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 officer recommendation.	Unlikely (2)	Minor (2)	Low (1-4)	Provide Council with sufficient information for decision making.
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Based on the inherent risk rating and risk treatments, the residual risk to the Shire is considered to be low.

Voting Requirements

Simple Majority

Officer Recommendation

That with respect to Monthly Financial Statements, Council, in accordance with *Local Government (Financial Management) Regulations 1996* regulation 34, accepts the Statement of Financial Activity, and associated documentation, for January 2023, as included at Attachment 1.

Council Decision **035/2023**

Moved **Cr A Smith**

Seconded **Cr T Mladenovic**

That with respect to Monthly Financial Statements, Council, in accordance with *Local Government (Financial Management) Regulations 1996* regulation 34, accepts the Statement of Financial Activity, and associated documentation, for January 2023, as included at Attachment 1.

Carried 6/0

12.2 Monthly Schedule of Accounts Paid - January 2023

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 - January 2023 ⇒

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 January 2023,
- Trust Fund Payments for January 2023, and
- Corporate Credit Card Reconciliations for December 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	4,235,221.71
Superannuation / Payroll (Direct Debits)	294,735.10
Cheques	-
Credit Cards	1952.82
Bank Fees and Charges	1688.25
<u>Municipal Fund Total</u>	4,533,597.88

<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 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 January 2023, as included at Attachment 1.

Council Decision **036/2023**

Moved **Cr T Mladenovic**

Seconded **Cr R De Pledge**

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 January 2023, as included at Attachment 1.

Carried 6/0

12.3 Provision of Banking Services

File Reference	FM.36
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	Nil

Report Purpose

The purpose of this report for Council to consider investigating its options for the provision of banking services.

Council is requested to endorse the proposal to call for tenders for the provision of banking services.

Background

Like most regional local governments, the Shire utilises its local banking institution for its primary banking needs, including in person services.

Westpac has been the Shire's primary banking institution for some considerable time. The Shire also holds accounts and services with the Commonwealth Bank Australia.

In December 2022, the Westpac Tom Price branch closed permanently. This closure has resulted in activities, such as cash deposits, being serviced at the local post office. To date, this has been adequate however, discussions held to date with the Shire's relationship officers have indicated that the Shire will experience an increase in bank deposit fees.

Comments

With the withdrawal of the Tom Price Westpac bank, it is an ideal time for Council to consider its banking needs and ensure that it is receiving the best value for money.

The most efficient way to achieve this would be to seek submissions via the tender process.

It is proposed that the tender proposal would include performance standards, including details of core services, including, but not limited to:

- Revenue collection
- Creditor/payroll payments
- Account keeping, reconciliation and funds transfers
- Corporate and credit card facilities
- Provision of EFTPOS remote terminals
- Innovative banking solutions
- Investment solutions
- Overdraft facilities

- Advanced software and highly developed online functionality
- Provision of a superior encryption service to safeguard payments.

Council could seek tenders for an initial three-to-five-year period, with an option for Council to extend for a further period.

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	1 Provide cost-effective financial management and value for money.

Council Policy

Nil

Financial Implications

Current Financial Year

Cost of fees in relation to the provision of banking services.

Future Financial Year(s)

Cost of fees in relation to the provision of banking services.

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
Financial impact	Council does not receive value for money for the provision of banking services.	Likely (4)	Minor (2)	Moderate (5-9)	Council seeks submissions for the provision of banking services.

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 provision of banking services, Council, calls for tenders for an initial term of five years, with an option for Council to extend for a further period not exceeding two years.

Council Decision **037/2023**

Moved **Cr L Rumble JP**

Seconded **Cr T Mladenovic**

That with respect to provision of banking services, Council, calls for tenders for an initial term of five years, with an option for Council to extend for a further period not exceeding two years.

Carried 6/0

12.4 2023 Local Government Ordinary Elections

File Reference	GV47
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 14 February 2023 - Item 12.4 – (006/2023)
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	Nil

Report Purpose

Council is required to consider the method of conducting the upcoming ordinary local government elections and who will conduct the election.

The purpose of this report is to seek Council's endorsement in regards to the method and conduct of the upcoming elections.

Council is requested to appoint the Electoral Commissioner to be responsible for the conduct of the 2023 local government ordinary elections, together with any other elections or polls which may be required, and to decide to conduct the election as a postal election.

Background

Local government ordinary elections are held on the third Saturday of October, every two years. Generally, half of the Councillors terms expire at each election.

Elections can be held in one of two ways:

- A postal election where every elector mails their ballot through the post or in person. Postal elections must be conducted by the Electoral Commissioner, or
- An 'in-person' election where polling booths would be operated across the Shire. This would need to be conducted by the local government.

In the past, the Electoral Commissioner has been responsible for the conduct of ordinary elections at the Shire of Ashburton (the Shire).

Comments

The Western Australian Electoral Commission has written to the Shire advising of the Electoral Commissioner's agreement to be responsible for the conduct of the 2023 ordinary elections for the Shire in accordance with section 4.20(4) of the Act. Given the Electoral Commissioner has previously been responsible for conducting ordinary elections at the Shire, it is recommended that Council declare the Electoral Commissioner to be responsible for the conduct of the 2023 ordinary elections, together with any other elections or polls which may be required.

The Electoral Commissioner's agreement to conduct the 2023 ordinary elections is on the proviso that the Shire agrees to conduct the election as a postal election. The Act provides that a decision to have a postal election has no effect unless the Electoral Commissioner is declared to be responsible for the conduct of an election.

Given that a number of elections at the Shire in the past have been conducted by postal ballot, it is recommended the same method be followed for the 2023 ordinary elections.

The Shire has not considered holding an in-person election due to the resourcing implications and the perceived conflict of interest if the election was conducted by Shire officers.

The Western Australian Electoral Commission has estimated the cost of the 2023 ordinary elections to be \$30,650 (including GST), which is based on the following assumptions:

- 3,000 electors
- response rate of approximately 30%
- five vacancies
- count to be conducted at the Shire’s offices
- appointment of a local Returning Officer
- priority Australia Post delivery service for the lodgement of the election packages.

The estimate does not include the costs of:

- any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns;
- the cost of any casual staff to assist the Returning Officer on election day or night; or
- any unanticipated costs arising from public health requirements for the COVID-19 pandemic.

Consultation

The Western Australian Electoral Commission, Chief Executive Officer and Acting Director Corporate Services have been consulted in relation to the upcoming local government ordinary elections.

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

Nil

Future Financial Year(s)

The Electoral Commissioner has indicated that the estimated cost of the 2023 election is \$30,650 (inclusive of priority post for the delivery of packages). In addition, a further \$5,000 will be allocated for advertising and internal costs associated with the conduct of the elections. This provides a total cost of \$35,650 for the ordinary election. This amount will be presented for consideration in the 2023/2024 Annual Budget.

Legislative Implications

In accordance with section 4.20(4) of the *Local Government Act 1995*, the local government may, with prior written agreement, declare the Electoral Commissioner to be responsible for the conduct of an election on the local government’s behalf.

In accordance with section 4.61(2) of the *Local Government Act 1995*, the local government may decide to either hold the election ‘in person’ or ‘postal’.

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)	If the Electoral Commissioner is not appointed to conduct the election, the election could be perceived to lack integrity.	Possible (3)	Moderate (3)	Moderate (5-9)	Appoint the Electoral Commissioner to conduct the election.

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 the 2023 Local Government Ordinary Elections, Council,

1. Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2023 ordinary elections together with any other elections or polls which may be required, and
2. Decide, in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the election will be as a postal election.

Council Decision **038/2023**

Moved **Cr L Rumble JP**

Seconded **Cr R De Pledge**

That with respect to the 2023 Local Government Ordinary Elections, Council,

- 1. Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2023 ordinary elections together with any other elections or polls which may be required, and**
- 2. Decide, in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the election will be as a postal election.**

Carried By Absolute Majority 6/0

12.5 2022/2023 Policy Review

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) Ordinary Council Meeting 14 February 2023 - Item 12.5 – (019/2023)
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	<ol style="list-style-type: none"> 1. Community Projects - Letters of Support ⇨ 2. Corporate Transaction Cards ⇨ 3. Elected Member Photographs ⇨ 4. Elected Member Briefing Forums ⇨ 5. Elected Member Recordkeeping ⇨ 6. Legal Representation for Elected Member and Employees ⇨ 7. Regional Price Preference ⇨ 8. Authority to Apply for Grants ⇨ 9. Debt Recovery ⇨ 10. Graffiti Management ⇨

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 seven policies are proposed to be amended.

Policy	Amendments
ELM18 Community Projects – Letters of Support	The timeframe for the community to request a letter of support for the Shire has been extended from five working days to 10 working days to allow sufficient time for the request to be assessed and a formal response to be prepared.
EMP24 Corporate Transaction Cards	Policy has been rewritten and is based on the WALGA template policy for Corporate Transaction Cards.
ELM02 Official Photographs	The policy has been amended to include further guidance in relation to when official photographs will be taken and how they may be used.
ELM09 Elected Member Information Forums	The policy has been rewritten to reflect current practices.
ELM16 Elected Members Record Keeping	The policy has been simplified to clarify what, when and how elected member records should be captured in the Shire’s records management system.
ELM27 Legal Proceedings	Minor amendments have been made to the policy to provide clarity on the application process.
FIN04 Regional Price Preference	The requirement to submit proof of eligibility has been mandated and the reporting section has been removed. Other minor grammatical and formatting amendments have been made.

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

Policy	Amendments
Authority to Apply for Grants	New policy to authorise the Chief Executive Officer to apply for grants/subsidies except where a Shire co-payment is required and has not been budgeted for or where the amount varies significantly from the budgeted amount.
Debt Recovery	The provisions of policies FIN15 Rates Debt Recovery and FIN13 Debtors Management – General have been amalgamated into one new Debt Recovery Policy. Minor content amendments have been made to ensure the policy reflects current practices.
Graffiti Management	New policy to provide guidelines in responding to graffiti on Shire of Ashburton property.

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.

In accordance with regulation 24E(1) of the *Local Government (Functions and General) Regulations 1996*, the Shire gave Statewide and local public notice of the proposed Regional Price Preference Policy for a period of four weeks, from 18 January 2023 to 17 February 2023. At the close of submissions, no submissions were received.

In accordance with regulation 24E(4) of the *Local Government (Functions and General) Regulations 1996*, the local government must consider all submissions received prior to adopting a Regional Price Preference Policy.

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 10 Council policies.

Financial Implications

Current Financial Year

Following Council's adoption of the Regional Price Preference Policy, the Shire must give Statewide public notice of its adoption. Sufficient funds are available in the 2022/2023 Annual Budget to conduct the statutory advertising.

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.

In accordance with regulation 24F(3) of the *Local Government (Functions and General) Regulations 1996*, the local government must not apply the amended Regional Price Preference Policy until Statewide public notice of its adopted has been given.

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 the 2022/2023 Policy Review, Council,

1. Adopts the following amended policies,
 - (a) Community Projects – Letters of Support,
 - (b) Corporate Transaction Cards,
 - (c) Elected Member Photographs,
 - (d) Elected Member Briefing Forums,
 - (e) Elected Member Recordkeeping, and
 - (f) Legal Representation for Elected Members and Employees.
2. Adopts the amended Regional Price Preference Policy and instructs the Chief Executive Officer to give Statewide public notice of its adoption.
3. Adopts the following new policies,
 - (a) Authority to Apply for Grants,
 - (b) Debt Recovery which replaces policies FIN13 Debtors Management – General and FIN15 Rates Debt Recovery, and
 - (c) Graffiti Management.

Council Decision 039/2023

Moved Cr A Smith

Seconded Cr T Mladenovic

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

- 1. Adopts the following amended policies,**
 - (a) Community Projects – Letters of Support,**
 - (b) Corporate Transaction Cards,**
 - (c) Elected Member Photographs,**
 - (d) Elected Member Briefing Forums,**
 - (e) Elected Member Recordkeeping, and**
 - (f) Legal Representation for Elected Members and Employees.**
- 2. Adopts the amended Regional Price Preference Policy and instructs the Chief Executive Officer to give Statewide public notice of its adoption.**
- 3. Adopts the following new policies,**
 - (a) Authority to Apply for Grants,**
 - (b) Debt Recovery which replaces policies FIN13 Debtors Management – General and FIN15 Rates Debt Recovery, and**
 - (c) Graffiti Management.**

Carried 6/0

12.6 Changing the Method of Electing the Shire President

File Reference	GV47
Applicant or Proponent(s)	Not Applicable
Author	J Bray, Manager Governance
Authorising Officer	T Dayman, Acting Director Corporate Services
Previous Meeting Reference	Ordinary Council Meeting 11 October 2022 – Item 12.4 – (140/2022) Ordinary Council Meeting 14 February 2023 - Item 12.4 – (006/2023)
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	Nil

Report Purpose

The purpose of this report is to ensure Council's decision of 14 February 2023 can legally be enacted.

Council is requested to resolve to change the method of election of the Shire President.

Background

In September 2022, the Minister for Local Government wrote to local governments requesting local governments to decide on whether to take the voluntary pathway to change the method of electing the Shire President and conduct a ward boundary and representation. Alternatively, local governments could take the reform pathway whereby the Minister would prepare an order to abolish all wards and declare all positions vacant.

At the Ordinary Council Meeting held 11 October 2022, Council resolved as follows:

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

By continuing with the ward boundary and representation review, which was already in progress, the Shire had chosen the voluntary pathway and the Local Government Advisory Board was notified of this decision.

Comments

The results of the Ward Boundary and Representation Review public consultation period were presented to the Ordinary Council Meeting held 14 February 2023. At this meeting Council resolved as follows:

“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.”*

Although Council endorsed the review and submission to the Local Government Advisory Board, the officer’s recommendation did not legally commit the local government to changing the method of election of the Shire President from ‘by the Council’ to ‘by the electors’. Accordingly, a further officer recommendation is presented to ensure the result of Council’s recent ward boundary and representation review can be enacted and that the voluntary reform pathway is followed.

Consultation

The Chief Executive Officer and Local Government Advisory Board were consulted in relation to this matter.

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

Nil

Future Financial Year(s)

There are extra costs associated with a popularly elected Shire President due to the additional election to be conducted. These costs will be incurred every four years at the expiry of the Shire President’s term or earlier should a vacancy occur.

Legislative Implications

In accordance with section 2.11(2) a local government may change the method of electing the Shire President.

The method of electing a Shire President (by the electors) will be mandated for Band 1 and 2 local governments as part of the Local Government Amendment Bill 2023 (introduced into Parliament on 23 February 2023).

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)	Not taking the voluntary path will result in the Minister making an order to change the method for the Shire.	Unlikely (2)	Moderate (3)	Moderate (5-9)	Council endorses the change of the method of electing the Shire President to 'election by the electors'.

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 changing the method of elected the Shire President, Council, changes the method of filling the office of Shire President from the 'by the Council' method to the 'by the electors' method in accordance with section 2.11(2) of the *Local Government Act 1995*.

Council Decision **040/2023**

Moved **Cr L Rumble JP**

Seconded **Cr T Mladenovic**

That with respect to changing the method of elected the Shire President, Council, changes the method of filling the office of Shire President from the 'by the Council' method to the 'by the electors' method in accordance with section 2.11(2) of the *Local Government Act 1995*.

Carried By Absolute Majority 6/0

13 Infrastructure Services Reports

13.1 Pilbara Regional Waste Management Facility - Contract Letter of Intent Extension - Status Report

File Reference	CM23.20
Applicant or Proponent(s)	Not Applicable
Author	R Miller, Director of Infrastructure
Authorising Officer	R Miller, Director of Infrastructure
Previous Meeting Reference	Ordinary Council Meeting 13/12/22 - Item 13.1 – 175/2022 Ordinary Council Meeting 13/04/21 - Item 7.1 – 67/2021 Ordinary Council Meeting 13/10/19 - Item 15.1 – 175/2019
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. Letter of Intent extension to 28 February 2023 - Confidential

Report Purpose

Council is required to note the status report.

The purpose of this report is to advise Council of the current status of the Pilbara Regional Waste Management Facility (PRWMF) in regards to projects and the Waste Services Agreement contract.

Council is requested to note and accept the PRWMF status report.

Background

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

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

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

Pilbara Environmental Services (PES) and the Shire are working through the identified issues at the facility, in order for the facility to become fully operational.

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

Comments

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

Both the LOI and draft Contract refers to the establishment of an Alliance Board to create an operational and decision-making platform between the Shire and PES. The aim of the Alliance Board is to ensure the parties work together effectively and that the agreement (contract) will be implemented in the future, with the spirit and intent to facilitate a successful commercial enterprise.

The current agreed membership of Alliance Board is four Shire representatives and four PES representatives plus the Shire President as the Chair.

The draft contract refers to the following Alliance Board members:

Chair: Shire of Ashburton President

Shire: Chief Executive Officer, Director Infrastructure Services, Manager Waste Services, Staff Officer

PES: PES Director, Joint Venture Manager, Environmental and Technical Manager, Landfill and Logistics Manager

The LOI has been extended several times while PES and Shire officers work through the constraints of licence approvals, issues identified in the draft contract and operational matters experienced by both parties. The LOI has allowed the PRWMF facility to be open and to operate and also includes the removal of waste from the Onslow Transfer Station (currently transported to Tom Price).

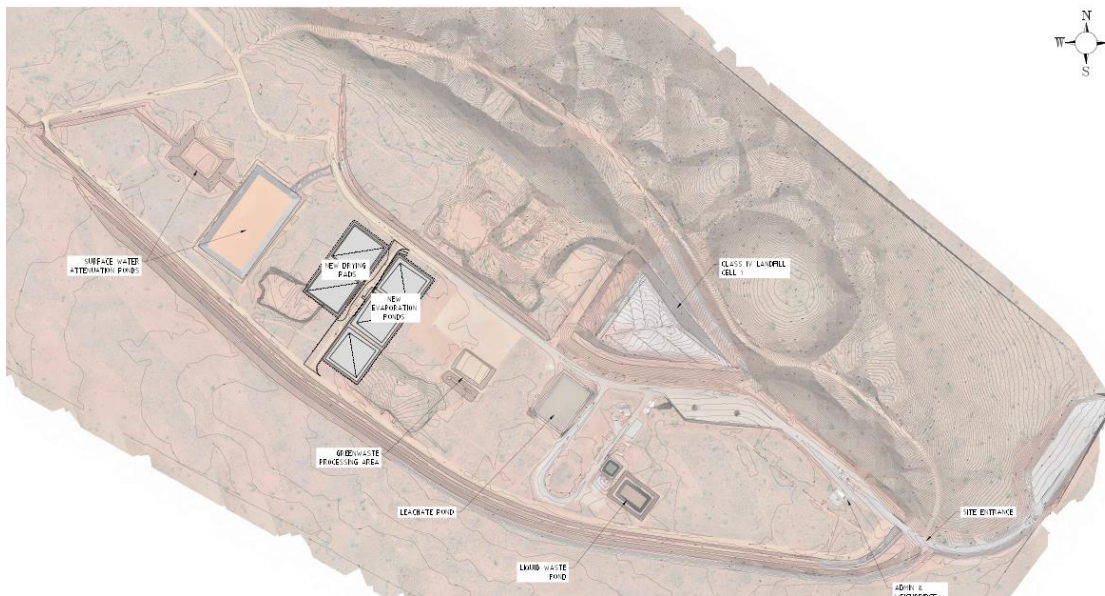
The current LOI expired on the 28 February 2023 but, there are still matters to be worked through in regards to the agreement and to ensure the facility operates effectively.

The signing of a LOI extension, engages PES to supply specific waste management services (early works and limited operations) subject to the draft Waste Services Agreement and further terms as set out in the LOI (which would prevail in the event of conflict between the two). The LOI extension will allow projects in the pipeline to achieve increased revenue, to be implemented and to continue to explore the opportunities of the partnership. It acknowledges PES as the preferred tenderer but does not bind either party to proceed with a long term supply of waste management services if good faith discussions to finalise the contract don't materialise.

Despite some of the challenges being experienced, current significant activities are in process of being implemented to assist in bringing the facility to unrestricted operating capacity. These being:

- RFT 23.22 for the high flow pumping system contract expected to be awarded by end of February 2023. Project delivery by December 2023
- RFT 01.23 Intra cell(between cell1 and 2) bund wall construction contract expected to be awarded by end of February 2023. Project delivery by May 2023
- RFQ 30.22 Waste Cell 2 detailed design quotation contract expected to be awarded by end of February 2023. Project delivery by July 2023
- Proposed Evaporation Ponds and Drying Bed Drawings have been received for review.

Site plan showing some proposed projects (below)



Based on information presented, officers recommend the Chief Executive Officer (under delegation and acting through) seek an extension to the LOI with PES until 30 June 2023.

Consultation

- Executive Leadership Team
- Pilbara Environmental 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	2.1 Coordinated delivery of natural and built environment services and projects for the community
Strategy	1 Develop and maintain key natural and built environment services partnerships, both internally and externally, to support Council’s vision.

Council Policy

Nil

Financial Implications

Current Financial Year

Nil

Future Financial Year(s)

Nil

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
Interruption to service		Unlikely (2)	Major (4)	Moderate (5-9)	Engage in early discussions with the operator to agree on the benefits to both parties.

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 Pilbara Regional Waste Management Facility Letter of Intent Extension, Council, notes the,

1. Presented Status Report, and
2. Chief Executive Officer’s approval and engrossing the extension to letter of intent to 30 June 2023.

Council Decision **041/2023**

Moved **Cr L Rumble JP**

Seconded **Cr R De Pledge**

That with respect to Pilbara Regional Waste Management Facility Letter of Intent Extension, Council, notes the,

- 1. Presented Status Report, and**
- 2. Chief Executive Officer’s approval and engrossing the extension to letter of intent to 30 June 2023.**

Carried 6/0

14 Community Development Reports

Nil

15 Councillor Agenda Items / Notices of Motion

Nil

16 Recommendations From Committee

Nil

17 New Business Of An Urgent Nature Introduced By Council Decision

Procedural Motion

Moved Cr T Mladenovic

Second Cr L Rumble JP

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 –

17.1 2022-2023 Annual Budget Review

Carried 6/0

17.1 2022-2023 Annual Budget Review

File Reference	FM.14
Applicant or Proponent(s)	Not Applicable
Author	T Dayman, Acting Director Corporate Services
Authorising Officer	T Dayman, Acting Director Corporate Services
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. 2022-2023 Annual Budget Review ⇨

Report Purpose

Council is required to review its Annual Budget between 1 January and 31 March each year. The purpose of this report is to present the outcomes of the recent Finance and Costing Review (FACR) of the Annual Budget, including forecast estimates and budget recommendations to the end of the financial year, forming the 2022-2023 Annual Budget Review.

Council is requested to endorse the review of the 2022-2023 Annual Budget, noting proposed amendments.

Background

Regulation 33A of the *Local Government Act (Financial Management) Regulations 1996* requires local governments to conduct a review of the Annual Budget between 1 January and 31 March in each financial year (the review).

The review must –

- Consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in the financial year,
- Consider the local government's financial position as at the date of the review, and
- Review the outcomes for the end of the financial year which are forecast.

Shire officers are to submit the review to Council within 30 days of completing the review, after which Council is required to consider the review to determine whether to adopt the review, any parts of the review, or any recommendations made in the review.

Shire officers have recently undertaken a FACR for the current financial year, which incorporated the requirements outlined for the review.

The review, completed on 28 February 2023, is based on year-to-date actual expense and revenue, along with any commitments, and seeks to forecast known impacts on the Annual Budget for the remainder of the financial year.

This process aims to highlight over, and under, expenditure of funds and over, and under, achievement of revenue targets for the benefit of all stakeholders, to ensure sound fiscal management of remaining projects and programs.

Comments

The 2022-2023 Annual Budget was adopted by Council at the 28 July 2022 Special Council Meeting as a balanced budget (i.e., all available funds were offset by an equal amount of expense).

A review of the Annual Budget (for the first quarter of the financial year) was undertaken and presented to Council at the 11 October 2022 Ordinary Council Meeting which, although not statutorily required, is considered best practice, ensuring Council is aware of the Shire's financial performance against budget estimates.

The review was undertaken with year-to-date values of 28 February 2023.

Meetings with Managers, the Executive Leadership Team and Manager Finance were held in mid-February 2023, with the overall aim of achieving a \$nil impact and the continued delivery of a balanced budget.

The general adopted practice is for identified expense savings and revenue windfalls to be offset against increases in forecast costs, with any remaining funds used towards new essential projects/services not identified in the Annual Budget.

Finally, any difference remaining is offset by movements of funds to/from Reserve Accounts, which ultimately will generate a balanced budget.

The table below provides an overview of net proposed amendments for each Directorate.

The totals represent a net of Revenue, Operating Expense, and Capital Expense, as well as movements in Loan and Reserve Account balances.

Directorate	Current Budget (Net) \$	End-of-Year Forecast (Net) \$	Proposed Amendments (Net) \$
Opening Position	(11,464,289)	(9,304,143)	2,160,146
Office of the Chief Executive Officer	8,807,630	15,759,919	6,952,289
Corporate Services	(44,233,668)	(51,570,333)	(7,336,665)
Infrastructure Services	28,949,364	27,913,729	(1,035,635)
People and Place	895,000	752,577	(142,423)
Community Development	31,536,415	30,554,603	(981,812)
Less Non-Cash Movements	(14,106,352)	(14,106,352)	0
Total	384,100	0	(384,100)

Income/positive budget impact is represented by brackets

Non-cash movements, such as depreciation, profit, and loss are removed from the calculations in accordance with accounting practices for local government.

The review was completed on the 28 February 2023 and provides a balanced budget to be considered by Council.

Proposed Budget Amendments

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

The following is a list of new items, which have been assessed by the Executive Leadership Team (totalling \$844,754), and are proposed for inclusion in the review, which are offset by reduced expense and increased revenue in other areas –

- Clem Thompson Oval Scoreboard \$ 70,000
- Foreshore Rest Area Gas Cooktops \$ 7,342
- Commercial Property – Tom Price \$ 500,000
- Residential Housing – Onslow \$ 6,500,000
- Building Renewals \$ 517,412
- Live Streaming Equipment \$ 150,000
- Property Consultancies \$ 100,000
- New Loan (\$7,000,000)

A comprehensive list of budget adjustments has been attached for Council’s consideration.

Included within the attached amendments are the following significant increases (over \$100,000) to original and/or amended budget items –

GL	Description	Current Budget	Proposed Budget	Variance	Impact	Reason
LN42094	Loan New	0	(\$7,000,000)	(\$7,000,000)	Positive	Funding to proceed with the construction of new residential properties within Onslow and the purchase of commercial property within Tom Price.
RF43107	From Reserve - Airport	(\$2,900,900)	(\$3,048,063)	(\$147,163)	Positive	To reflect increase in airport gap in income and expenditure.
AR14032	Passenger Tax	(\$798,700)	(\$948,700)	(\$150,000)	Positive	Increase in estimated revenue.
AR22003	Insurance	\$125,100	\$6,874	(\$118,226)	Positive	Mapping correction for airport insurance
AR26801	Onslow Airport	\$1,473,100	\$1,623,159	\$150,059	Negative	Mapping correction for airport insurance and other minor increases.
CS23501	Consultancies Customer Service	\$50,000	\$150,000	\$100,000	Negative	Increase provision to proceed with Customer Service system with increased functionality.
GV23501	Consultancies	\$130,000	\$237,000	\$107,000	Negative	Increase provision to provide allocation for the development of a corporate business plan, business improvement system and policy development.
TV30203	ICT Equipment – New	\$300,000	\$400,000	\$100,000	Negative	For the purchase of live streaming equipment \$150,000.
CE23501	Consultancies CEO	\$256,500	\$91,500	(\$165,000)	Positive	Savings identified, offsetting other initiatives.
ED24081	Tourism Initiatives	\$1,458,100	\$1,255,100	(\$203,000)	Positive	Solar Eclipse, Visitor Experience Initiatives and Visitor Marketing and promotion savings.
LA24115	Community Group Compliance Contributions	\$276,800	\$92,800	(\$184,000)	Positive	Reduction in identified need.

GL	Description	Current Budget	Proposed Budget	Variance	Impact	Reason
PX23501	Consultancies Property	0	\$100,000	\$100,000	Negative	To provide provision for YTD actuals and other identified requirements.
PX30303	Property - New	\$1,000,000	\$6,980,300	\$5,980,300	Negative	Provision for the construction of new residential properties in Onslow \$6.5M, decrease in Accommodation Strategy expense transferred to renewals.
PX30301	Property - Renewal	\$0	\$517,412	\$517,412	Negative	To provide provision for property renewals previously reflected in operating.
LAXXXXX	Commercial Property	\$0	\$500,000	\$500,000	Negative	Provision for the purchase of property within Tom Price to provide office space during the construction of the new Tom Price Administration Building.
PY25302	Housing - Externally Owned	\$932,500	\$1,147,050	\$214,550	Negative	To reflect increase in rental (budgeted only for 6 months).
DV23501	Consultancies - Development Services	\$171,200	\$321,200	\$150,000	Negative	To reflect increase in outsourcing due to organisational restructure.
PJ30353	Childcare Centres - New	\$3,093,300	\$2,243,852	(\$849,448)	Positive	To reflect costs accrued in FY22.
PJ30433	Emergency Services Facilities - New	\$2,762,400	\$1,801,924	(\$960,476)	Positive	To reflect costs accrued in FY22 and identified savings.
CT12011	Inspire - Rio Tinto - Funding	(\$1,385,700)	(\$3,115,000)	(\$1,729,300)	Positive	To reflect full funding received in FY23.
CT24111	CISP - Rio Tinto - Agreement Delivery	\$432,000	\$3,190,000	\$2,758,000	Negative	Increase in program delivery to match income received in FY23.
TT26301	Ovals	\$808,200	\$612,975	(\$195,225)	Positive	Correction of COA mapping – to facilities.
TT26302	Parks and Open Space	\$557,300	\$732,891	\$175,591	Negative	Increase in wages and overheads.
WT14041	Waste Collection Fees	(\$1,804,700)	(\$1,532,700)	\$272,000	Negative	Correction of COA remapping.
WP14041	Waste Collection Fees	\$0	(\$122,000)	(\$122,000)	Positive	Correction of COA remapping.
WO14041	Waste Collection Fees	\$0	(\$140,000)	(\$140,000)	Positive	Correction of COA remapping.
WT24076	Waste Collection	\$15,600	\$393,631	\$378,031	Negative	Correction of COA remapping.
WT26501	Waste Facilities	\$1,508,600	\$1,072,482	(\$436,118)	Positive	Correction of COA remapping and other identified savings, including wages.

GL	Description	Current Budget	Proposed Budget	Variance	Impact	Reason
WP26501	Waste Facilities	\$916,200	\$766,200	(\$150,000)	Positive	Correction of COA remapping and other identified savings, including wages.
WO26501	Waste Facilities	\$1,028,000	\$1,267,212	\$239,212	Negative	Correction of COA remapping.
RW32113	Regional Waste Facility - New	\$3,462,500	\$3,271,157	(\$191,343)	Negative	Increase in project costs.

Employment costs

The original budget estimated employment costs at \$23,488,300 based on the previous organisation structure as well as consideration for trends in vacancy rates.

The review has had consideration of the updated organisation structure adopted in December and includes an estimate of employee cost for the remainder of the year, taking into consideration recruitment timing. Other variances in employment costs to date, due to vacancies, has also been taken into consideration and has offset the additional employee costs due to the increase in FTE in the new structure.

Shire officers have conservatively estimated, and included in the review, an additional reduction in employment costs of \$1,816,223 to \$21,332,915.

Opening Position

When preparing a review, it is normal practice to take into consideration opening position adjustments.

The Shire's opening position is currently pending certification from the Shire's auditors and, as a result, limited amendments to opening balance have been considered in this review, except for \$2,160,146 to reflect major FY22 accruals on capital items Child Care Centre new and Emergency Services Facilities – New.

Any amendments arising from variation to the opening position will be included in the third quarter FACR process and presented to Council.

Reserve Accounts

The additional transfers are outlined as follows:

- \$147,163 From the Airport reserve

This will result in an increase in the estimated budget balance as of 30 June 2023.

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	1 Provide cost-effective financial management and value for money.

Council Policy

Nil

Financial Implications

Current Financial Year

The net result of all proposed amendments in the review is \$nil.

An additional \$147,163 is proposed for transferring from the Airport Reserve.

Future Financial Year(s)

Nil

Legislative Implications

Local Government (Financial Management) Regulations 1996

Regulation 33A – Review of budget

A local government is to review the Annual Budget at least once every financial year. A review, as legislated, is to occur within a specified timeframe, and incorporate several considerations to ascertain the performance of the local government operations against the adopted and/or amended budget.

Risk Management

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

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

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

Voting Requirements

Absolute Majority

Officer Recommendation

That with respect to 2022-2023 Annual Budget Review, Council adopts the 2022-2023 Annual Budget Review and notes the budget amendments, as included in Attachment 1.

Alternative Recommendation

That with respect to 2022-2023 Annual Budget Review, Council

1. Adopts the 2022-2023 Annual Budget Review and notes the budget amendments, as included in Attachment 1 (as amended).
2. Requests that the Chief Executive Officer investigate alternative Onslow housing options.

Council Decision **042/2023**

Moved **Cr T Mladenovic**

Seconded **Cr R De Pledge**

That with respect to 2022-2023 Annual Budget Review, Council

- 1. Adopts the 2022-2023 Annual Budget Review and notes the budget amendments, as included in Attachment 1 (as amended).**
- 2. Requests that the Chief Executive Officer investigate alternative Onslow housing options.**

Carried By Absolute Majority 6/0

Reason for change:

To remove the provision for construction of new residential properties by way of a loan and reduce the salaries budget Shire wide to allow for the purchase of a commercial property.

18 Confidential Matters

Procedural Motion

Moved Cr A Smith

Seconded Cr T Mladenovic

That Council move behind closed doors at 1:24pm, pursuant to clause 6.2 of the *Shire of Ashburton Standing Orders Local Law 2012* to consider the following confidential items.

18.1 Commercial Lease Update - Onslow

18.2 Watson Drive Onslow - Staff Housing Development

18.3 Commercial Land Purchase - Tom Price

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

- (e) a matter that if disclosed, would reveal –
 - (i) a trade secret; or
 - (ii) information that has a commercial value; or
 - (iii) information about the business, professional, commercial or financial affairs of a person
- (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 6/0

18.1 Commercial Lease Update - Onslow

File Reference	ED04 & ONS.0016
Applicant or Proponent(s)	Not Applicable
Author	JH Hunter, Coordinator Planning and Lands
Authorising Officer	K Donohoe, Chief Executive Officer
Previous Meeting Reference	Ordinary Council Meeting 28 September 2021 - Item 18.4 – 154/2021 Ordinary Council Meeting 13 September 2022 - Item 15.1 – 133/2022
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	<ol style="list-style-type: none"> 1. Approved Plan of Subdivision - Confidential 2. WAPC Approved Subdivision Conditions - Confidential 3. Proposed Subdivision Onslow Industrial Area Phase 1 Preliminary Opinion of Probable Cost - Confidential 4. Valuation Report - Lot 1 - Proposed Service Station - Portion Lot 200 McAullay Road, Onslow - Confidential 5. Lot 200 on Deposited Plan 422498 (Onslow Airport Business Park) Aerial Map - Confidential

Reason for Confidentiality

Section under the Act	<i>This matter is to be considered behind closed doors pursuant to s.5.23(2)(e) of the Local Government Act 1995 as the subject matter relates to:</i>
Sub-clause and Reason:	<i>“s.5.23(2)(e) a matter that if disclosed, would reveal –</i> <i>(i) a trade secret; or</i> <i>(ii) information that has a commercial value; or</i> <i>(iii) information about the business, professional, commercial or financial affairs of a person.”</i>

Report Purpose

The purpose of this report is to update Council since its decision in September 2021, on the lease of a portion of (former) Lot 9500, now Lot 200 (215) on DP 422498, McAullay Road, Onslow (Onslow Airport Business Precinct), for the purposes of a fully functional service station.

Council is requested to provide in principle support for the proposed lease, lease conditions and change in location.

Council Decision **043/2023**

Moved **Cr T Mladenovic**

Seconded **Cr R De Pledge**

That with respect to the Private Treaty – Commercial Lease, Onslow (as outlined in this Report), Council,

- 1. Supports, in principle, the Agreement for Lease and Ground Lease between the Shire of Ashburton and the Proponent for Lot 1 (portion of Lot 200/former Lot 9500) McAullay Road, Onslow shown, as shown in Confidential Attachment 1.**
- 2. Authorises the Chief Executive Officer (or nominee) to negotiate the commercial terms of the Agreement for Lease and the Ground Lease between the Shire of Ashburton and the Proponent.**
- 3. Instructs the Chief Executive Officer to,**
 - (a) Give local public notice of the intention to dispose of Lot 1 in accordance with Section 3.58 of the *Local Government Act 1995*,**
 - (b) Consider any public submissions received and inform elected members of the outcome of the public consultation period,**
 - (c) Execute the Development Application and Building Application to enable the commercial development at Lot 1,**
 - (d) Execute all documentation and comply with all applicable legislation as is required, and**
- 4. Authorises the Shire President and Chief Executive Officer to execute and affix the Common Seal of the Shire of Ashburton to the Agreement for Lease and the Ground Lease and any other associated documents.**

Carried 6/0

18.2 Watson Drive Onslow - Staff Housing Development

File Reference	002.WAT
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 17 August 2021 - Item 18.2 – (Minute 136/2021) Ordinary Council Meeting 13 September 2022 - Item 11.4 – (Minute 121/2022)
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. Watson Drive Development Drawings 2. Watson Drive Quantity Surveyor Report - Estimated Cost

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 (e) of the Local Government Act 1995 as the subject matter relates to:</i>
Sub-clause and Reason:	<i>“s.5.23(2)(c) and (e) 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 a matter that if disclosed, would reveal – (i) a trade secret; or (ii) information that has a commercial value; or (iii) information about the business, professional, commercial or financial affairs of a person.”</i>

Report Purpose

Council is requested to approve the proposed development of a new staff housing complex at Lot 899 (2) Watson Drive, Onslow for the 2023/2024 Financial Year via a loan request and authorise the advertising of a tender requesting submissions to construct this development.

Recommendation presented for consideration lapsed for lack of a mover and seconder.

18.3 Commercial Land Purchase - Tom Price

File Reference	972.CEN
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	1. Valuation - Central Ave Tom Price - Confidential

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 (e) of the Local Government Act 1995 as the subject matter relates to:</i>
Sub-clause and Reason:	<i>“s.5.23(2)(c) and (e) 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 a matter that if disclosed, would reveal – (i) a trade secret; or (ii) information that has a commercial value; or (iii) information about the business, professional, commercial or financial affairs of a person.”</i>

Report Purpose

Council is required to consider an opportunity to purchase a commercial property within the town of Tom Price via loan application.

Council Decision	044/2023
Moved	Cr L Rumble JP
Seconded	Cr R De Pledge
That with respect to Commercial Land Purchase – Tom Price Council,	
<ol style="list-style-type: none"> 1. Authorises the purchase price and “Offer, as defined” section of this report, for the property, described within this report, subject to finance being approved; 2. Authorises the Shire President and Chief Executive Officer to engross all documents including applying the Common Seal, associated with the purchase of the property outlined within this report. 	
Carried By Absolute Majority 6/0	

Procedural Motion

Moved **Cr T Mladenovic**

Seconded **Cr L Rumble JP**

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

Carried 6/0

19 Next Meeting

The next Ordinary Council Meeting will be held at 1:00pm on Tuesday 4 April 2023 at Ashburton Hall, Ashburton Avenue, Paraborndoo.

20 Closure Of Meeting

There being no further business, the Presiding Member closed the meeting at 1:28pm.