



# Published Minutes

Ordinary Council Meeting

Tuesday, 9 May 2023

Date:	Tuesday 9 May 2023
Time:	1:00pm
Location:	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow
Distribution Date:	Friday 12 May 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  
12 May 2023

These minutes were confirmed by Council as a true and accurate record of proceedings at the Ordinary Council Meeting held on Tuesday, 9 May 2023.

Presiding Member

Date

13/06/2023

**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.*

**Contents**

**1 Declaration Of Opening .....5**

    1.1 Acknowledgement Of Country .....5

**2 Announcement Of Visitors .....5**

**3 Attendance.....5**

    3.1 Present .....5

    3.2 Apologies .....6

    3.3 Approved Leave Of Absence .....6

**4 Question Time .....6**

    4.1 Response To Previous Public Questions Taken On Notice .....6

    4.2 Public Question Time.....6

**5 Declaration By Members.....6**

    5.1 Due Consideration By Councillors To The Agenda.....6

    5.2 Declaration Of Interest.....7

**6 Announcements By The Presiding Member And Councillors Without Discussion .....8**

**7 Petitions / Deputations / Presentations .....8**

    7.1 Petitions.....8

    7.2 Deputations .....8

    7.3 Presentations.....8

**8 Applications for Leave of Absence.....8**

**9 Confirmation Of Minutes.....9**

    9.1 Confirmation Of Council Minutes .....9

        9.1.1 Minutes Of The Ordinary Council Meeting Held On 4 April 2023.....9

        9.1.2 Minutes Of The Special Council Meeting Held On 18 April 2023.....9

    9.2 Receipt Of Committee And Other Minutes.....9

        9.2.1 Minutes Of The Pannawonica Local Emergency Management Committee Meeting Held On 22 March 2023.....9

        9.2.2 Minutes Of The Onslow Local Emergency Management Committee Meeting Held On 21 March 2023 ..... 10

        9.2.3 Minutes Of The Inland Local Emergency Management Committee Meeting Held On 28 March 2023 ..... 10

        9.2.4 Minutes Of The Audit And Risk Management Committee Meeting Held On 4 April 2023..... 10

        9.2.5 Notes Of The Alliance Board Meetings..... 11

**10 En Bloc Council Resolutions .....11**

    10.1 Agenda Items Adopted En Bloc..... 11

<b>11</b>	<b>Office of the Chief Executive Officer Reports</b> .....	<b>12</b>
11.1	Australia Post - Tom Price .....	12
11.2	Request for Management Order Reserve and Formalisation of Land Tenure - Lot 500 First Avenue, Onslow - Onslow Beach Resort Alfresco Area .....	18
11.3	Draft Local Planning Scheme No. 8 and Local Planning Strategy - Progress Update .....	27
<b>12</b>	<b>Corporate Services Reports</b> .....	<b>38</b>
12.1	Monthly Schedule of Accounts Paid - March 2023 .....	38
12.2	Monthly Financial Statements - March 2023.....	41
12.3	Amendment of Rate Record - Change in rating classification.....	46
12.4	2022/2023 Policy Review .....	52
12.5	Proposed Cats Local Law 2023 .....	59
12.6	Proposed Extractive Industries Repeal Local Law 2023.....	64
12.7	Differential Rates 2023-2024 .....	69
12.8	Memorial Application - Paraburdoo.....	75
12.9	Review of State Electoral Boundaries - North West Central District .....	78
<b>13</b>	<b>Infrastructure Services Reports</b> .....	<b>82</b>
13.1	Pilbara Regional Waste Management Facility - Feasibility Study to Amend Licence Classification to a Class V Facility.....	82
<b>14</b>	<b>Community Development Reports</b> .....	<b>86</b>
14.1	Acceptance of Community Support Grant Allocations Round 2 2022/2023.....	86
14.2	Acceptance of Signature Event and Activity Applications 2023/2024 .....	93
<b>15</b>	<b>Councillor Agenda Items / Notices of Motion</b> .....	<b>99</b>
<b>16</b>	<b>Recommendations From Committee</b> .....	<b>100</b>
6.1	2021-2022 Annual Report.....	100
6.2	Audit Log Status Update .....	102
6.3	2020 Regulation 17 Review Status Update .....	103
6.4	Internal Audit Roadmap 2023-2026 .....	105
<b>17</b>	<b>New Business Of An Urgent Nature Introduced By Council Decision</b> .....	<b>107</b>
<b>18</b>	<b>Confidential Matters</b> .....	<b>108</b>
18.1	Update of Local Government Partnership Agreement (Inspire) between the Shire of Ashburton and Rio Tinto Iron Ore.....	108
<b>19</b>	<b>Next Meeting</b> .....	<b>110</b>
<b>20</b>	<b>Closure Of Meeting</b> .....	<b>110</b>

# 1 Declaration Of Opening

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

## 1.1 Acknowledgement Of Country

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

# 2 Announcement Of Visitors

Nil

# 3 Attendance

## 3.1 Present

Elected Members:	Cr K White Cr M Lynch Cr M Gallanagh Cr L Rumble JP Cr J Richardson Cr A Sullivan Cr A Smith Cr T Mladenovic	Shire President (Presiding Member), Onslow Ward Deputy Shire President, Tom Price Ward Pannawonica Ward Paraburdoo Ward Tableland Ward Paraburdoo Ward Tom Price Ward Tom Price Ward
Employees:	K Donohoe C McGurk T Dayman R Miller R Wright J Bray A Furfaro N Cochrane	Chief Executive Officer Director Community Development Acting Director Corporate Services Director Infrastructure Services Executive Manager Land, Property and Regulatory Services Manager Governance Governance Officer Council Support Officer
Guests:	Nil	

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**

Nil

**3.3 Approved Leave Of Absence**

Cr R De Pledge

Ashburton Ward

9 May 2023 to 9 May 2023

**4 Question Time**

**4.1 Response To Previous Public Questions Taken On Notice**

Nil

**4.2 Public Question Time**

Leanne Corker, Red Hill Station

Why has the Shire approved a 'temporary' permit for Mineral Resources to use RAV 10 vehicles on the Red Hill - Mt Stuart Road, a road which is not to a standard for safe RAV 10 use, and contrary to Council's decision per item 13.1 at its Ordinary Meeting on 8 November 2022, which decision required the applicant to enter into a Road User Agreement, to be endorsed by Council prior to approval of the Restricted Access Vehicle application?

The Director Infrastructure Services advised that the question would be taken on notice and a written response provided.

**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 –

14.1 Acceptance of Community Support Grants Allocations Round 2 2022/2023	
Name	Jessica Murphy, Grants and Communities Administrator
Nature of interest	Impartiality
14.2 Acceptance of Signature Event and Activity Applications 2023/2024	
Name	Jessica Murphy, Grants and Communities Administrator
Nature of interest	Impartiality
Interest description	My husband is a general committee member of the Nameless festival, he is the Co-ordinator of the King of the mountain.
18.1 Update of Local Government Partnership Agreement (Inspire) between the Shire of Ashburton and Rio Tinto Iron Ore	
Name	Cr M Gallanagh
Nature of interest	Direct Financial
Interest description	My husband and I both work for Rio, live in company housing, own shares both collectively financially to a greater value than the prescribed amount.
Name	Cr L Rumble JP
Nature of interest	Direct Financial
Interest description	Shares greater than \$10,000.
Name	Cr A Smith
Nature of interest	Direct Financial
Interest description	My husband is an employee of Rio Tinto and owns over \$10,000 (over the prescribed amount) of Rio Tinto shares. My husband's employment with Rio Tinto provides him with subsidised housing and utilities in which I reside too.
Name	Deputy Shire President M Lynch
Nature of interest	Indirect Financial
Interest description	I am an employee and tenant of Rio Tinto.

Name	Cr T Mladenovic
Nature of interest	Direct Financial
Interest description	My partner is employed by Rio Tinto and we live in subsidised housing provided as part of his employment. My partner has Rio Tinto shares under the prescribed amount.
Name	Cr A Sullivan
Nature of interest	Direct Financial
Interest description	I and my husband hold shares above the prescribed amount. I and my husband live in subsidised housing provided by Rio Tinto. I and my husband are employees of Rio Tinto.

## **6 Announcements By The Presiding Member And Councillors Without Discussion**

The Shire President, on behalf of the Council, thanked the staff involved for organising and assisting with the Onslow Solar Eclipse celebration.

## **7 Petitions / Deputations / Presentations**

### **7.1 Petitions**

Nil

### **7.2 Deputations**

Nil

### **7.3 Presentations**

Nil

## **8 Applications for Leave of Absence**

Nil



## **9 Confirmation Of Minutes**

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

#### **9.1.1 Minutes Of The Ordinary Council Meeting Held On 4 April 2023**

**Council Decision**            **060/2023**

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

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

**That the Minutes of the Ordinary Council Meeting held 4 April 2023 (Item 9.1.1 Attachment 1) be confirmed as a true and accurate record.**

**Carried 8/0**

#### **9.1.2 Minutes Of The Special Council Meeting Held On 18 April 2023**

**Council Decision**            **061/2023**

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

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

**That the Minutes of the Special Council Meeting held 18 April 2023 (Item 9.1.2 Attachment 1) be confirmed as a true and accurate record.**

**Carried 8/0**

**Resolved en bloc**

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

#### **9.2.1 Minutes Of The Pannawonica Local Emergency Management Committee Meeting Held On 22 March 2023**

**Council Decision**            **062/2023**

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

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

**That the Minutes of the Pannawonica Local Emergency Management Committee Meeting held 22 March 2023 (Item 9.2.1 Attachment 1) be received.**

**Carried 8/0**

**Resolved en bloc**

### **9.2.2 Minutes Of The Onslow Local Emergency Management Committee Meeting Held On 21 March 2023**

**Council Decision**            **063/2023**

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

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

**That the Minutes of the Onslow Local Emergency Management Committee Meeting held 21 March 2023 (Item 9.2.2 Attachment 1) be received.**

**Carried 8/0**

**Resolved en bloc**

### **9.2.3 Minutes Of The Inland Local Emergency Management Committee Meeting Held On 28 March 2023**

**Council Decision**            **064/2023**

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

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

**That the Minutes of the Inland Local Emergency Management Committee Meeting held 28 March 2023 (Item 9.2.3 Attachment 1) be received.**

**Carried 8/0**

**Resolved en bloc**

### **9.2.4 Minutes Of The Audit And Risk Management Committee Meeting Held On 4 April 2023**

**Council Decision**            **065/2023**

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

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

**That the Minutes of the Audit And Risk Management Committee Meeting held 4 April 2023 (Item 9.2.4 Attachment 1) be received.**

**Carried 8/0**

**Resolved en bloc**

## 9.2.5 Notes Of The Alliance Board Meetings

**Council Decision**            **066/2023**

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

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

**That the Notes of the Alliance Board Meetings held 19 October 2022, 15 December 2022 and 2 February 2023 (Item 9.2.5 Confidential Attachment 1, 2, 3) be received.**

**Carried 8/0**

**Resolved en bloc**

## 10 En Bloc Council Resolutions

### 10.1 Agenda Items Adopted En Bloc

The following recommendations from the Audit and Risk Management Committee 9 May 2023 were adopted en bloc:

- 9.1.2 Minutes Of The Special Council Meeting Held On 18 April 2023
- 9.2.1 Minutes Of The Pannawonica Local Emergency Management Committee Meeting Held On 22 March 2023
- 9.2.2 Minutes Of The Onslow Local Emergency Management Committee Meeting Held On 21 March 2023
- 9.2.3 Minutes Of The Inland Local Emergency Management Committee Meeting Held On 28 March 2023
- 9.2.4 Minutes Of The Audit And Risk Management Committee Meeting Held On 4 April 2023
- 9.2.5 Notes Of The Alliance Board Meetings
- 6.1 2021-2022 Annual Report
- 6.2 Audit Log Status Update
- 6.3 2020 Regulation 17 Review Status Update
- 6.4 Internal Audit Roadmap 2023-2026.

## 11 Office of the Chief Executive Officer Reports

### 11.1 Australia Post - Tom Price

<b>File Reference</b>	979.STA
<b>Applicant or Proponent(s)</b>	Australia Post
<b>Author</b>	R Wright, Executive Manager Land, Property and Regulatory Services
<b>Authorising Officer</b>	K Donohoe, Chief Executive Officer
<b>Previous Meeting Reference</b>	Nil
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	Nil

#### Report Purpose

The purpose of this report is to inform Council of the status of Australia Post, Tom Price.

#### Background

The Tom Price Australia Post Office currently operates from Lot 979 Stadium Road, Tom Price, known as Betta Electrical, shown in Figure 1.

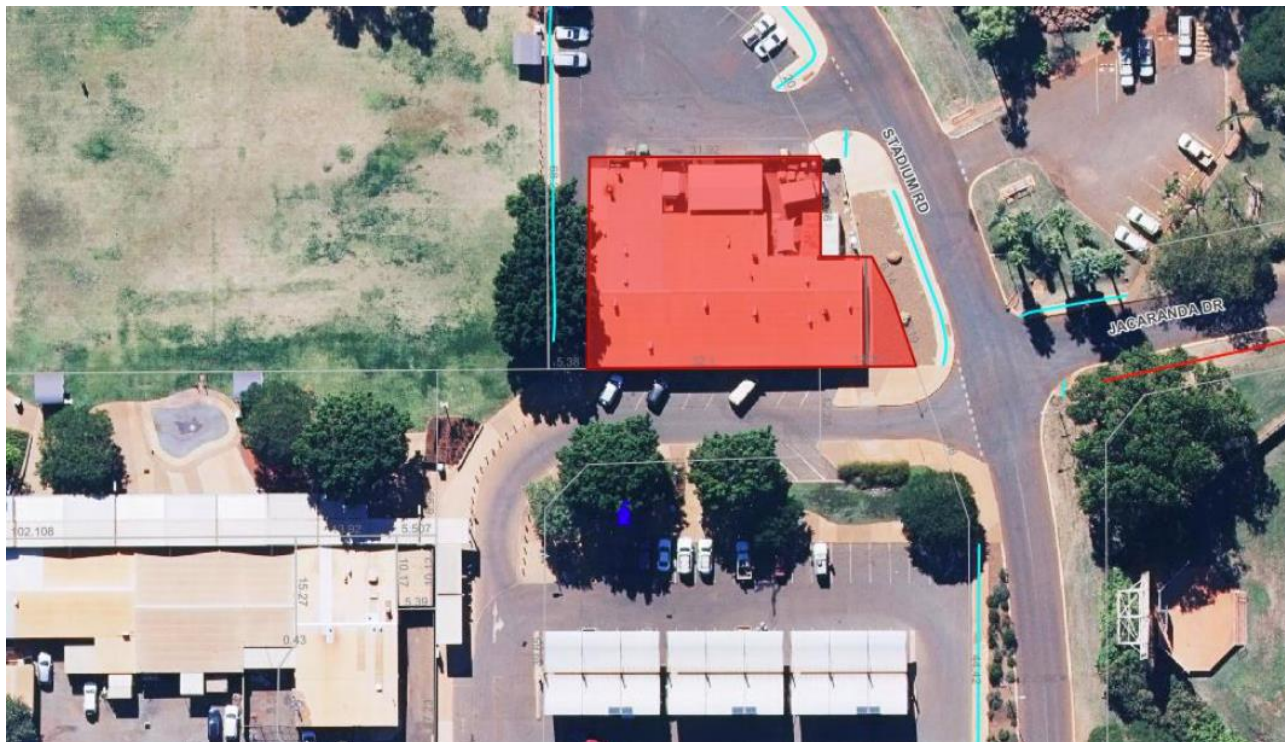


Figure 1: Lot 979 Stadium Road, Tom Price – current Post Office location

The Shire was contacted in March and April by both a representative from Australia Post and a potential new post office licensee regarding the Tom Price Post Office.

It is understood from the two enquiries, that the current licensee and contractor operating the business is looking to surrender their contract with Australia Post as of 30 June 2023. Due to the surrender of the current contract, Australia Post will no longer have a suitable location to operate from.

Australia Post is requesting support from the Shire to find a suitable commercial site for a new contract to operate from pending the 30 June 2023 expiry and has requested information regarding any known commercial locations within the town.

### **Comments**

The Shire has been exploring suitable parcels of land for Australia Post to relocate to in conjunction with Rio Tinto. The Shire does not own or lease any suitable locations within Tom Price.

Following discussions with Rio Tinto representatives, it has been confirmed that there are possibly two suitable locations, owned by Hamersley Iron (Rio Tinto):

- Lot 492 (1) Coolibah Street, Tom Price, and
- Lot 2003 Boonderoo Road, Tom Price.

The Post Office would be classified as “Office” land use under the Shire’s Town Planning Scheme No.7 (TPS7).

From the land use permissibility, it appears both options are possible from a planning perspective, subject to further discussions with Australia Post, Rio Tinto and TPS7 requirements.

#### Lot 492 (1) Coolibah Street, Tom Price

Lot 492 is zoned Residential under the Shire’s TPS7 (see Figure 2). It has recently become vacant following relocation of the State Emergency Services (SES) to their new premises.

A Post Office at this location would be classified as an “A” use in the residential zone, which means the Shire can use its discretion. “A” use is subject to public advertising. As the land was previously used for the SES, landowners within the area may be supportive of Post Office use. Further considerations to operating hours, noise, parking, and traffic movements would be required, noting the adjoining Public Recreation reserve appears to have been used for informal parking for the previous SES operations.

This property would likely require significant changes to internal fit out by any new Post Office operator.



Figure 2: Lot 492 Coolibah Street, Tom Price

Lot 2003 Boonderoo Road, Tom Price

Lot 2003 is zoned “Mixed Business” under TPS7 and is located within the Tom Price industrial area, adjoining Tyre Power to the south (see Figure 3). It has recently become vacant following the relocation of the Bush Fire Brigade to its new premises. Mixed Business zoning will support “Office” use, being classified as “D” use, meaning the Shire can use its discretion in granting planning approval. This location would not require public advertising and is likely to cause less disruption to landowners being in a mixed business zone however, the location is further out of town for residents.

The property would require significant changes to internal fit out by any new Post Office operator.



Figure 3: Lot 2003 Boonderoo Road, Tom Price

Other planning considerations for both locations include but are not limited to:

- Delivery frequency and timeframes for drop off/pick up, and
- Impact on streetscape and amenity.

Other Locations

The former daycare centre building “Little Geckos” on Central Road was also considered but was disregarded due to its large size. Australia Post has stated they have been in contact with other private owners within Tom Price, such as the old Westpac Building and would continue to investigate alternative solutions. Relocating Post Office services to Paraburdoo is being considered as another possible option by Australia Post

**Consultation**

Australia Post

Rio Tinto

**Strategic Community Plan**

Shire of Ashburton Strategic Community Plan 2022-2032

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

**Council Policy**

Nil

**Financial Implications**

Current Financial Year

As the properties are owned by Rio Tinto, there would be no income or expenditure associated with this project.

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
Reputation (social/community)	No suitable location for the Tom Price Post Office. Post Office within the town may need to relocate to Paraburdoo or be unable to provide a service to the town, with a lack of amenity to residents.	Unlikely (2)	Minor (2)	Low (1-4)	Advocate for a suitable parcel of land to relocate the existing service to.

Based on the inherent risk rating and risk treatments, the residual risk to the Shire is considered to be low. Whilst the risk to the community is perceived to be high, the Shire’s involvement in the relocation of this service is not its core business. In noting this, the Shire is willing to advocate and assist as much as possible for its community.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That with respect to Australia Post– Tom Price, Council,

1. Notes the contract for Australia Post will end on 30 June 2023 in the town of Tom Price and the essential Post Office service will be required to relocate;
2. Notes while the Shire of Ashburton has sought to support Australia Post, the Shire does not own or lease any suitable properties for Australia Post to relocate to; and
3. Notes two potential properties owned by Hamersley Iron, as described within this report, have been provided to Australia Post as potential relocation options, subject to agreement with Rio Tinto and statutory approvals being met.



**Council Decision**                    **067/2023**

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

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

**That with respect to Australia Post – Tom Price, Council,**

- 1. Notes the contract for Australia Post will end on 30 June 2023 in the town of Tom Price and the essential Post Office service will be required to relocate;**
- 2. Notes while the Shire of Ashburton has sought to support Australia Post, the Shire does not own or lease any suitable properties for Australia Post to relocate to; and**
- 3. Notes two potential properties owned by Hamersley Iron, as described within this report, have been provided to Australia Post as potential relocation options, subject to agreement with Rio Tinto and statutory approvals being met.**

**Carried 8/0**

#### **Suspension of Standing Orders**

Moved                                    Cr A Sullivan

Seconded                                Cr M Gallanagh

A motion was moved that Council suspend standing orders at 1:10pm.

#### **Resumption of Standing Orders**

Moved                                    Cr T Mladenovic

Seconded                                Cr M Gallanagh

A motion was moved that Council resume standing orders at 1:18pm.

## 11.2 Request for Management Order Reserve and Formalisation of Land Tenure - Lot 500 First Avenue, Onslow - Onslow Beach Resort Alfresco Area

<b>File Reference</b>	SEC.0447 - RD05
<b>Applicant or Proponent(s)</b>	Onslow Beach Resort/ Mackerel Islands Pty Ltd
<b>Author</b>	J Hunter, Coordinator Planning and Lands
<b>Authorising Officer</b>	K Donohoe, Chief Executive Officer
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 14 February 2017 - Item 15.1 – 108 Ordinary Council Meeting 12 February 2019 - Item 13.1 – 501/2019
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Proposed landscaping Mackerel Islands Pty Ltd <a href="#">⇒</a></li> <li>2. Show Cause Letter <a href="#">⇒</a></li> <li>3. Show Cause Letter Response <a href="#">⇒</a></li> <li>4. Management Order <a href="#">⇒</a></li> <li>5. Land Tenure Maps <a href="#">⇒</a></li> <li>6. Water Corporation Correspondence <a href="#">⇒</a></li> <li>7. Beach Resort Concept Plans <a href="#">⇒</a></li> </ol>

### Report Purpose

Council is required to consider the proposed request to close the remaining portion of dedicated, unconstructed road reserve (Lot 500 on Deposited Plan 420630) and pursue a Management Order and a licence of the subject land to the Mackerel Islands Pty Ltd (MIPL) for alfresco dining and landscaping purposes adjoining the Onslow Beach Resort.

### Background

In early 2015, the Chief Executive Officer of MIPL (owner of the Onslow Beach Resort), contacted the Shire to request permission to undertake landscaping works within the First Avenue Road reserve, fronting the Onslow Beach Resort, to alleviate issues with dust pollution (refer to Attachment 1).

During prolonged negotiations, the proposed works (minus some works such as the playground) were undertaken in the unconstructed road reserve before a permit could be issued or conditions agreed.

On 9 January 2017, a 'Show Cause' letter was sent to the MIPL requesting the immediate address of concerns regarding the unauthorised works (refer to Attachment 2).

A response was received from the MIPL on 28 January 2017 (refer to Attachment 3) and the issue was subsequently presented to Council at its Ordinary Council Meeting on 14 February 2017. Council resolved the following:

*“That Council –*

- 1. Update the Footpath Improvement Plan to include a proposed footpath along this general area (subject to confirmation from the current Coastal Hazard Risk Management and Adaptation Plan) so it forms part of a broader path network;*
- 2. In an effort to find a mutually agreeable compromise, allocate a maximum of \$15,000 (estimated to be 50% of the concrete footpath construction cost) from the current footpath construction budget as a contribution towards the footpath cost; and*
- 3. Accepts the works that have been completed (plus the additional works such as fencing that have already been agreed, namely general landscaping works including gardens and lawn, plus a gravelled road/pathway) and issue a permit for the landscaping works on First Avenue, Onslow (fronting Lot 447, the Ashburton Resort) on the condition of the construction of a 2m wide concrete footpath for the entire road reserve frontage of Lot 447.”*

The Shire funded 50% of the footpath costs and the remaining costs were funded by the MIPL. The landscaping project was carried out, fully funded by the MIPL. Although these works were agreed, complete and a permit issued, the land tenure issues were never resolved.

In late 2018, the MIPL requested some form of tenure over the land on the north-eastern boundary of Lot 447 on Deposited Plan 182626 (Onslow Beach Resort) to formalise the extended development.

The tenure issue was presented to Council at its Ordinary Council Meeting on 12 February 2019 where it resolved the following:

*“That with respect to the proposed permanent closure of 6,689m<sup>2</sup> unconstructed section of First Avenue Onslow, that Council:*

- 1. Resolve, in accordance with section 58 of the Land Administration Act 1997, to request the closure of 6,689m<sup>2</sup> unconstructed section of First Avenue, Onslow formally described as Public Road Land ID Number 3488919 and shown as hatched on the plan provided in the report.*
- 2. Advertise the proposed road closure in accordance with Part 5, Division 1, section 58 of the Land Administration Act 1997.”*

Within the body of the report presented to Council on 12 February 2019, the following comments were included:

*“...Should the road be formally closed, it is proposed that the balance of the proposed road closure not required by Onslow Beach Resort be created as a Crown reserve with a Management Order the Shire for the purpose of ‘Coastal Protection and Management’. This reserve and Management Order would more accurately describe the predominant use of the land and ensure the Shire’s ongoing use and access to the land...*

*...Should the road be formally closed, 768m<sup>2</sup> of the land would be reserved or potentially leased to the Shire who would then be able to sub-lease or licence the portion for a commercial purpose.”*

As per Council’s resolution on 12 February 2019, the unconstructed portion of First Avenue, Onslow has now been formally closed and a new Crown Reserve (Reserve 53874) with a Management Order vested to the Shire for the purpose of ‘Coastal Protection and Management’ has been granted (refer to Attachment 4).

However, the landscaped area (now Lot 500 on DP 420630), used by the MIPL (refer to Attachment 5), has still not been resolved and is considered an unlawful operation in its current form as an outdoor extension to the Onslow Beach Resort, currently classified as a Public Road vested in the Shire.

The formalisation of land tenure for the balance was not resolved for the following reasons:

1. As part of the DPLH's referral process, Water Corporation raised concerns regarding an existing reticulated water pipe and water meter which Water Corporation requested to be removed and relocated. As outlined in Attachment 6, there was confusion regarding the location of these services and the details of what was proposed. Water Corporation has agreed that "*...if the land action is only to formalise existing use of the land, there will be no works required*". It is worth noting that if there are any new structures proposed near the water main, this issue will need to be addressed (water main capped and diverted or water easement put on the title).
2. The Shire's initial proposal to the DPLH was for a new Crown Reserve with Management Order vested to the Shire and sub-leased/licenced to the MIPL. DPLH advised they no longer support Crown Reserve Management Orders for commercial purposes. DPLH had suggested as an alternative, the Shire purchase the land in freehold and licence the land to the MIPL.

The Shire then began exploring the option to purchase the land in freehold and licence the land directly from the Shire to the Onslow Beach Resort for their purposes. Shortly after confirming with the DPLH that the Shire was exploring the option to purchase the land in freehold, the Shire was contacted by the DPLH and advised that they would now be open to supporting a Management Order Reserve vested to the Shire and then licenced from the Shire to the Onslow Beach Resort, providing the correspondence below:

*"While the above is contrary to Department policy (Management Order Reserve for commercial purposes), in this instance a reservation with powers to lease to allow the Shire to lease the land back to the Onslow Beach Club (with all rental revenue being invested into the maintenance and upkeep of the wider foreshore reserve), can be considered. This approach could be further supported if the Shire confirmed its reasons for retaining control of the land including providing details on any future use and timelines associated with the foreshore masterplan."*

## Comments

As discussed with Council in 2022, the Shire is progressing towards significant upgrades to the Onslow foreshore area, through the Onslow Promenade Masterplan, with part of this project adjoining the MIPL land. By having management of the land with a licence to the Onslow Beach Resort, the Shire will be able to maintain control of the land for any works associated with this project. Details of the Promenade Masterplan and timeline estimates have been provided to the DPLH.

This matter has been an ongoing issue since 2015 and all parties are eager to come to an agreed resolution.

It is also worth noting that the land is not subject to Native Title, being within the area identified as “Areas where native title does not exist” on the Thalanyji Determination of Native Title area; however, any further works or development will likely require Aboriginal Heritage Surveys and agreement with Thalanyji prior to the commencement of works, this will be the responsibility of MIPL as the licensee and developer of the works with the support of the Shire as land manager.

#### Licence to Mackerel Islands Pty Ltd

MIPL has provided the following statement in support of the licence proposal:

*“The Beach Club is well utilised by the Onslow community and has become an important part of the town’s social fabric, enhancing liveability. Demand is forecast to rise as investment is made into the Caravan Park and resource projects over coming months and years. To maintain community accessibility as the town grows, investment is required to make the venue more efficient and create space for more patrons...*

*...Security of tenure is necessary to ensure appropriate commercial returns are made from the investment. The proposal compliments the Shires foreshore revitalisation strategy and maximises the waterfront location.”*

Shire officers are supportive of pursuing a management order for the land from the Crown and licensing the land to the MIPL, for the following reasons:

- The licence will provide security and formalisation of tenure to the MIPL and remove any insurance risk to the Shire (the land is currently being used by the MIPL but as it is still vested road, it is therefore currently the Shire’s responsibility as land manager).
- The management order and licence would remove the requirement for approvals from the DPLH as another tier of government and allow flexibility between the Shire and MIPL directly.
- The Shire would not be required to pay the DPLH an annual lease fee for the land and sub-licence to the MIPL.
- By having management and licencing the subject land, the Shire would have control of the land for future projects such as the Onslow Promenade Masterplan. The licence would allow provision for works related to this project or other activities.
- The formalised licence will allow the Onslow Beach Resort to undertake temporary pop-up food and beverage stalls on the grassed area from time to time (subject to relevant approvals and permits). Concept plans for a future outdoor bar and upstairs balcony activation are shown in Attachment 8.
- The Shire would derive an income from the license with the MIPL to put towards the Promenade project.
- Once the Shire has completed any projects that may impact the landscaped alfresco area, the Shire may wish to consider the surrender of the management order and provide support for the sale of the land from the Crown to MIPL (subject to a future Council report).

Draft licence terms are outlined below:

<b>Licensee:</b>	Mackerel Islands Pty Ltd
<b>Licensed Area:</b>	Whole of Lot 500 on Plan 420630
<b>Approximate area</b>	Approximately 797 square metres
<b>Permitted Purpose:</b>	Commercial, civic, and ancillary use (subject to Scheme amendment/Council approval) It is anticipated the new Local Planning Scheme will allow for this use once the road is formally closed.
<b>Development/Building Approvals</b>	To be in accordance with approvals issued by the Shire, agreed development plans and specifications, all required approvals and consents from all relevant statutory bodies and in compliance with applicable legislation and regulations.
<b>Licence Term:</b>	21 years
<b>Commencement Date:</b>	The date of execution by all parties
<b>Licence Fee:</b>	A valuation has been sourced with a recommended annual figure of \$5,000 inclusive of GST
<b>Outgoings (Water, Electricity, Rates and Taxes):</b>	Licensee responsibility
<b>Insurance:</b>	<p>The Licensee will take out and keep in force appropriate insurances for workers compensation.</p> <p>The License will include an indemnity from the Licensee to the Shire in relation to any damage, loss, injury, or death arising from the development and occupation by the Licensee.</p> <p>All required insurances to be arranged by Licensee at its sole cost (including, but not limited to) Contractors all risk (CAR), Public Liability (minimum \$20 million) and adequate Workers Compensation.</p>
<b>Maintenance and Cleaning:</b>	Licensee responsibility
<b>Licence preparation and costs</b>	The licence will be prepared by the Shire at its cost, with each party to pay its own costs for review and negotiation.
<b>Signage</b>	Licensee responsibility subject to relevant approvals
<b>Special Condition</b>	<p>The Shire cannot guarantee against interruptions from time to time. It has the care, control, and management of the land along with other property, roads, and reserves in the vicinity of the Premises that may require essential works to be undertaken including the Onslow Promenade Masterplan that may impact on the Lessee's business. Restrictions (not limited to):</p> <ul style="list-style-type: none"> <li>• disruption or closure of roads, reserves and road reserves;</li> </ul>

	<ul style="list-style-type: none"> <li>• pedestrian movement and access;</li> <li>• vehicle movement, access and parking;</li> <li>• vibration and noise; and</li> <li>• dust and dirt.</li> </ul> <p>As a result, the Shire or its agents and contractor works will not be considered as having breached the Licence and the Shire will not be liable to compensate the Licensee.</p>
<p><b>Assignment sublicensing</b></p>	<p><b>or</b> Shire consent must be obtained prior to any assignment or sublicence, not to be unreasonably withheld.</p>

**Consultation**

Executive Leadership Team

Onslow Beach Resort

Mackerel Islands Pty Ltd

Department of Planning, Lands and Heritage

Water Corporation

Property Valuation & Advisory (WA)

The licence proposal will be advertised for public comment, inviting submissions once licence negotiations have been finalised.

**Strategic Community Plan**

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	2. Place - We will provide sustainable, purposeful, and valued built and natural environment opportunities for the community.
Strategic Outcome	2.6 Land use opportunities to benefit current and future communities
Strategy	1 Plan for diverse land, housing, and development opportunities.

**Council Policy**

Nil

**Financial Implications**

Current Financial Year

There will be no financial implications this financial year as the road will need to be closed and the management order negotiated through discussions with the DPLH, anticipated to take approximately 12 months. Survey of the land is not required as it will be the whole remaining portion of the road reserve to be closed.

Future Financial Year(s)

The licence fee annual income is \$5,000 as per the valuation received, subject to agreement with the MIPL.

All rental revenue will likely be required to be invested into the maintenance and upkeep of the wider foreshore reserve and/or the Onslow Promenade project as per DPLH’s comments regarding the proposed management order reserve.

**Legislative Implications**

Section 58 of the *Land Administration Act 1997* makes provisions/gives powers and outlines the process for closing roads.

Section 3.58 of the *Local Government Act 1995* outlines the provisions and requirements for disposing (selling leasing or licencing) of property.

**Risk Management**

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Compliance	MIPL continues to operate with no formalised land tenure of the subject site, presenting an insurance risk to the Shire as land manager.	Almost Certain (5)	Minor (2)	Moderate (5-9)	Council supports the officer recommendation to pursue a management order reserve for the land and licence to the MIPL.

Based on the inherent risk rating and risk treatments, the residual risk to the Shire is considered to be medium due to the implications to the Shire as land manager.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That with respect to the proposed Management Order Reserve and formalisation of land tenure for Lot 500 First Avenue, Onslow - Onslow Beach Resort alfresco area, Council,

1. Support the closure of an approximate 797m<sup>2</sup> portion of the remaining road reserve formally described as Public Road Land ID Number 4502533 (Lot 500 on DP 420630) as shown in Attachment 5 and:
  - (a) Advertise the proposed road closure in accordance with regulation 9 of the *Land Administration Regulations 1998*; and
  - (b) If no objections are received, request the Minister for Lands to permanently close that portion of road reserve.
2. Subject to the closure of Public Road described in point 1 above, authorises the Chief Executive Officer to:
  - (a) Request the Minister for Lands grant a Management Order of the subject Crown land (Lot 500 on DP 420630) vested to the Shire of Ashburton for the purpose of “Recreation” with the power to lease or licence for a period of 21 years;



- (b) Advertise the disposal of Lot 500 on DP 420630 to the Mackerel Islands Pty Ltd for two weeks in accordance with section 3.58 of the *Local Government Act 1995*; and
  - (c) Subject to no objections being received to the disposal under point 2(b) above, negotiate the terms and execute a Licence/Lease of the subject land to the Mackerel Islands Pty Ltd.
3. Authorises the Chief Executive Officer to engross any other associated documents in order to close the road and affect the land disposal.

### Alternative Recommendation

That with respect to the proposed Management Order Reserve and formalisation of land tenure for Lot 500 First Avenue, Onslow - Onslow Beach Resort alfresco area, Council,

1. Support the closure of an approximate 797m<sup>2</sup> portion of the remaining road reserve formally described as Public Road Land ID Number 4502533 (Lot 500 on DP 420630) as shown in Attachment 5 and:
  - (a) Advertise the proposed road closure in accordance with regulation 9 of the *Land Administration Regulations 1998*; and
  - (b) If no objections are received, request the Minister for Lands to permanently close that portion of road reserve.
2. Subject to the closure of Public Road described in point 1 above, authorises the Chief Executive Officer to:
  - (a) Request the Minister for Lands grant a Management Order of the subject Crown land (Lot 500 on DP 420630) vested to the Shire of Ashburton for the purpose of "Recreation" with the power to lease or licence for a period of 21 years;
  - (b) Advertise the disposal of Lot 500 on DP 420630 to the Mackerel Islands Pty Ltd for two weeks in accordance with section 3.58 of the *Local Government Act 1995*; and
  - (c) Subject to no objections being received to the disposal under point 2(b) above, negotiate the terms and execute a Licence/Lease of the subject land to the Mackerel Islands Pty Ltd.
3. Authorises the Chief Executive Officer to engross any other associated documents in order to close the road and affect the land disposal.
4. Requests the Chief Executive Officer to investigate the water main supply and if necessary, request The Mackerel Islands to instal an independent supply at their cost.

**Council Decision**                      **068/2023**

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

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

**That with respect to the proposed Management Order Reserve and formalisation of land tenure for Lot 500 First Avenue, Onslow - Onslow Beach Resort alfresco area, Council,**

- 1. Support the closure of an approximate 797m<sup>2</sup> portion of the remaining road reserve formally described as Public Road Land ID Number 4502533 (Lot 500 on DP 420630) as shown in Attachment 5 and:
  - (a) Advertise the proposed road closure in accordance with regulation 9 of the *Land Administration Regulations 1998*; and**
  - (b) If no objections are received, request the Minister for Lands to permanently close that portion of road reserve.****
- 2. Subject to the closure of Public Road described in point 1 above, authorises the Chief Executive Officer to:
  - (a) Request the Minister for Lands grant a Management Order of the subject Crown land (Lot 500 on DP 420630) vested to the Shire of Ashburton for the purpose of “Recreation” with the power to lease or licence for a period of 21 years;**
  - (b) Advertise the disposal of Lot 500 on DP 420630 to the Mackerel Islands Pty Ltd for two weeks in accordance with section 3.58 of the *Local Government Act 1995*; and**
  - (c) Subject to no objections being received to the disposal under point 2(b) above, negotiate the terms and execute a Licence/Lease of the subject land to the Mackerel Islands Pty Ltd.****
- 3. Authorises the Chief Executive Officer to engross any other associated documents in order to close the road and affect the land disposal.**
- 4. Requests the Chief Executive Officer to investigate the water mains supply and if necessary, request the Mackerel Islands Pty Ltd to install an independent supply at their cost.**

**Carried 8/0**

**Reason for change:** To ensure that the portion of land subject to this recommendation has a water supply independent from the Shire of Ashburton.

### 11.3 Draft Local Planning Scheme No. 8 and Local Planning Strategy - Progress Update

<b>File Reference</b>	LP10.8.0
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	L Advisory, LK Advisory
<b>Authorising Officer</b>	K Donohoe, Chief Executive Officer
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 20 April 2021 - Item 13.2 – Minute 62/2021 Ordinary Council Meeting 11 October 2022 – Item 13.1 Minute 144/2022
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	Nil

#### Report Purpose

To provide an update on the status of Draft Local Planning Scheme No. 8 (LPS 8) and seek Council's approval to prepare a revised version of LPS 8 for public advertising and an amendment to the Local Planning Strategy to run concurrently with the new LPS 8.

#### Background

The Shire's current Local Planning Scheme No. 7 (LPS 7) was gazetted on 24 December 2004 and has been amended 24 times.

Under the *Planning and Development Act 2005* (Part 5, Division 5), local governments are required to review their planning schemes every five years after the date of gazettal. In accordance with this requirement, the Shire took the following actions to review LPS 7 and prepare a new LPS 8 –

- 9 December 2015: Council decision to advise the Western Australian Planning Commission (WAPC) that a Local Planning Strategy will be prepared and upon its endorsement, a new scheme will be prepared to replace LPS 7.
- 24 December 2017: Council adopted the draft Local Planning Strategy for advertising.
- 27 March 2018: WAPC granted approval to advertise the draft Strategy.
- 10 November 2020: Council endorsed the Local Planning Strategy.
- 20 April 2021: Council resolved to prepare a new LPS 8.
- 21 June 2021: WAPC endorsed the Local Planning Strategy.
- 11 October 2022: Council adopted the draft LPS 8 for referral to the Environmental Protection Authority (EPA) and approval to advertise from the WAPC. LPS 8 was subsequently referred to both agencies by Shire staff, in accordance with Council's decision.

In November 2022, the EPA advised the Shire that the documentation accompanying draft LPS 8 was insufficient to enable its assessment. In December 2022, the Department of Planning, Lands and Heritage (DPLH) staff raised issues with the form and content of the draft LPS 8.

## Comments

### Draft LPS 8

Upon receipt of EPA and DPLH officer feedback regarding the need for further information, the Shire and its appointed planning consultants (LK Advisory) undertook a comprehensive review of the draft LPS 8 as adopted by Council in October 2022, particularly in relation to its format, content, and alignment with the Local Planning Strategy and other plans, documents, strategies and decisions adopted by Council since drafting of LPS 8 commenced in 2021.

For the reasons set out below, it is recommended that the draft LPS 8 is withdrawn from consideration by the EPA and WAPC and replaced with a new version for referral to the EPA and WAPC.

#### 1. *'Take stock' of Strategic Priorities and Objectives*

Preparation of a new version of LPS 8 will provide an ideal opportunity for the Shire to:

- Simplify and streamline its planning framework;
- Ensure the new Scheme is aligned to Council's strategic goals, objectives and project priorities – including those stated in the Shire's Economic and Tourism Development Strategy and other priority documents such as Onslow – Towards a Visitor Economy and the draft Community Lifestyle and Infrastructure Plan (CLIP); and
- Better position the Shire to mitigate risks and seize opportunities in the future, in respect of various land use, development trends and investment activities.

#### 2. *Document completeness and version control*

The EPA advised the Shire that further information would need to be submitted for the draft LPS 8 to be assessed. Similarly, DPLH raised various issues that would need to be addressed to modify the version of the draft LPS 8 adopted by Council in October 2022.

If the EPA and DPLH's requests and concerns are acceded to, then Shire staff would need to modify the version of the draft LPS 8 that was adopted by Council without Council's formal consideration. This would raise concerns around document control due to the further information and documentation provided back to the EPA and DPLH would differ from the documents adopted by Council in October 2022.

To avoid this situation, it is recommended that the draft LPS 8 previously referred to the EPA and WAPC is withdrawn and replaced with a revised draft Scheme, ensuring that:

- Council maintains visibility and control over the process of preparing the new Scheme;
- The Shire can address any issues and incorporate further changes that may have been previously overlooked; and

- The rationale for any material changes proposed from the current Scheme are documented to facilitate a meaningful and informative engagement process that can be readily understood by stakeholders.

3. *Undertake an expert review of LPS 8*

LK Advisory, has reviewed the draft LPS 8 and the Local Planning Strategy, and identified shortcomings and anomalies that should be corrected. These include:

- Reducing the number of reserves and zones, and using reserves with more flexible purposes to support the Shire in achieving its strategic objectives;
- Improving legibility of Scheme maps by adding street names and ensuring that residential land has a Residential Density Code assigned to it; and
- Ensuring that the draft LPS 8 comprehensively reflects the 121 relevant actions contained within the Local Planning Strategy. The current status of these actions being addressed in the draft LPS 8 is shown in the table below.

<b>Has the action been addressed by LPS 8?</b>	<b>Number of actions</b>	<b>Percentage of total actions</b>
Yes	71	59%
No	32	26%
Partly	18	15%
<b>Total</b>	<b>121</b>	<b>100%</b>
Action is not applicable to LPS 8	37	-

4. *State Government Planning Reform*

In 2019, the State Government released its ‘Action Plan for Planning Reform’. The early reforms have been completed, others were fast-tracked to support the States’ COVID-19 response and economic recovery, and work is continuing on the final suite of reforms in parallel with new initiatives.

The DPLH is currently consulting with local governments on proposed changes to zones, reserves, and land use definitions contained within the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations). The preparation of a revised LPS 8 will ensure that it is consistent with changes contemplated by these reforms as well as leverage the recently introduced Medium Density Code to capitalise on improvements to the design of the built environment in the Shire’s residential zoned areas.

5. *Timeliness*

Given the substantial work needed to revise the draft LPS 8 to address feedback from the EPA and DPLH, and the delays and complications that could occur thereafter, Shire staff and LK Advisory are confident that preparing a new draft LPS 8 will not cause any undue delays in the progress of the new Scheme. Rather, improving and enhancing the draft Scheme now, before environmental assessment and public advertising, is expected to streamline the process by eliminating obstacles and unintended consequences that might otherwise arise from allowing the current draft Scheme to continue.

Local Planning Strategy

The Shire began preparing its Local Planning Strategy in 2016 and the Strategy was endorsed by the WAPC in 2021. The Strategy acknowledges that it should be amended if needed, as new issues or information becomes available. In this regard, it is recommended the Shire undertake a high-level review of the Strategy to align it with Council and the community’s strategic goals, objectives, and project priorities. This would involve:

- Updating the actions described in the Strategy to reflect what is proposed within the revised draft LPS 8;
- Updating the demographic sections of the Strategy to reflect recent Australian Bureau of Statistics 2021 Census data;
- Updating the Strategy maps; and
- Incorporating relevant actions of influence from recent Council-endorsed plans and strategies and to address key themes raised in any relevant community engagement exercises.

By combining a review of the Local Planning Strategy with the preparation of a revised draft LPS 8, the Shire will create a robust, contemporary, and agile planning framework. Importantly, doing so will also support the Shire in attracting grant funding in the order of \$200,000 from the DPLH for the commensurate review of its Local Planning Scheme and Strategy.

**Consultation**

Department of Planning, Lands and Heritage

Elected Members

Executive Leadership Team

**Strategic Community Plan**

Shire of Ashburton Strategic Community Plan 2022-2032

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

**Council Policy**

Nil

**Financial Implications**

Current Financial Year

Shire staff are reviewing a draft funding agreement from the DPLH that would largely offset the Shire’s costs in preparing a new draft LPS 8 and undertaking a concurrent review of the Local Planning Strategy, as doing so would deliver a contemporary local planning framework and support the Shire in implementing priority land use planning activities.

Future Financial Year(s)

The Department of Planning Lands and Heritage have agreed in principle to financially support the proposed changes to the Scheme and Strategy with a contribution of up to \$200,000.

With this financial support from DPLH, staff and consultants believe that this will enable the revised draft Scheme and Strategy amendments to be considered by Council in August 2023.

**Legislative Implications**

The review of the draft LPS 8 will be undertaken in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**Risk Management**

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Compliance	Not withdrawing the draft LPS 8 from EPA and WAPC assessment may result in either agency requiring the Shire to make undesirable and unexpected modifications, without Council input, before advertising of the draft Scheme can commence.	Possible (3)	Moderate (3)	Moderate (5-9)	Adopt the Officer's Recommendation.

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

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That with respect to Draft Local Planning Scheme No. 8 and the Local Planning Strategy, Council:

1. Advises the Environmental Protection Authority that it withdraws the version of draft Local Planning Scheme No. 8 adopted by Council on 11 October 2022 and later referred to the Authority for consideration under Section 81 of the *Planning and Development Act 2005*, due to Council's future consideration of a revised draft Scheme;
2. Advises the Western Australian Planning Commission that it withdraws the version of draft Local Planning Scheme No. 8 adopted by Council on 11 October 2022 and later referred to the Commission for consideration under regulation 21(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, due to Council's future consideration of a revised draft Scheme;
3. Receives a further report to adopt a new draft Local Planning Scheme No. 8 for subsequent referral to the Environmental Protection Authority and Western Australian Planning Commission, and to concurrently amend the Shire's Local Planning Strategy; and
4. Authorises the Chief Executive Officer to secure and execute a funding agreement from the Department of Planning, Lands and Heritage for a financial contribution towards the Shire's costs of preparing the revised draft Local Planning Scheme No. 8 and amended Local Planning Strategy.



**Council Decision**            **069/2023**

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

**Seconded**                 **Cr M Gallanagh**

**That with respect to Draft Local Planning Scheme No. 8 and the Local Planning Strategy, Council:**

- 1. Advises the Environmental Protection Authority that it withdraws the version of draft Local Planning Scheme No. 8 adopted by Council on 11 October 2022 and later referred to the Authority for consideration under Section 81 of the *Planning and Development Act 2005*, due to Council's future consideration of a revised draft Scheme;**
- 2. Advises the Western Australian Planning Commission that it withdraws the version of draft Local Planning Scheme No. 8 adopted by Council on 11 October 2022 and later referred to the Commission for consideration under regulation 21(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, due to Council's future consideration of a revised draft Scheme;**
- 3. Receives a further report to adopt a new draft Local Planning Scheme No. 8 for subsequent referral to the Environmental Protection Authority and Western Australian Planning Commission, and to concurrently amend the Shire's Local Planning Strategy; and**
- 4. Authorises the Chief Executive Officer to secure and execute a funding agreement from the Department of Planning, Lands and Heritage for a financial contribution towards the Shire's costs of preparing the revised draft Local Planning Scheme No. 8 and amended Local Planning Strategy.**

**Carried 8/0**

**11.4 The Karijini Experience 2023 Sponsorship Proposal**

<b>File Reference</b>	ED01
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	P Hanlon, Manager Business and Economic Development
<b>Authorising Officer</b>	K Donohoe, Chief Executive Officer
<b>Previous Meeting Reference</b>	Special Council Meeting 21 December 2020 - Item 7.4 – 234/2020
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	1. The Karijini Experience 2023 Sponsorship Proposal <a href="#">⇒</a>

**Report Purpose**

Council is required to consider the proposal to sponsor The Karijini Experience 2023 event. The purpose of this report is to outline the sponsorship opportunities available to the Shire of Ashburton (the Shire) for The Karijini Experience 2023.

Council is requested to consider the different levels of financial sponsorship available and, agree to provide a minimum \$50,000 plus GST contribution to become a Premium Partner of The Karijini Experience 2023 with an investigation undertaken by the Chief Executive Officer to determine whether the Platinum Sponsor package is appropriate.

**Background**

The Karijini Experience is one of the premier events in the Shire, serving as an opportunity to showcase high-quality arts, music, and cultural experiences to unite the community and attract visitation.

The Karijini Experience was established in 2013, originally hosted by the Pilbara Inland Chamber of Commerce and Industry (PICCI), before hosting of the event changed to the Nintirri Centre Inc. (Nintirri) in 2015. Prior to COVID in 2019, the event attracted 2,045 visitors, featuring 98 artists and 57 separate headline events. Most importantly, The Karijini Experience represented 16 Aboriginal language groups.

The Shire has been a platinum sponsor of the event for a number of years. The 2020 and 2022 event did not run due to COVID-19. There were some issues with the 2019 Karijini Experience event, including a lack of representation of the Shire's sponsorship agreement, as well as a lack of adherence to ministerial visitation protocols.

The sponsorship proposal highlights that from 2022, the event was passed over to the Banjima Native Title Aboriginal Corporation (BNTAC) as the traditional owners of the land. Nintirri stepped back after the 2021 event, with the subsequent appointment of a professional event management company, CMS Events. CMS Events are a Perth based event company that states they have professional industry experience built over 30 years. With a sound background of operating events. They have used the broad knowledge of marketing, sales, operations and financial control to apply their skills across a range of industries and styles of events. Currently their management includes food and wine, trade and consumer exhibitions, seminars, functions, tourism and community events and more.

CMS offer a strategic approach to development, management and marketing for events of any size offering the experience of over 200 exhibitions and projects.

The proposal states that the change in operating model provides new impetus for the event and greater recognition of the Banjima People.

### Comments

The Shire Economic and Tourism Development Strategy 2019 (the Strategy) recognises that tourism is an important driver of the Shire's economy. The strategy highlights a way forward for the Shire to achieve the strategic objectives and goals of the community.

Action 2.10 of the Strategy identifies for Council to provide an annual sponsorship to The Karijini Experience to achieve Goal 1 (Promote the Shire). As one of the esteemed events in the region, The Karijini Experience showcases our distinctive tourism offering to a local, intrastate and interstate audience.

The event also offers visitors the opportunity to take in other tourism attractions while in our region including Millstream Chichester National Park, Onslow and the Mackerel Islands, as well as exploring neighboring Pilbara towns and attractions.

With the event postponed in 2022, the 2023 event will be the first event operated by CMS Events on behalf of the BNTAC. CMS Events has prepared a comprehensive sponsorship proposal (refer to Attachment 1), that details the different levels of financial contribution and specific outputs available to the Shire. The levels of financial contribution are outlined below:

1. Platinum Sponsorship - \$Financial Contribution to be negotiated
2. Premium Partner - \$50,000 plus GST
3. Major Sponsor - \$25,000 plus GST
4. Event Sponsor - \$10,000 plus GST
5. Supporting Partner - \$5,000 plus GST
6. Friend of Karijini Experience - \$1,000.

The proposal highlights the different levels of branding and marketing, hospitality and recognition that each level of sponsorship provides. The major difference between the Platinum Sponsor and Premium Partner sponsorships is the level of organisational recognition that is achieved. Both of these sponsorship levels provide the Shire with a high level of brand recognition and achieve the outcome of the Strategy.

The Shire has over a number of years, committed \$50,000 annually to the event. In 2021, following the COVID-19 closure of the 2020 event, the Shire agreed to increase it's level of sponsorship to \$85,000 plus GST to become the Principle Community Sponsor of the 2021 event. The Council report in 2021 highlighted that the increased sponsorship in 2021 could be funded through the unspent budget allocation set aside for the cancelled 2020 event.

The Shire's 2022/2023 Economic Development budget has an allocation of \$38,000 plus GST set aside for sponsoring The Karijini Experience this year. The 2022/2023 Economic Development budget also sets aside funding for Tourism Promotion and Marketing. The funding from these budget lines can be utilised to sponsor the event as a Premium Partner and possibly as a Platinum Partner depending on the financial contribution to be negotiated up to a maximum of \$85,000 plus GST.

**Consultation**

Chief Executive Officer

CMS Events

**Strategic Community Plan**

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	3. Prosperity - We will advocate and drive opportunities for the community to be economically desirable, resilient, and prosperous.
Strategic Outcome	3.4 Sustainable commerce and tourism opportunities
Strategy	3 Work collaboratively with tourism sector providers, Australia’s North-West Tourism and Tourism WA to increase visitor spend, and length of stay, in the Shire.

**Council Policy**

Nil

**Financial Implications**

Current Financial Year

The Officer’s recommendation is to provide a minimum \$50,000 plus GST contribution to become a Premium Partner of The Karijini Experience 2023. Should the Platinum Sponsorship prove to be worthwhile, the contribution is recommended to be capped at \$85,000 plus GST.

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
Reputation (social/community)	Council has endorsed an annual contribution to The Karijini Experience in the Economic and Tourism Development Strategy 2019. Failing to make a contribution could cause reputational damage to the Shire.	Likely (4)	Moderate (3)	High (10-16)	Provide a financial contribution to the event in line with the 2022/2023 Economic Development Budget.

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 Karijini Experience 2023 Sponsorship Proposal, Council,

1. Agree to provide a minimum \$50,000 plus GST contribution to become a Premium Partner of The Karijini Experience 2023,
2. Authorise the Chief Executive Officer to investigate becoming the Platinum Sponsor of The Karijini Experience 2023 up to a maximum financial contribution of \$85,000 plus GST, and
3. Approves the following amendments to the 2022-2023 Annual Budget –
  - (a) Decrease Job J3108 Visitor Marketing and Promotion by \$12,000,
  - (b) Increase Job J3102 Event Sponsorships by \$12,000.

**Council Decision**                      **070/2023**

**Moved**                                      **Cr A Sullivan**

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

**That with respect to The Karijini Experience 2023 Sponsorship Proposal, Council,**

- 1. Agree to provide a minimum \$50,000 plus GST contribution to become a Premium Partner of The Karijini Experience 2023,**
- 2. Authorise the Chief Executive Officer to investigate becoming the Platinum Sponsor of The Karijini Experience 2023 up to a maximum financial contribution of \$85,000 plus GST, and**
- 3. Approves the following amendments to the 2022-2023 Annual Budget –**
  - (a) Decrease Job J3108 Visitor Marketing and Promotion by \$12,000,**
  - (b) Increase Job J3102 Event Sponsorships by \$12,000.**

**Carried 8/0**

## 12 Corporate Services Reports

### 12.1 Monthly Schedule of Accounts Paid - March 2023

<b>File Reference</b>	FM03
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	T Dayman, Acting Director Corporate Services
<b>Authorising Officer</b>	T Dayman, Acting Director Corporate Services
<b>Previous Meeting Reference</b>	Nil
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	1. Schedule of Accounts Paid - March 2023 <a href="#">⇒</a>

#### 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 March 2023,
- Trust Fund Payments for March 2023, and
- Corporate Credit Card Reconciliations for February 2023.

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	9,551,095.10
Superannuation / Payroll (Direct Debits)	94,500.99
Cheques	-
Credit Cards	1827.46

Bank Fees and Charges	1825.73
<u>Municipal Fund Total</u>	9,649,249.28
<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 March 2023, as included at Attachment 1.

**Council Decision**                      **071/2023**

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

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

**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 March 2023, as included at Attachment 1.**

**Carried 8/0**



## 12.2 Monthly Financial Statements - March 2023

<b>File Reference</b>	FM03
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	T Dayman, Acting Director Corporate Services
<b>Authorising Officer</b>	T Dayman, Acting Director Corporate Services
<b>Previous Meeting Reference</b>	Nil
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	1. Monthly Financial Statements - March 2023 <a href="#">⇒</a>

### 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 March 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).

The following 2022-2023 Budget amendments are recommended:

GL / Job No.	GL / Description	Job	Current Budget	Amendment	Revised Budget	Reason
F0369	Thalanyji Reserve	Oval	\$138,698	(\$10,000)	\$128,698	Savings identified
F0458	Multi-Purpose Centre – Courts		\$67,048	(\$5,000)	\$62,048	Savings identified
F0385	Onslow Compound Facility	TV –	\$100,800	\$15,000	\$115,800	To address urgent defects of replacement equipment
DC21005	DCEO Payroll		\$40,161	(\$40,161)	\$0	Savings identified - position will not be filled in this financial year.

DC21004	DCEO Recruitment	\$26,500	(\$15,000)	\$11,500	Savings identified - position will not be filled in this financial year.
J3210	Consultancy Project Management	\$848,400	(\$69,839)	\$778,561	Savings identified
C0556	Passion of the Pilbara	\$280,000	\$100,000	\$380,000	Additional funds required to deliver high calibre event
J3166	Consultancy Corporate Services	\$134,293	(\$50,000)	\$84,293	Savings identified
J3192	Consultancy Communities	\$98,100	\$75,000	\$173,100	Additional funds required to proceed with engaging consultants for the development of the Pilbara Home Strategy
EH24062	Mosquito Control	\$18,700	\$8,000	\$26,700	Increase in Mosquito control program
EH22002	Minor Equipment Repairs	\$0	\$3,000	\$3,000	Repairs to the fogger machines.
EH22007	Minor Assets <\$5,000	\$300	\$3,000	\$3,300	Purchase of mosquito trapping units
EH21005	EH Training & Development	\$2,000	\$2,000	\$4,000	Training in Mosquito control
EH24059	Health Promotion	\$1,900	\$3,000	\$4,900	Fight the bite promotional equipment and materials
EH21004	Recruitment	\$17,200	(\$13,000)	\$4,200	Savings identified
EH23001	Legal	\$8600	(\$8,000)	\$600	Savings identified

**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.

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,

1. In accordance with *Local Government (Financial Management) Regulations 1996* regulation 34, accepts the Statement of Financial Activity, and associated documentation, for March 2023, as included at Attachment 1, and
2. Approve the following amendments to the 2022-2023 Annual Budget –
  - a. Decrease Job F0369 Thalanyji Oval Reserve by \$10,000
  - b. Decrease Job F0458 Multi-Purpose Centre – Courts by \$5,000
  - c. Increase Job F0385 Onslow TV Compound – Facility by \$15,000
  - d. Decrease General Ledger DC21005 DCEO Payroll by \$40,161
  - e. Decrease General Ledger DC21004 DCEO Recruitment by \$15,000
  - f. Decrease Job J3210 Consultancy – Project Management by \$69,839
  - g. Increase Job C0556 Passion of the Pilbara by \$100,000
  - h. Decrease Job J3166 Consultancy Corporate Services by \$50,000
  - i. Increase J3192 Consultancy Communities by \$75,000
  - j. Increase EH24062 Mosquito Control by \$8,000
  - k. Increase EH22002 Minor Equipment Repairs by \$3,000
  - l. Increase EH22007 Minor Assets >\$5,000 by \$3,000
  - m. Increase EH21005 Training and Development \$2,000
  - n. Increase EH24059 Health Promotion by \$3,000
  - o. Decrease EH21004 Recruitment by \$13,000
  - p. Decrease EH23001 Legal by \$8,000

**Council Decision**            **072/2023**

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

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

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

- 1. In accordance with *Local Government (Financial Management) Regulations 1996* regulation 34, accepts the Statement of Financial Activity, and associated documentation, for March 2023, as included at Attachment 1, and**
- 2. Approve the following amendments to the 2022-2023 Annual Budget –**
  - a. Decrease Job F0369 Thalanyji Oval Reserve by \$10,000**
  - b. Decrease Job F0458 Multi-Purpose Centre – Courts by \$5,000**
  - c. Increase Job F0385 Onslow TV Compound – Facility by \$15,000**
  - d. Decrease General Ledger DC21005 DCEO Payroll by \$40,161**
  - e. Decrease General Ledger DC21004 DCEO Recruitment by \$15,000**
  - f. Decrease Job J3210 Consultancy – Project Management by \$69,839**
  - g. Increase Job C0556 Passion of the Pilbara by \$100,000**
  - h. Decrease Job J3166 Consultancy Corporate Services by \$50,000**
  - i. Increase J3192 Consultancy Communities by \$75,000**
  - j. Increase EH24062 Mosquito Control by \$8,000**
  - k. Increase EH22002 Minor Equipment Repairs by \$3,000**
  - l. Increase EH22007 Minor Assets >\$5,000 by \$3,000**
  - m. Increase EH21005 Training and Development \$2,000**
  - n. Increase EH24059 Health Promotion by \$3,000**
  - o. Decrease EH21004 Recruitment by \$13,000**
  - p. Decrease EH23001 Legal by \$8,000.**

**Carried 8/0**

### 12.3 Amendment of Rate Record - Change in rating classification

<b>File Reference</b>	FV07
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	T Dayman, Acting Director Corporate Services
<b>Authorising Officer</b>	T Dayman, Acting Director Corporate Services
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 28 July 2022 - Item 6.1 – 099/2022
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	Nil

#### Report Purpose

The purpose of this report is to consider to outcome of parcels of land with no pastoral lease in place having been classified as Non-Pastoral UV under the “and other purposes” and the substantial increase in rates levied for 2022-2023 as well as the partial non-compliant issue of rate notices to the landowners who changed rating classification.

#### Background

Council adopted, in May 2022, to continue with differential rating in the district and, in accordance with legislation, called for submissions relating to this.

This included differential rates for Pastoral UV Rate in the dollar of 0.1887 and Non-Pastoral UV Rate in the dollar of 0.3696.

The document described the circumstances on how the rate was applicable to properties, including

Pastoral UV – The rate is applicable only to UV properties issued with pastoral leases granted by the State Government.

Non-Pastoral UV – This rate is applicable to non-pastoral UV land such as, although not limited to, tourism use (UV), mining use and tenements (including, although not limited to, Exploration Licences, General Purpose Leases, Mineral Leases, Mining Leases, Petroleum Exploration Permits, Petroleum Production Licences), and other purposes.

One submission was received. Council adopted its annual budget, including Differential Rates, minimum payments and instalment payment arrangements.

In line with the information pertained in the Statement of Objects and Reasons for Differential Rates 2023-2024, several properties previously rated as UV Pastoral were reclassified as Non-Pastoral UV. The change in differential rating category resulted in a change in rate in a dollar for 2022-2023 from 0.1887 to 0.3696.

On 16 August 2022, the Shire issued the rates notice for 2022-2023. Accompanying the notice was a standard email regarding the 2022-2023 rate notice and reference to a weblink for additional rating information. The additional information attaches a document in PDF format setting out a generalised statement of Objects and Reasons for Differential Rates.

Correspondence has been received from Pacer Legal, representing Bogle Super Pty Ltd, the rate payer, seeking clarification and confirmation of the rate that the Shire has applied to the property is 36.96 cents in the dollar. The correspondence went onto state that within three's years' time the rates paid would exceed the value of the land, making the property essentially unsaleable.

Legal advice was sought from Civic Legal to ensure compliance with the *Local Government Act 1995* (the Act), in particular,

1. Does section 6.40(1) of the Act limit the power of a local government to change a rate where the local government has not complied with it?
2. Does the rate notice in question sent to Bogle Super Pty Ltd comply with section 6.41 of the Act?

Section 6.40(1) of the Act states as follows:

- (1) *Where a rate record in relation to any land is amended under section 6.39(2) as a result of a change in –*

- (a) *The rateable value of; or*
- (b) *The rateability of; or*
- (c) *The rate imposed on,*

*that land the local government is to reassess the rates payable on the land and to give notice to the owner of the land of any change in the amount of rates payable on the land.*

In summary, the legal advice received, has confirmed that the notice sent with the rate notice for A51012 does not meet the requirements of section 6.40(1) of the Act and therefore Shire has not complied with s 6.40(1) of the Act.

Section 6.41 of the Act states as follows:

- (1) *A local government is required to give to –*

- (a) *The owner of rateable land; and*
- (b) *The owner of occupier. As the case requires, of land on which a service charge is imposed,*

*a rate notice stating the date of the rate notice was issue and incorporate or accompanied by the details and particulars prescribed.*

Regulation 56 of the *Local Government (Financial Management) Regulations 1996* (the Regulations) prescribes the form and contents of rate notices.

In summary, the legal advice received, has confirmed that the Shire has, for the most part, complied with the requirements prescribed under the regulations. It is arguable that sub-regulations (3)(e) and (4)(a) have not been complied with.

Regulation 56(3)(e) states as follows:

- (e) *where a differential general rate is imposed on the land details of –*
- (i) *the rate imposed; and*
  - (ii) *the characteristics of the land upon which the rate is based;*

Regulation 56(4)(a) states as follows:

- (a) *The following information is to accompany or be included in the rate notice –*
  - (i) *brief statement of the objects and reasons for –*
  - (ii) *any differential rates imposed by the local government under section 6.33; and*
  - (iii) *any differential minimum payment imposed by the local government under section 6.35(6)(c); and*
  - (iv) *any service charge imposed by the local government.*

In summary, the legal advice received, has confirmed that the rate notice issued, and the accompanying notice referring the statement 2022-2023, does not comply with section 56(3)(e) and 56(4)(a).

Civic Legal has provided the following recommendations to ensure the Shire complies with the Act and the Regulations in all future rate notices issued:

- (a) to include the use of the rate land within the 'details' section of the rate notices. This should appear next to the rate category in brackets or italicised. This will enable landowners to easily identify the reason the land is within that category.
- (b) Where the land has been re-categorised, the covering letter or email should include a sentence which indicates the rate change, such as
  - In accordance with our Statement of Objects and Reasons for Differential Rates [year], [lot number] has been re-categorised from [previous category] to [new category] as [state specific reason e.g., as it no longer has a pastoral lease].*
- (c) For the avoidance of doubt, the Shire should also insert into the covering letter or email an extract of the objects and reasons of the relevant category from the Statement. Alternatively, the Shire can attach the relevant part of the statement of objects and reasons to the letter or email.

Civil Legal also recommended that the Shire re-issue an amended notice to Bogle Super Pty Ltd, to take account of the above. This should rectify the Shire's omission and should also place the Shire in a better position should Bogle Super Pty Ltd decide to apply to the State Administrative Tribunal for a review of the Shire's decision.

### **Comments**

To ensure compliance to all rate notices, an assessment of all rating properties that the change in differential rates may have affected, has been completed. Five properties have been identified.

Based on the advice and recommendation from Civil Legal, it is recommended that the Shire's re-issue the rate notice to affected land parcels and provide the recommended covering letter or email.

Four out of the five properties affected by the change of differential rate classification, due to not being in receipt of a pastoral lease, had a significant increase in rates levied for 2022-2023. One property is being charged minimum rates and experienced nil change.



The table below provides the impact on each identified assessment.

<b>Assessment No</b>	<b>UV Non-Pastoral actual Rates Levied \$0.3696</b>	<b>Rates levy if rated UV Pastoral \$0.1887</b>
A34661	\$7,392	\$3,774
A51052	\$36,960	\$18,870
A51053	\$36,960	\$18,870
A6909	\$3,363.36	\$1,717.17
A504671	\$1,288	\$1,288

The parcels of land for the above rating assessments are owned freehold, therefore will not be issued with a pastoral lease by the State.

The parcels of land for the above rating assessments do not include any activities as described in the Non-Pastoral UV other than “and other purposes”.

Council may consider amending the Statement of Objects and Reasons for Differential Rates for 2023-2024 to accommodate for parcels of land with no pastoral lease in place, having been classified as Non-Pastoral UV under the “and other purposes” yet are not perceived as meeting the intent of this category.

**Consultation**

Civic Legal

Chief Executive Officer

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            4.6 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)

Potential amendments statement of Objects and Reasons for Differential Rates for 2023-2024 to accommodate for parcels of land such as those identified in this report, may result in a reduction in future rating income.

### **Legislative Implications**

Section 6.40(1) of the Act states as follows:

(2) *Where a rate record in relation to any land is amended under section 6.39(2) as a result of a change in –*

- (a) The rateable value of; or*
- (b) The rateability of; or*
- (c) The rate imposed on,*

*that land the local government is to reassess the rates payable on the land and to give notice to the owner of the land of any change in the amount of rates payable on the land.*

Section 6.41 of the Act states as follows:

(2) *A local government is required to give to –*

- (c) The owner of rateable land; and*
- (d) The owner of occupier. As the case requires, of land on which a service charge is imposed,*

*a rate notice stating the date of the rate notice was issue and incorporate or accompanied by the details and particulars prescribed.*

Regulation 56(3)(e) states as follows:

(f) *where a differential general rate is imposed on the land details of –*

- (iii) the rate imposed; and*
- (iv) the characteristics of the land upon which the rate is based;*

Regulation 56(4)(a) states as follows:

(b) *The following information is to accompany or be included in the rate notice –*

- (i) brief statement of the objects and reasons for –*
- (ii) any differential rates imposed by the local government under section 6.33; and*
- (iii) any differential minimum payment imposed by the local government under section 6.35(6)(c); and*
- (iv) any service charge imposed by the local government.*

**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 issuing of rate notice is not compliant with the Act and associated Regulations.	Likely (4)	Minor (2)	Moderate (5-9)	Re-issue of compliant rate notice and associated correspondence to affected ratepayers.
Reputation (social/community)	Council sets the rates in the dollar too high (for any, or all, of the categories) causing community backlash.	Likely (4)	Moderate (3)	High (10-16)	Council's rating strategy considers all types of land holdings within the Shire and rate revenue is collected on a perceived equitable basis from all property assessments.

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 Amendment of Rate Record - Change in rating classification,

1. Re-issue amended 2022-2023 rate notices in accordance with the *Local Government Act 1995* and associated regulations, to the affected rate assessments.
2. Consider amendments to the Statement of Objects and Reasons for Differential Rates for 2023-2024 to accommodate for parcels of land with no pastoral lease in place classified as Non-Pastoral UV under the “and other purposes” yet are not perceived as meeting the intent of this category.

**Council Decision**                      **073/2023**

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

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

That with respect to Amendment of Rate Record - Change in rating classification,

1. **Re-issue amended 2022-2023 rate notices in accordance with the *Local Government Act 1995* and associated regulations, to the affected rate assessments.**
2. **Consider amendments to the Statement of Objects and Reasons for Differential Rates for 2023-2024 to accommodate for parcels of land with no pastoral lease in place classified as Non-Pastoral UV under the “and other purposes” yet are not perceived as meeting the intent of this category.**

**Carried 8/0**

## 12.4 2022/2023 Policy Review

<b>File Reference</b>	GV20
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	J Bray, Manager Governance
<b>Authorising Officer</b>	T Dayman, Acting Director Corporate Services
<b>Previous Meeting Reference</b>	<p>Ordinary Council Meeting 11 October 2022 - Item 12.3 – (139/2022)</p> <p>Ordinary Council Meeting 8 November 2022 - Item 12.3 – (142/2022)</p> <p>Ordinary Council Meeting 13 December 2022 - Item 12.3 – (171/2022)</p> <p>Ordinary Council Meeting 14 February 2023 - Item 12.5 – (019/2023)</p> <p>Ordinary Council Meeting 14 March 2023 – Item 12.5 – (039/2023)</p>
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Elected Member Recognition of Service ⇨</li> <li>2. Road Management ⇨</li> <li>3. Wittenoom and Yampire Asbestos Management Areas ⇨</li> <li>4. Aboriginal Environmental Health ⇨</li> <li>5. Community Donations, Grants and Funding - amendments marked up ⇨</li> <li>6. Proposed Employee Relocation Policy ⇨</li> <li>7. Proposed Industry Contribution to Social and Community Infrastructure ⇨</li> <li>8. ADM03 Flying of Flags - Council Buildings ⇨</li> <li>9. ELM01 Council and Other Meetings ⇨</li> <li>10. ELM07 Conduct of Public Question Time ⇨</li> <li>11. ELM14 Governance and Policy Manual ⇨</li> <li>12. ELM23 Notice of Motion Procedural Policy ⇨</li> <li>13. EMP02 Prohibited Areas - Contaminated Sites (including Wittenoom, Colonial Mine, Yampire Mine and Mulga Downs) ⇨</li> <li>14. EMP02A Cautionary Areas Parts of Roebourne-Wittenoom Road and Nanutarra-Munjina Road ⇨</li> <li>15. EMP41 CEO Leave Authorisations and Other Approvals ⇨</li> </ol>

### 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 five policies are proposed to be amended.

Policy	Amendments
ELM03 Recognition of Retiring Councillors	The policy has been renamed and minor formatting and grammatical amendments made.
ENG13 Road Management Policy	Minor formatting and grammatical amendments only.
FIN10 Wittenoom Townsite, Wittenoom Gorge and Yampire Gorge Rates and Services	The policy was reviewed by Castledine Gregory. As a result of the review, the policy has renamed and amended to remove matters relating rates and the provision of services to the Wittenoom townsite as this is no longer relevant. The policy continues to present Council’s position on the dangers of entering the Wittenoom and Yampire Asbestos Management Areas.
HTH02 Aboriginal Environmental Health	In 2022, the State government commissioned a review into the Aboriginal environmental health program. The recommendations from this review are available on the Department of Health’s <a href="#">website</a> . The policy has been amended to reaffirm the Shire’s commitment to work collaboratively with the Federal and State government, and other related agencies to improve Aboriginal environmental health within the Shire.
Council Policy – Community Donations, Grants and Funding	The policy has minor proposed amendments to clarify the criteria for applying for Small Assistance Donations following the briefing with Council. “Individuals who are selected for regional/state/international competitions” has been proposed to read “Individuals who are selected to compete individually”. This has been proposed to remove the discrepancy surrounding teams of individuals applying, to ensure the approved budget is delivered fairly and utilised for the purpose of assisting individuals selected to attend competitions and not whole teams.  As this policy has already been transferred to the new template, proposed changes have been tracked (refer to Attachment 5).

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

Policy	Summary
Employee Relocation	<p>This policy is required as a result of market challenges in attracting and retaining senior and specialist skills. The Shire currently offers relocation from the employees' current place of work to the Shire's work location however, does not return the employee to their home at the expiry of their five-year maximum contract.</p> <p>To remain competitive, the Shire has identified the need to repatriate those on five-year maximum term contracts. Impacted individuals will be those primary employees who enter into a Shire relocation agreement, at the expiry of their five-year maximum contract.</p> <p>Due to the Shire's existing staff turnover levels, we don't envisage a high uptake of repatriation, however, the offer of repatriation itself will have a significant impact on the Shire's ability to attract and retain staff.</p>
Industry Contribution to Social and Community Infrastructure	<p>This policy has been prepared to provide a governance framework that guides discussions between the Shire and a project proponent that involves a proposal for a contribution to be made by the proponent towards social and community infrastructure.</p> <p>This policy ensures the quarantine of discussions from the assessment of any development application or the imposition of any condition for the provision of infrastructure that is considered to satisfy the "need and nexus" principles of State Planning Policy 3.6 - Infrastructure Provisions.</p>

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

Policy	Summary
ADM03 Flying of Flags – Council Buildings	This policy is proposed to be repealed as the flying of flags must comply with the <a href="#">Australian National Flag Protocols</a> .
ELM01 Council and Other Meetings	This policy is proposed to be repealed as the matters covered in this policy are provided for in the <i>Local Government Act 1995</i> and the Elected Member Entitlements and Attendance at Events policies.
ELM07 Conduct of Public Question Time	This policy is proposed to be repealed as the procedures for Public Question Time are set out in the <i>Shire of Ashburton Standing Orders 2012</i> . The Shire has developed Protocols to provide guidance to the community on participating in Public Question Time which are available on the Shire's website.
ELM14 Governance and Policy Manual	This policy is proposed to be repealed as it repeats what is already provided for in the <i>Local Government Act 1995</i> and supporting regulations, the Code of Conduct, Strategic Community Plan and other corporate documents and guidelines.
ELM23 Notice of Motion Procedural Policy	This policy is proposed to be repealed as the procedures for submitting a Notice of Motion are set out in the <i>Shire of Ashburton Standing Orders 2012</i> .

EMP02 Prohibited Areas – Contaminated Sites (Including Wittenoom, Colonial Mine, Yampire Mine and Mulga Downs)	This policy is proposed to be repealed and replaced with a CEO Directive as it relates to the conduct of employees, volunteers and contractors.
EMP02A Cautionary Areas – Parts of Roebourne-Wittenoom Road and Nanutarra-Munjina Road	This policy is proposed to be repealed and replaced with a CEO Directive as it relates to the conduct of employees, volunteers and contractors.
EMP41 CEO Leave Authorisations and other Approvals	<p>This policy is proposed to be repealed as:</p> <ul style="list-style-type: none"> <li>• matters concerning the Chief Executive Officer’s leave are dealt in their Contract of Employment, and</li> <li>• Corporate Credit Card spending is reported to Council monthly as required by regulation 13(1) of the <i>Local Government (Financial Management) Regulations 1996</i>.</li> </ul>

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.

There is one remaining policy, ENG08 Bush Fire Policy which requires review. This policy will be considered for repeal as part of the introduction of the proposed Shire of Ashburton Bush Fire Brigades Local Law 2023.

**Consultation**

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

**Strategic Community Plan**

Shire of Ashburton Strategic Community Plan 2022-2032

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

**Council Policy**

This report relates to the review, amendment, adoption and repeal of 15 Council policies.

**Financial Implications**

Current Financial Year

Nil

Future Financial Year(s)

Nil

**Legislative Implications**

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

**Risk Management**

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

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

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

**Voting Requirements**

Simple Majority



**Officer Recommendation**

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

1. Adopts the following amended policies,
  - (a) Elected Member Recognition of Service,
  - (b) Road Management,
  - (c) Wittenoom and Yampire Asbestos Management Areas,
  - (d) Aboriginal Environmental Health, and
  - (e) Community Donations, Grants and Funding.
2. Adopts the following proposed policies,
  - (a) Employee Relocation, and
  - (b) Industry Contribution to Social and Community Infrastructure.
3. Repeals the following policies,
  - (a) ADM03 Flying of Flags – Council Buildings,
  - (b) ELM01 Council and Other Meetings,
  - (c) ELM07 Conduct of Public Question Time,
  - (d) ELM14 Governance and Policy Manual,
  - (e) ELM23 Notice of Motion Procedural Policy,
  - (f) EMP02 Prohibited Areas – Contaminated Sites (including Wittenoom, Colonial Mine, Yampire Mine and Mulga Downs),
  - (g) EMP02A Cautionary Areas – Parts of Roebourne-Wittenoom Road and Nanutarra-Munjina Road, and
  - (h) EMP41 CEO Leave Authorisations and other Approvals.

**Council Decision**            **074/2023**

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

**Seconded**                 **Cr A Sullivan**

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

- 1. Adopts the following amended policies,**
  - (a) Elected Member Recognition of Service,**
  - (b) Road Management,**
  - (c) Wittenoom and Yampire Asbestos Management Areas,**
  - (d) Aboriginal Environmental Health, and**
  - (e) Community Donations, Grants and Funding.**
- 2. Adopts the following proposed policies,**
  - (a) Employee Relocation, and**
  - (b) Industry Contribution to Social and Community Infrastructure.**
- 3. Repeals the following policies,**
  - (a) ADM03 Flying of Flags – Council Buildings,**
  - (b) ELM01 Council and Other Meetings,**
  - (c) ELM07 Conduct of Public Question Time,**
  - (d) ELM14 Governance and Policy Manual,**
  - (e) ELM23 Notice of Motion Procedural Policy,**
  - (f) EMP02 Prohibited Areas – Contaminated Sites (including Wittenoom, Colonial Mine, Yampire Mine and Mulga Downs),**
  - (g) EMP02A Cautionary Areas – Parts of Roebourne-Wittenoom Road and Nanutarra-Munjina Road, and**
  - (h) EMP41 CEO Leave Authorisations and other Approvals.**

**Carried 8/0**

### **Suspension of Standing Orders**

Moved                        Cr L Rumble JP

Seconded                 Cr A Sullivan

A motion was moved that Council suspend standing orders at 1:37pm.

### **Resumption of Standing Orders**

Moved                        Cr T Mladenovic

Seconded                 Cr L Rumble JP

A motion was moved that Council resume standing orders at 1:43pm.

## 12.5 Proposed Cats Local Law 2023

<b>File Reference</b>	LE50
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	R Marlborough, Senior Governance Officer
<b>Authorising Officer</b>	T Dayman, Acting Director Corporate Services
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 11 October 2022 – Item 12.6 – 142/2022 Ordinary Council Meeting 13 December 2022 - Item 12.7 – 173/2022
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	1. Shire of Ashburton Cats Local Law 2023 <a href="#">⇒</a>

### Report Purpose

Council is required to consider the proposed Shire of Ashburton Cats Local Law 2023 (refer to Attachment 1) which was initially prepared following a local law review in 2022 and then amended following subsequent feedback from the Department of Local Government, Sport and Cultural Industries.

The purpose of this report is to recommence the process of making this new local law pursuant to section 3.12 of the *Local Government Act 1995* (“Act”).

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

### Background

As Council is aware, the current *Shire of Ashburton Local Law Relating to the Control of Cats* was published in the *Government Gazette* on 3 June 1998. This local law was reviewed in October 2022, and it was determined that many of the provisions within the local law are now dealt with or overridden by the *Cat Act 2011*, *Cat Regulations 2012* and *Cat (Uniform Local Provisions) Regulations 2013*.

The report on the review of the districts local laws was presented to the Ordinary Council Meeting on 11 October 2022, and Council resolved in part, as follows:

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

- (a) Following local laws be repealed and replaced with new local laws:*
  - (iv) Control of Cats Local Law 1998.”*

Following this decision, a further report was prepared and presented to the Ordinary Council Meeting on 13 December 2022 (Item 12.7) to consider making a new local law to deal with matters associated with cats in the district.

Council was provided broad information and presented a draft of the proposed Shire of Ashburton Cats Local Law 2023 (that included boxed guidance notes that would not form part of the local law) for consideration. Council then adopted the following resolution (173/2022):

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

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

Following Council’s decision on 13 December 2022, the proposed Shire of Ashburton Cats Local Law 2023 was advertised by way of local public notice in the Pilbara News on 18 January 2023, on the Shire’s website, on various social media platforms, and on the Shire administration office and library noticeboards in order to comply with the requirements of section 3.12(3) of the Act.

A copy of the proposed local law was also sent to the Minister for Local Government on 18 January 2023.

Submissions were invited on the proposed local law until 4:30pm on 10 March 2023.

No public submissions were received on the local law then proposed. However, the Department of Local Government, Sport and Cultural Industries provided a formal response on the proposed local law on 23 March 2023, as follows:

*“1. Lack of penalty*

*The Shire’s local law does not contain any specified penalty for clause 3.1. This will have two main consequences:*

- (a) No penalty can be enforced if the matter is prosecuted at trial; and*
- (b) No infringement notice can be issued, as the fine for an infringement cannot exceed 10% of the unmodified penalty (which is effectively zero).*

*The Shire will need to add a penalty for this offence, either by setting out a penalty under clause 3.1 or by adding an appropriate general penalty clause at the end of the local law.*

*Unfortunately, adding a penalty is likely to constitute a “significant difference” for the purposes of section 3.13 of the Local Government Act 1995, since the Shire will be adding a penalty where none would otherwise exist. As a result, the Shire will most likely need to restart the local law process for this local law.*

*2. Minor edits*

*The following minor comments are suggested:*

- *Contents page: It is suggested that page numbers be omitted from the final gazettal version, as these numbers may clash with the Gazette's existing page system. However, the page numbers can be retained in any unofficial versions kept on the Shire website.*
- *Ensure that all references and cross-references are double checked prior to sending the final version to council for approval."*

## Comments

Taking into consideration the Department's late comments, the proposed local law was reviewed and amended to address the concerns and comments expressed.

Clause 4.1 was updated to include a maximum penalty for an offence, inclusive of a daily penalty for continuing offences and to clarify that modified penalties apply for contravening clauses 2.6(2) or 3.1. Clause 2.6 was further updated to remove the unnecessary penalty provisions, first proposed.

The minor edits suggested were all actioned, and the boxed notes were removed to ensure the draft local law, as now presented was at a gazette ready stage. The local law as amended is provided for Council's consideration (refer to Attachment 1).

Consequently, the changes made to the local law first proposed constitute a major change, and this necessitates the process to make the local law to be recommenced in order to comply with the requirements of the Act.

The purpose and effect of the local law remains as first proposed, as follows:

### *Purpose*

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

### *Effect*

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

## Consultation

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

Following this report if the recommendation is accepted local public notice in accordance with section 1.7 of the Act will be given, inviting public submissions. A copy of the local law will also be sent to the Minister for Local Government. A further report will then be presented to Council to consider any submissions received and then to formally make the local law by absolute majority.

**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

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

Future Financial Year(s)

Nil

**Legislative Implications**

The power to make local laws relating to cats is provided for in section 79 of the *Cat Act 2011*.

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

**Risk Management**

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Compliance	Non-compliance with 'higher' regulatory requirements.	Unlikely (2)	Insignificant (1)	Low (1-4)	Council finalise the process to make the new local law, as recommended.

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

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That with respect to the proposed Shire of Ashburton Cats Local Law 2023, Council,

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

**Council Decision**                      **075/2023**

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

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

That with respect to the proposed Shire of Ashburton Cats Local Law 2023, Council,

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

**Carried 8/0**

## 12.6 Proposed Extractive Industries Repeal Local Law 2023

<b>File Reference</b>	LE25
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	R Marlborough, Senior Governance Officer
<b>Authorising Officer</b>	T Dayman, Acting Director Corporate Services
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 11 October 2022 – Item 12.6 – 142/2022 Ordinary Council Meeting 13 December 2022 – Item 12.6 – 172/2022 Ordinary Council Meeting 13 December 2022 – Item 12.4 – 050/2023
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	1. Shire of Ashburton Extractive Industries Repeal Local Law 2023 <a href="#">↔</a>

### Report Purpose

Council is required to consider making the proposed Shire of Ashburton Extractive Industries Repeal Local Law 2023 as provided at Attachment 1, pursuant to section 3.12(4) of the *Local Government Act 1995* (“Act”).

The purpose of this report is to affirm the results of the public submissions invited during the initial process to make the local law under consideration, and then to formally reconsider making this local law, by absolute majority.

Council is requested to formally make the Shire of Ashburton Extractive Industries Repeal Local Law 2023 as provided and detailed in Attachment 1 and to give the necessary directions to complete the local law making process pursuant to the Act.

### Background

A full review of the districts local laws was presented to the Ordinary Council Meeting on 11 October 2022, and Council resolved in part, as follows:

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

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

Following this decision, a further report was presented (Item 12.6) to the Ordinary Council Meeting on 13 December 2022.

This report proposed to commence the process to make the Shire of Ashburton Extractive Industries Repeal Local Law 2023 to repeal the current Extractive Industries Local Law 2013 published in Government Gazette No:40 on 8 March 2013.

Council supported this position and approved for local public notice to be given in accordance with the Act for a period of not less than 6 weeks and for a copy of the proposed local law to be given to the Minister for Local Government and the Minister for Mines, Industry Regulation and Safety.



A further report was then present to the Ordinary Council Meeting on 4 April 2023 (Item 12.4) that sought to finalise the process under the Act to make this local law. Council supported this position, and the following recommendation was adopted, in part:

*“That with respect to the Shire of Ashburton Extractive Industries Repeal Local Law 2023, Council,*

- 1. Makes the local law as shown in Attachment 1, pursuant to section 3.12(4) of the Local Government Act 1995,”*

Unfortunately, Attachment 1 detailing the complete text of local law was excluded from the public attachments to the April 2023 Ordinary Council Meeting agenda.

## **Comments**

As previously outlined to Council, the current extractive industries local law has rarely been used and the application of this local law over time has been limited. Mining and similar activity is generally regulated under State legislation and anything that is not, or where required, can be better regulated by conditions that may be imposed as part of a development approval under the Shire’s Local Planning Scheme No. 7.

To deal with this matter it is recommended that Council adopts the recommendation provided to make the *Shire of Ashburton Extractive Industries Repeal Local Law 2023*, as detailed and provided at Attachment 1, which will repeal the current *Shire of Ashburton Extractive Industries Local Law 2013*.

The purpose and effect of this local law is:

### *Purpose*

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

### *Effect*

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

## **Consultation**

Following Council’s decision on 13 December 2022, the proposed *Shire of Ashburton Extractive Industries Repeal Local Law 2023* was advertised by way of a local public notice in the *Pilbara News* on 18 January 2023, on the Shire’s website, on various social media platforms and on the Shire’s administration office and library noticeboards in order to comply with the requirements of section 3.12(3) of the Act.

Submissions were invited on the proposed local law until 4:30pm on 10 March 2023.

A copy of the proposed local law was also sent to the Minister for Local Government and the Minister for Mines, Industry Regulation and Safety on 18 January 2023.

No public submissions were received on the local law proposal, nor has comment been received from the Department of Mines, Industry Regulation and Safety.

The Department of Local Government, Sport and Cultural Industries acknowledged the proposed draft local law on 23 March 2023 and no comments or concerns were raised.

**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

Costs associated with the completing the making of the local law inclusive of publication in the *Government Gazette* and local public notice requirements have been included in the Annual Budget.

Future Financial Year(s)

Nil.

**Legislative Implications**

Section 3.5 of the *Local Government Act 1995* provides the head of power for the Council to make local laws. The term ‘make’ includes repealing or amending local laws. Section 3.12 of the *Local Government Act 1995* details the process to make a local law.

**Risk Management**

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Compliance	Non-compliance with ‘higher’ regulatory requirements if local law is not repealed.	Unlikely (2)	Insignificant (1)	Low (1-4)	Council finalise the process to make the repeal local law, as recommended.

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 Shire of Ashburton Extractive Industries Repeal Local Law 2023, Council,

1. Makes the local law as detailed in Attachment 1, pursuant to section 3.12(4) of the *Local Government Act 1995*,
2. Authorises the Shire President and Chief Executive Officer to affix the Common Seal to the local law,
3. Instructs the Chief Executive Officer to,
  - (a) Publish the local law in the *Government Gazette* in accordance with section 3.12(5) the *Local Government Act 1995*;
  - (b) Provide a copy of the local law, to the Minister for Local Government and Minister for Mines, Industry Regulation and Safety once published in the *Government Gazette*,
  - (c) Give local public notice pursuant to section 1.7 of the *Local Government Act 1995* following publication in the *Government Gazette*, stating the title and purpose and effect of the local law, and that the local law is published on the Shire website and that copies may be inspected at, or obtained from the Shire's administration offices, and
  - (d) Prepare and submit to the Joint Standing Committee on Delegated Legislation, a copy of the local law, an explanatory memorandum (jointly signed by the Shire President and Chief Executive Officer) along with a checklist and any other supporting information on the local law made.

**Council Decision**            **076/2023**

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

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

**That with respect to the Shire of Ashburton Extractive Industries Repeal Local Law 2023, Council,**

- 1. Makes the local law as detailed in Attachment 1, pursuant to section 3.12(4) of the *Local Government Act 1995*,**
- 2. Authorises the Shire President and Chief Executive Officer to affix the Common Seal to the local law,**
- 3. Instructs the Chief Executive Officer to,**
  - (a) Publish the local law in the *Government Gazette* in accordance with section 3.12(5) the *Local Government Act 1995*;**
  - (b) Provide a copy of the local law, to the Minister for Local Government and Minister for Mines, Industry Regulation and Safety once published in the *Government Gazette*,**
  - (c) Give local public notice pursuant to section 1.7 of the *Local Government Act 1995* following publication in the *Government Gazette*, stating the title and purpose and effect of the local law, and that the local law is published on the Shire website and that copies may be inspected at, or obtained from the Shire's administration offices, and**
  - (d) Prepare and submit to the Joint Standing Committee on Delegated Legislation, a copy of the local law, an explanatory memorandum (jointly signed by the Shire President and Chief Executive Officer) along with a checklist and any other supporting information on the local law made.**

**Carried By Absolute Majority 8/0**

## 12.7 Differential Rates 2023-2024

<b>File Reference</b>	RV07
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	T Dayman, Acting Director Corporate Services
<b>Authorising Officer</b>	T Dayman, Acting Director Corporate Services
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 10 May 2022 - Item 12.5 – 057/2022
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	1. Statement of Objects and Reasons for Differential Rates 2023-2024 <a href="#">⇒</a>

### Report Purpose

Council is required to, as part of the annual budget processes, determine the method of levying rates on the community. Council has previously used differential rating by which to raise rates.

The purpose of this report is to present the Statement of Objects and Reasons for Differential Rates 2023-2024.

Council is requested to elect to use differential rating for 2023-2024 financial year and endorse the proposed Statement of Objects and Reasons.

### Background

Council must determine the method of rating to be used each year for the district and, if using differential rates, have these advertised, prior to consideration of the budget.

Differential rating is one method of a small number of methods available for Council to generate the funds required to meet the annual budget deficiency and must be undertaken using a series of legislatively set rules to ensure relative parity amongst all ratepayers is achieved.

Council has, since prior to 2005, used differential rating to distribute the rating effort.

Individual property valuations determine what proportion of the total rate requirements are met by each property owner and this proportion will change when a revaluation year occurs, or a property has significant alterations.

### Comments

As referred to under the “Legislative Implications” section of this report, if the recommendation is adopted, the proposed differential rates will be advertised, and public submissions sought.

The public notice period will be in accordance with legislative requirements, a minimum of 21 days.

### Rate Revenue

Councils Long Term Financial Plan (LTFP) includes a rate revenue total of \$53,833,700 being an increase of \$1,578,100 from the prior years budget. This increase is based on 1% development growth, 2% rating increase and is inclusive of any concessions.

The 2023-2024 Budget process as identified projects that have not been considered in the LTFP. These projects have been identified as a priority, with some having funding obligations. Additional funds are required to achieve these projects in conjunction with identifying other savings and deferring or reducing projects.

Rates modelling has been calculated using a variety of different scenarios. It is recommended that Council proceeds with the rates modelling that generates an increase in rates revenue of 3.95%.

### Differential Rating

Differential rating provides flexibility in the level of rates being raised from specifically identified property assessments, or groups of property assessments, within the district. It is common for councils to base differential rating for property assessments on Town Planning Scheme zonings, however other criteria such as land-use may also be used.

The aim of the Council of the Shire of Ashburton is to ensure rate revenue is collected on a perceived equitable basis from all property assessments. For this reason, the Council has proposed to adopt differential rates for the upcoming financial year.

Under legislation, no rating category in a rating class is permitted to be more than double any other rating category in the same rating class without Ministerial approval first being provided.

The following are the proposed Differential General Rates and Minimum Payments for the Shire of Ashburton for the 2023/2024 financial year, to be effective from 1 July 2022.

Rate Category	Rate in Dollar	Minimum Payment	Percentage of Revenue
GRV Residential and Community	0.09830	\$1310	10%
GRV Commercial and Industrial	0.88974	\$1310	2%
GRV Transient Worker Accommodation	0.17740	\$1310	6%
UV Pastoral	0.19691	\$1310	2%
UV Non Pastoral	0.38568	\$1310	79%

The difference between the lowest Rate in the dollar and the highest Rate in the dollar is only marginally below the legislatively required upper threshold.

### Statement of Objects and Reasons

Council, if applying differential rates, is required to adopt and advertise a Statement of Objects and Reasons outlining the objects and reasons associated with each of the rating categories, essentially defining what land parcels belong in which category.

The attached "Statement of Objects and Reasons for Differential Rates 2023-2024" applies an increase to all rating categories.

The Statement of Objects and Reasons for Differential Rates 2022-2023 included changes in the definition of how the different rate classes were to be applied.

The document described the circumstances on how the rate was applicable to properties, including:

Pastoral UV – The rate is applicable only to UV properties issued with pastoral leases granted by the State Government.

Non-Pastoral UV – This rate is applicable to non-pastoral UV land such as, although not limited to, tourism use (UV), mining use and tenements (including, although not limited to, Exploration Licences, General Purpose Leases, Mineral Leases, Mining Leases, Petroleum Exploration Permits, Petroleum Production Licences), and other purposes.

This change resulted in five (5) parcels of land that are owned freehold and not in receipt of a pastoral lease changing to Non-Pastoral UV classification. The change in differential rating category resulted in a change in rate in a dollar for 2022-2023 from 0.1887 to 0.3696.

A separate item under Council’s consideration has recommended that Council consider amending the Statement of Objects and Reasons for Differential Rates for 2023-2024 to accommodate for parcels of land with no pastoral lease in place, having been classified as Non-Pastoral UV under the “and other purposes” yet are not perceived as meeting the intent of this category.

The Statement of Objects and Reasons for Differential Rates 2023-2024 includes changes to accommodate these types of parcels of land.

It is important to note the recommendation of this report relates essentially only to undertaking the prescribed advertising seeking public submissions for the proposed differential rates and minimum payments.

The report does not consider the implementation of any concessions (as previously imposed by Council) as this is undertaken as part of the adoption of the Annual Budget.

Council is required to consider any public submissions received prior to making its final determination for setting the rates and may adopt a separate set of differential rating values to those advertised.

Adopting the recommendation does not represent any commitment in relation to the adoption of the Annual Budget.

**Consultation**

Chief Executive Officer  
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

The application of differential rating is about apportioning the rate revenue required between different rate categories and rating classifications.

There are no financial implications by simply applying differential rating other than minor advertising costs.

Council could achieve the same total revenue by applying a general rate to all categories however, the rate burden would fall differently than it currently does and is proposed to do.

Future Financial Year(s)

Nil

**Legislative Implications***Local Government Act 1995**Section 6.32 Rates and service charges*

When adopting the annual budget, a local government, to make up the budget deficiency, is to impose a general rate on land within the district, either uniformly or differentially, and may also impose a specified area rate, minimum payments, and service charges.

*Local Government Act 1995**Section 6.33 Differential general rates*

Council is to observe the provisions regarding imposing differential rates, including the ability to apply separate rates in the dollar for different rate categories and different rating classifications based on zoning, land use, and whether the assessments are based upon improved or unimproved valuations.

*Local Government Act 1995**Section 6.36 Local government to give notice of certain rates*

If differential rating is to be applied, Council is required to advertise the differentials it intends to apply with local public notice for a minimum of 21 days and invite submissions in relation to the proposed differentials.

A document is required to be made available for inspection by electors and ratepayers describing the objects of, and reasons for, each proposed rate and minimum payment.

Council is then required to consider any submissions received and may make a final resolution in relation to the setting of the rates in the dollar and the adoption of the Annual Budget.



**Risk Management**

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Compliance	Council does not accept the Shire officer's recommendation resulting in Council non-compliance with the <i>Local Government Act 1995</i> .	Possible (3)	Moderate (3)	High (10-16)	Provide Council members with sufficient information for sound decision making.
Reputation	Council set the Rate in the dollar and minimum payments to high (for any, or all, of the categories) causing community backlash.	Likely (4)	Moderate (3)	High (10-16)	Implementation of a communication strategy relating to increased rated will help mitigate this.
Interruption to Services	Council set the Rate in the dollar and minimum payments too low *(for any, or all, of the categories) resulting in an inability to maintain services, facilities, and infrastructure.	Rare (1)	Moderate (3)	Low (1-4)	Continued review of long-term planning documents will help mitigate this.

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

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That with respect to Differential Rates for the 2023-2024 financial year, Council,

1. Elects to apply Differential Rates for the 2023-2024 financial year,
2. Accepts the Statement of Objects and Reasons for Differential Rates 2023-2024, as shown in Attachment 1,
3. Requests the Chief Executive Officer to advertise, in accordance with section 6.36 of the *Local Government Act 1995*, the Statement of Objects and Reasons for Differential Rates 2023-2024, and
4. Requests the Chief Executive Officer to present the results of the public consultation period to Council as part of the adoption of the 2023-2024 Annual Budget.

**Council Decision**            **077/2023**

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

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

**That with respect to Differential Rates for the 2023-2024 financial year, Council,**

- 1. Elects to apply Differential Rates for the 2023-2024 financial year,**
- 2. Accepts the Statement of Objects and Reasons for Differential Rates 2023-2024, as shown in Attachment 1,**
- 3. Requests the Chief Executive Officer to advertise, in accordance with section 6.36 of the *Local Government Act 1995*, the Statement of Objects and Reasons for Differential Rates 2023-2024, and**
- 4. Requests the Chief Executive Officer to present the results of the public consultation period to Council as part of the adoption of the 2023-2024 Annual Budget.**

**Carried 7/1**

## 12.8 Memorial Application - Paraburdoo

<b>File Reference</b>	PH17
<b>Applicant or Proponent(s)</b>	Greg Reilly
<b>Author</b>	J Bray, Manager Governance
<b>Authorising Officer</b>	T Dayman, Acting Director Corporate Services
<b>Previous Meeting Reference</b>	Nil
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	Nil

### Report Purpose

Council is required to consider the application received for a memorial to be installed at the Paraburdoo Memorial Garden.

The purpose of this report is to present the application submitted by Mr Greg Reilly for approval.

Council is requested to approve the application for the installation of a new memorial in memory of Alister MacLennan (Jock) Chisholm.

### Background

Council Policy – Memorials on Shire Land provides guidelines on what memorials may be placed in public places and the process that needs to be followed to gain consent for the placement of a memorial.

### Comments

An application for a memorial was received by the Shire on 28 April 2023.

The application details are as follows.

Applicant	Greg Reilly
Memorial recipient	Alister MacLennan (Jock) Chisholm
Memorial location	Paraburdoo Memorial Garden
Memorial significance	Jock worked as a Blast Hole Driller for Hamersley Iron/Rio Tinto Iron Ore for 45 years.
New or restoration of an existing memorial	Installation of a new memorial
Memorial type	Rock with plaque
Plaque construction	Brass plate
Plaque size	150mm x 150mm

Plaque wording	<p><b>Blast Hole Driller</b></p> <p>45 Years – Hamersley Iron – Rio Tinto</p> <p>Alister <b>(Jock)</b> MacLennan <b>Chisholm</b></p> <p>Glasgow Scotland</p> <p>6/3/1939 – 27/12/2022</p> <p>Rest in peace in your home Paraburdoo</p>
----------------	--

The application has been considered by Shire staff and the Chief Executive Officer, and is deemed compliant with the requirements of Council Policy – Memorials on Shire Land.

Costs associated with purchasing the plaque, rock, engraving the chosen message and ongoing maintenance are the responsibility of the applicant. Fees and Charges for the installation of rocks with plaques are as scheduled under Labour Costs, Private Works.

Following consideration of this application, the applicant will be notified of Council’s decision.

**Consultation**

The Shire has been in contact with Mr Reilly in regards his application.

The Chief Executive Officer has considered the application and is supportive of the memorial installation.

**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**

Council Policy – Memorials on Shire Land provides guidelines on what memorials may be placed in public places and the process that needs to be followed to gain consent for the placement of a memorial.

**Financial Implications**

Current Financial Year

Costs associated with purchasing the plaque, rock, engraving the chosen message and ongoing maintenance are the responsibility of the applicant.

Fees and Charges for the installation of rocks with plaques are as scheduled under Labour Costs, Private Works.

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
Reputation (social/community)	Memorial application is not approved.	Unlikely (2)	Moderate (3)	Moderate (5-9)	

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

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That with respect to the Memorial Application - Paraburdoo, Council, approves the request for a memorial for Alister MacLennan (Jock) Chisholm, to be installed in the Paraburdoo Memorial Garden.

**Council Decision**                      **078/2023**

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

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

**That with respect to the Memorial Application - Paraburdoo, Council, approves the request for a memorial for Alister MacLennan (Jock) Chisholm, to be installed in the Paraburdoo Memorial Garden.**

**Carried 8/0**

## 12.9 Review of State Electoral Boundaries - North West Central District

<b>File Reference</b>	GV45
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	R Marlborough, Senior Governance Officer
<b>Authorising Officer</b>	T Dayman, Acting Director Corporate Services
<b>Previous Meeting Reference</b>	Nil
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. 2023 Distribution Review Timetable <a href="#">⇒</a></li> <li>2. 2023 Distribution Review Procedure <a href="#">⇒</a></li> <li>3. Maps - Legislative Assembly Districts <a href="#">⇒</a></li> </ol>

### Report Purpose

Council is required to be aware of the upcoming review of the State's electoral boundaries by an independent Distribution Commission, on behalf of the Western Australian Electoral Commission (WAEC).

The purpose of this report is to provide Council information on the State electoral boundary review to ensure overall awareness in respect to the North West Central electoral district which includes the local government district of the Shire of Ashburton.

Council is requested to note the information provided and support the Chief Executive Officer presenting a submission to the Electoral Distribution Commissioners on the boundary review, with an emphasis on seeking support to retain the North West Central electoral district for the Legislative Assembly (Lower House).

### Background

The *Electoral Act 1907* requires that an independent Distribution Commission undertake a review of all electoral boundaries once during each electoral cycle. The last review was undertaken in 2019.

A three-person commission consisting of the retired Supreme Court Judge the Hon. Eric Heenan KC (Chair), the Western Australian Electoral Commissioner Robert Kennedy and government statistician Tom Joseph have commenced a review of the State's electoral boundaries.

The review timeline and procedure are provided (refer to Attachments 1 and 2).

## Comments

The North West Coastal electoral district is 802,591 square kilometres in size, which includes the following local government areas:

Shire of Ashburton	Shire of Ngaanyatjaraku
Shire of Carnarvon	Shire of Sandstone
Shire of Cue	Shire of Shark Bay
Shire of Exmouth	Shire of Upper Gascoyne
Shire of Meekatharra	Shire of Wiluna
Shire of Murchison	Shire of Yalgoo
Shire of Northampton	

The advice received on this issue indicates that it is possible that the North West Central district for the Legislative Assembly could be abolished, entirely.

If the North West Central district was abolished, electors could potentially be folded into the nearby Pilbara or Kimberley districts or as otherwise determined during the review, in favour of creating an additional seat in Perth's growing outer suburbs.

A map detailing the North West Central district is provided in Attachment 3.

Electoral districts are generally formed and based on the Average District Enrolments (ADE). However, where an electoral district has an area of 100,000 square kilometres or more, a notional Large District Allowance (LDA) must be applied. There are also tolerances to cater for other factors affecting districts, such as regional representation and remoteness, and the following prescribed factors are also taken into consideration:

- land use patterns
- means of communication, means of travel and distance from capital
- physical features
- existing boundaries of regions and districts
- existing local government boundaries
- the trend of demographic changes.

As at 13 March 2023 the ADE across the State was determined to be 30,432. Applying the variation rules that exists, means that at the completion of the pending distribution review, as a general rule, Legislative Assembly districts must have at least 27,389 enrolled electors, but no more than 33,475.

With specific reference to the North West Central district. As at 13 March 2023 enrolments were at 11,021, added to this number is the LDA of 12,275, which brings the total ADE elector numbers to 23,296.

Under the legislation, the number of actual electors, when added to the LDA (if applicable) must achieve a variance of not more than 20% below or 10% above the ADE. The variation in the North West Central district is currently -23.45%, which is more than the 20% below variance permissible.

There are 10 other districts in the State in a similar position of being outside the permissible 20% below or 10% above limits. The North West Central district is the only electoral district, where a LDA is applied and falls outside these limits.

To summarise, as can be determined from the information and data provided, the North West Central district is the largest in the State and it has the largest ADE variation. As outlined, variations are permissible from the ADE of not less than 20%, or not more than 10%.

The review process being undertaken provides the ability for submissions/suggestions to be lodged with the WAEC. Whilst the first round of submissions on the review closed on 1 May 2023, the WAEC have formally supported an extension for the Shire to lodge initial suggestions until 10 May 2023.

The North West Central electorate is the largest in the State and it covers a vast area stretching from the coast to the State border with both the Northern Territory and South Australia. The electorate falls within the Mining and Pastoral region of the State.

It is recommended that Council make a submission to the WAEC supporting the retention of the North West Central electoral district, given the –

- commonality of the land use patterns and physical features present;
- electorates long and diverse history;
- need to retain the broad identity that exists;
- need to support and recognise communities of common interest, and
- to ensure adequate and continuing reasonable access to local political representation.

**Consultation**

Nil

**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)

Nil



**Legislative Implications**

The *Electoral Act 1907* is applicable to this matter. The Shire does not administer this legislation.

**Risk Management**

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Reputation (social/community)	Community perception that the electorate is generally of limited importance.	Unlikely (2)	Insignificant (1)	Low (1-4)	Provide positive advocacy to retain the North West Central district.

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

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That with respect to the review of State electoral boundaries, Council,

1. Supports the retention of the North West Central district for the Legislative Assembly on the basis of retaining broad identity, maintaining communities of common interest and ensuring ongoing reasonable access to local representation; and
2. Requests the Chief Executive Officer to send a copy of this report to the Electoral Distribution Commissioners as a submission for the State electoral boundary review.

**Council Decision**                      **079/2023**

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

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

**That with respect to the review of State electoral boundaries, Council,**

- 1. Supports the retention of the North West Central district for the Legislative Assembly on the basis of retaining broad identity, maintaining communities of common interest and ensuring ongoing reasonable access to local representation; and**
- 2. Requests the Chief Executive Officer to send a copy of this report to the Electoral Distribution Commissioners as a submission for the State electoral boundary review.**

**Carried 6/2**

## 13 Infrastructure Services Reports

### 13.1 Pilbara Regional Waste Management Facility - Feasibility Study to Amend Licence Classification to a Class V Facility

<b>File Reference</b>	WM09.01
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	R Miller, Director of Infrastructure
<b>Authorising Officer</b>	R Miller, Director of Infrastructure
<b>Previous Meeting Reference</b>	PRWMF Committee 20 April 2021 - Item 8.1 - 41/2021
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	1. Class V Feasibility Study Report - Confidential

#### Report Purpose

The purpose of this report is to present the Pilbara Regional Waste Management Facility (PRWMF) Feasibility Study Class V report.

Council is requested to receive the Feasibility Study Report and consider the recommendations and actions to be undertaken.

#### Background

The rapid increase in industrial development and associated growth within the Shire of Ashburton (the Shire) and the Pilbara region as a whole has resulted in a significant increase in the quantity of waste generated. The complex and hazardous waste materials generated from mining and gas developments such as the Wheatstone and Macedon projects presented challenges to historical waste management infrastructure. As a result, the concept of a modern integrated waste management facility situated within Onslow that can accommodate municipal and hazardous materials from both Onslow and the broader Pilbara region was developed.

The Class IV PRWMF was designed and constructed to provide a range of simple and complex waste management services including sustainable initiatives such as reuse, recycling and recovery as well as treatment and disposal. The Class IV landfill design includes a comprehensive basal lining system, capping and restoration, leachate collection system, landfill gas management system, supporting infrastructure and equipment.

This study was commissioned by the Shire in 2022 to assist in ascertaining the economic and environmental viability of further amending the existing licence structure of the PRWMF and its associated infrastructure to accommodate Class V wastes.

In April 2022, the Shire opened a Class IV landfill and solid waste management facility “the PRWMF” at the Shire’s premises at Lot 550 and 551 on Plan 414367, being Reserve 53324, Onslow Road, Talandji, WA 6710. The PRWMF is located approximately 40km from the town of Onslow, 200km from Pannawonica and 300km from Karratha in Western Australia’s Pilbara region.

The Shire's longer-term vision is to provide an industry leading "one stop shop" for all waste management services to Onslow, the Pilbara and surrounding regions and both the Perth and interstate markets.

Phase one of the PRWMF development incorporates a fully lined and licenced Class IV landfill with supporting waste infrastructure including weighbridge, construction, demolition and green waste processing areas, limited liquid waste evaporation ponds and proposed asbestos and tyre mono-cells. There have been teething issues with accepting landfill waste and these are being worked through to allow waste into the main cell by approximately mid-2023.

Given the Shire's vision for a total waste management facility and the financial limitations associated with operations of a "solids only" facility, the Shire is reviewing and investigating phase two of its project which involves building and operating a Liquid and Hazardous Waste Treatment Facility (LHWTF) sited within the existing PRWMF approved footprint and with a nominal capacity of 65,000kL per year as well as amending the existing license to allow acceptance of putrescible waste into the existing Class IV cell.

Development of the LHWTF is hoped to provide the region with a comprehensive waste management solution for hazardous and problematic waste streams and significantly enhance the economic viability of the PRWMF due to its ability to accept an array of additional high value waste streams associated with liquid and hazardous waste management 'v' the relatively low value, low value of solid waste streams (phase one of the PRWMF project). Development of liquid waste infrastructure including proposed in particular, immobilisation solutions would allow the operator to process contaminated liquid wastes, converting them into solid waste acceptable for disposal in the existing Class IV landfill cell.

### **Comments**

The study produced version 1 in April 2022 and continued to be reviewed and developed until the final version completed in October 2022. Sometime has now lapsed since the report has been received and the industry and markets continue to develop and change on a daily basis. Further updating of the current environment needs to be assessed and marketing research to be confirmed, to ensure appropriate waste streams are identified.

Staff have been focusing on current issues to have the facility operational to accept landfill to the main cell, working the operational contract with Pilbara Environmental Services and gaining Department of Water and Environmental Regulation works approval for the development of the evaporation ponds and drying bed which will increase the facility revenue streams.

### **Consultation**

Nil

**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**

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

**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)	Having a class IV waste facility that is not processing class IV waste successfully.	Unlikely (2)	Moderate (3)	Moderate (5-9)	To ensure the landfill construction activities to allow receipt of class IV waste is completed (construction of waste cell earth bund).

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 Shire of Ashburton Feasibility Study to Determine Value of Amending License Classification of Pilbara Regional Waste Management Facility to Class V (iwProjects 14 October 2022 V08), Council,

1. Receive the subject report dated 14 October 2022 Version 08;
2. Endorse the report recommendations to continue to pursue the processing of less hazardous and/or problematic waste types (Class IV) at the Pilbara Regional Waste Management Facility and not proceed with the development of a dedicated Class V processing or landfilling capability at this stage.

**Council Decision**                **080/2023**

**Moved**                                **Cr A Sullivan**

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

**That with respect to Shire of Ashburton Feasibility Study to Determine Value of Amending License Classification of Pilbara Regional Waste Management Facility to Class V (iwProjects 14 October 2022 V08), Council,**

- 1. Receive the subject report dated 14 October 2022 Version 08;**
- 2. Endorse the report recommendations to continue to pursue the processing of less hazardous and/or problematic waste types (Class IV) at the Pilbara Regional Waste Management Facility and not proceed with the development of a dedicated Class V processing or landfilling capability at this stage.**

**Carried 8/0**

## 14 Community Development Reports

*Jessica Murphy, Grants and Communities Administrator disclosed an impartiality interest in Item 14.1 (detailed in Item 5.2).*

### 14.1 Acceptance of Community Support Grant Allocations Round 2 2022/2023

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

#### Report Purpose

Council is required to consider the Community Support Grants in accordance with Council Policy – Community Donations, Grants and Funding.

The purpose of this report is to provide the applications to Council for review. At the close of the application period 22 applications were received for Community Support Grants (all applications have been provided to Council under separate cover).

Council is requested to support the recommended outcome for each application submitted.

#### Background

The Shire supports the following grants under Council Policy – Community Donations, Grants and Funding as follows:

##### Community Support Grant

*Offered in two funding rounds each year in July and February these grants are similar in purpose to Small Assistance Donations however they offer a value up to \$2,500 and applications are considered by Council.*

At the close of the February 2023 (Round 2), 22 applications were received, as follows:

- Onslow – six applications
- Pannawonica – three applications
- Paraburdoo – seven applications
- Tom Price – six applications.

Council Policy – Community Donations, Grants and Funding requires as a minimum, that the following criteria must be met to be successful:

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

**Comments**

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

All applications have been assessed on the:

- criteria outlined in Council Policy – Community Donations, Grants and Funding,
- general conditions, and
- criteria and compliance information provided.

The table below provides a summary of the applications received.

Town	Name of Organisation	Purpose of Grant	Amount Requested	Proposed Action
Onslow	Onslow Men’s Shed	Purchase of a wood turning lathe and tooling	Cash - \$1600	Approve
Tom Price	Tom Price Men’s Shed	Operational welding equipment for our members to utilise	Cash - \$2,500	Decline
Pannawonica	Pannawonica Swimming Club	Purchase of new equipment for swim club and swimming lessons	Cash - \$2,314.68	Decline
Pannawonica	Pannawonica Primary School P&C Association Incorporated	New school bike racks	Cash - \$2,500	Decline
Paraburdoo	Paraburdoo Drive In	Popcorn machine	Cash - \$960	Approve
Onslow	Ashburton Anglers Inc	Mack10K Fishing competition	Cash - \$2,500	Decline
Tom Price	Tom Price Netball Association	2023 North West Regional Netball Championships	Cash - \$2,500	Approve
Pannawonica	Pannawonica Community Garden	Planting produce and kids play area	Cash - \$1,300	Decline
Onslow	Onslow Sports Club	NAIDOC darts	Cash - \$2,500	Approve

Town	Name of Organisation	Purpose of Grant	Amount Requested	Proposed Action
Onslow	Karlayura Karratha Rodeo Inc	Bulls and Barrel Racing 2x Day Foundations Clinic	Cash - \$2,500	Decline
Paraburdoo	Paraburdoo Maori Culture Club	Matariki 2023	Cash - \$2,500	Approve – exclude the purchase of chainsaw
Tom Price	Tom Price Motorcycle Club	Upgrade of kitchen equipment and commercial fridge	Cash - \$2,500	Approve
Paraburdoo	Paraburdoo Motorcycle Club	Sprinkler system component purchase for track maintenance	Cash - \$2,500	Approve
Tom Price	Impala Kart Club	Lights upgrade - swap out the current fluoro lights under the patio for LED lights, new floodlights around the canteen/storage area and the driveway	Cash - \$2,500	Approve
Tom Price	Tom Price Pony and Horse Club	Fire break and clearing of Pony Club grounds - quote attached	Cash - \$2,500	Decline
Paraburdoo	Paraburdoo Basketball Association	Sessions across Paraburdoo and Tom Price with Pro Basketball player Damian Martin	Cash - \$2,500	Approve
Tom Price	Tom Price Junior Soccer Club	Umpire and coaching clinics to upskill volunteers	Cash - \$2,500	Approve
Paraburdoo	Te Kohanga Reo iti o Paraburdoo	Conducts lessons in the Maori language on a beginner's level	Cash - \$2,500	Decline
Onslow	St John WA Onslow	Supply and installation of Corpuls Bracket in Replacement Ambulance for SJA Onslow	Cash - \$2,500	Approve
Onslow	Marine Rescue Onslow	Volunteer Driver Training - The club require volunteers to have a MR to operate the tow vehicle now, training cost is \$2000pp	Cash - \$2,500	Decline
Paraburdoo	Paraburdoo Pirates Rugby League	Oval and lights hire for 2023/2024 season	In kind - \$2,500	Decline
Paraburdoo	Paraburdoo Amateur Swimming Club	Lane hire fees and associated costs for the 2022/2023 season	In kind - \$2,126.25	Decline



**Consultation**

Executive Leadership Team  
 Infrastructure Services Team  
 Relevant clubs and associations

**Strategic Community Plan**

Shire of Ashburton Strategic Community Plan 2022-2032

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

**Council Policy**

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

**Financial Implications**Current Financial Year

The adopted budget provides \$73,289.18 for both rounds of Community Support Grants funding.

The remaining budget allocation for Round 2 Community Support Grants is \$22,284.51 (*There are two in-kind donations to be journaled to facilities for Tom Price Basketball Association \$1,107 and \$2,500 for Paraburdoo pirates*).

Future Financial Year(s)

The total of the above applicated suggested to be approved is \$25,060.00. If the above suggested actions are approved the GL CU24075 will be overdrawn by \$2,775.49.

**Legislative Implications**

*Local Government Act 1995*

*Section 6.7 – Municipal fund*

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

**Risk Management**

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

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

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

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That with respect to the acceptance of the Community Support Grants Round 2 2022/2023, Council:

1. Approves the following applications for the summarised purposes above:
  - (a) Onslow Men’s Shed
  - (b) Paraburdoo Drive In
  - (c) Tom Price Netball Association
  - (d) Onslow Sports Club
  - (e) Paraburdoo Maori Culture Club
  - (f) Tom Price Motorcycle Club
  - (g) Impala Kart Club
  - (h) Paraburdoo Motorcycle Club
  - (i) Paraburdoo Basketball Association
  - (j) Tom Price Junior Soccer Club
  - (k) St John WA Onslow.
  
2. Declines the following applications for the summarised purposes above:
  - (a) Tom Price Men’s Shed
  - (b) Pannawonica Swimming Club
  - (c) Pannawonica Primary School P&C Association Incorporated
  - (d) Ashburton Anglers Inc
  - (e) Pannawonica Community Garden
  - (f) Karlayura Karratha Rodeo Inc
  - (g) Tom Price Pony and Horse Club

- (h) Te Kohanga Reo iti o Paraburdoo
  - (i) Marine Rescue Onslow
  - (j) Paraburdoo Pirates Rugby League
  - (k) Paraburdoo Amateur Swimming Club.
3. Notes that by approving the 11 applications the GL CU24075 will be overspent by \$2,775.49.

### **Alternative Recommendation**

That with respect to the acceptance of the Community Support Grants Round 2 2022/2023, Council:

1. Approves the following applications for the summarised purposes above:
  - (a) Onslow Men's Shed
  - (b) Paraburdoo Drive In
  - (c) Tom Price Netball Association
  - (d) Onslow Sports Club
  - (e) Paraburdoo Maori Culture Club
  - (f) Tom Price Motorcycle Club
  - (g) Impala Kart Club
  - (h) Paraburdoo Motorcycle Club
  - (i) Paraburdoo Basketball Association
  - (j) Tom Price Junior Soccer Club
  - (k) St John WA Onslow.
2. Declines the following applications for the summarised purposes above:
  - (a) Tom Price Men's Shed
  - (b) Pannawonica Swimming Club
  - (c) Pannawonica Primary School P&C Association Incorporated
  - (d) Ashburton Anglers Inc
  - (e) Pannawonica Community Garden
  - (f) Karlayura Karratha Rodeo Inc
  - (g) Tom Price Pony and Horse Club
  - (h) Te Kohanga Reo iti o Paraburdoo
  - (i) Marine Rescue Onslow
  - (j) Paraburdoo Pirates Rugby League
  - (k) Paraburdoo Amateur Swimming Club.
3. Notes that by approving the 11 applications the GL CU24075 will be overspent by \$2,775.49.

**Council Decision**            **081/2023**

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

**Seconded**                  **Cr M Gallanagh**

**That with respect to the acceptance of the Community Support Grants Round 2 2022/2023, Council:**

- 1. Approves the following applications for the summarised purposes above:**
  - (a) Onslow Men's Shed**
  - (b) Paraburdoo Drive In**
  - (c) Tom Price Netball Association**
  - (d) Onslow Sports Club**
  - (e) Paraburdoo Maori Culture Club**
  - (f) Tom Price Motorcycle Club**
  - (g) Impala Kart Club**
  - (h) Paraburdoo Motorcycle Club**
  - (i) Paraburdoo Basketball Association**
  - (j) Tom Price Junior Soccer Club**
  - (k) St John WA Onslow**
  - (l) Pannawonica Primary School P&C Association Incorporated.**
- 2. Declines the following applications for the summarised purposes above:**
  - (a) Tom Price Men's Shed**
  - (b) Pannawonica Swimming Club**
  - (c) Ashburton Anglers Inc**
  - (d) Pannawonica Community Garden**
  - (e) Karlayura Karratha Rodeo Inc**
  - (f) Tom Price Pony and Horse Club**
  - (g) Te Kohanga Reo iti o Paraburdoo**
  - (h) Marine Rescue Onslow**
  - (i) Paraburdoo Pirates Rugby League**
  - (j) Paraburdoo Amateur Swimming Club.**
- 3. Notes that by approving the 11 applications the GL CU24075 will be overspent by \$2,775.49.**

**Carried 8/0**

**Reason for change:** Council approves the Pannawonica Primary School P&C Association Incorporated application.

## 14.2 Acceptance of Signature Event and Activity Applications 2023/2024

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

### Report Purpose

Council is required to consider the Signature Event and Activities applications in accordance with Council Policy – Community Donations, Grants and Funding.

The purpose of this report is to provide the applications to Council for review. At the close of the application period nine applications were received for Signature Events and Activities. Two further applications were received after the applications had closed (all applications have been provided to Council under separate cover).

Council is requested to receive the applications and support the recommended outcome for each application submitted.

### Background

The Shire supports the following grants under Council Policy – Community Donations, Grants and Funding as follows:

#### Signature Events and Activities Grant (SEA)

Applications are available to incorporated and unincorporated associations for events and activities that provide a broad community benefit. Applications and amounts are assessed and determined by Council. Approved applications are set an allocation in the following years budget.

At the close of the applications on 28 March 2023, nine applications were received, with an additional two applications received late, as follows:

- Onslow – two applications
- Pannawonica – three applications
- Paraburdoo – three applications
- Tom Price – three applications.

Council Policy – Community Donations, Grants and Funding, requires as a minimum, the following criteria must be met to be successful:

- Applicant is to reside or operate within the Shire or be able to show a direct and substantial benefit to residents within the Shire.
- Assistance is not available retrospectively.

- Funds are to be used only for the purpose for which they are given or via agreed variations.
- Successful applicants are required to complete an acquittal report and submit this to the Shire within three (3) months on the agreed completion date.

Applicants who do not submit an acquittal will not be considered for future funding and may be requested to return unused funds.

**Comments**

The Signature Events and Activities funding was promoted directly to clubs and organisations via email, public notice boards, the Shire website, and social media platforms.

All applications have been assessed on the:

- criteria outlined in Council Policy – Community Donations, Grants and Funding
- general conditions, and
- criteria and compliance information provided.

The table below provides a summary of the applications received.

Town	Name	Purpose	Amount Requested	Years requested	Proposed Action
Tom Price	Tom Price Campdraft Inc	2023 Annual Campdraft	\$10,000	One	Approve
Tom Price	Tom Price Baptist Church	Tom Price Carols by Glowlight	\$5,000	Three	Approve
Tom Price	Tom Price Nameless Festival <i>(Funds are requested to be provided in FY 22/23)</i>	Nameless Festival of Events	\$65,000 plus \$65,000 Partnership funding	One	Approve \$50,000 plus \$50,000 Partnership funding
Pannawonica	Pannawonica Sports Club	Pannawonica Gala	\$10,000	One	Approve
Pannawonica	Pannawonica Rodeo Association <i>(Late application)</i>	Pannawonica Rodeo	\$10,000	Three	Approve
Pannawonica	Robe River Rodeo and Campdraft <i>(Late application)</i>	Install permanent sewage facilities	\$100,000	One	Decline
Paraburdoo	Paraburdoo Red Dirt Rocks	Paraburdoo Red Dirt Rocks Ball	\$10,000	Three	Approve
Paraburdoo	Yinhawangka Aboriginal Corporation	International Day of the World's Indigenous Peoples, "Celebrating Indigenous Women"	\$13,000	One	Decline
Paraburdoo	Karingal Neighbourhood Centre	Men's Mental Health Week Trivia Night	\$4,000	One	Approve
Onslow	Ashburton Anglers Inc	Mack10K Fishing competition	\$10,000	Three	Approve

Town	Name	Purpose	Amount Requested	Years requested	Proposed Action
Onslow	Onslow Rodeo Association	Onslow Rodeo	\$10,000	Three	Approve

The Nameless committee submitted their application for funding required in the current 2022/2023 financial year. Based on the submitted event plan requesting \$85,000 from the Shire of Ashburton and a matching \$85,000 from Partnership funding with \$5000 in kind support, the Nameless committee were asked to review the details and associated funding request, given the proposed reduced concept of this historical event. The grant request references a twilight market evening and a ticketed Ball, excluding the historical community festival day. The Nameless committee then decreased their funding request to \$65,000 from the Shire of Ashburton and a matching \$65,000 from Partnership funding. It is recommended that Council approve a total of \$50,000 from the Shire of Ashburton and a matching \$50,000 from Partnership funding, based on the criteria in accordance with Council Policy REC08 –

- The extent to which the event directly benefits the residents of the Shire
- Funding/contributions that applications will receive from other sources
- Value for money

Due to the Committee’s current capacity and resourcing, they advised they were not able to provide an application for the proposed event in 2024, as per the funding cycle set out in Policy REC08. On 18<sup>th</sup> April 2023 the committee requested an extension to provide an application to Council at the June 2023 Council meeting to allow the committee more time to provide a relevant application for Council review.

**Consultation**

- Executive Leadership Team
- Infrastructure Services Team
- Relevant clubs and associations
- Partnership TAG members

**Strategic Community Plan**

Shire of Ashburton Strategic Community Plan 2022-2032

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

**Council Policy**

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

**Financial Implications**

Current Financial Year

If the Nameless Festival of events is approved, \$65,000 will be spent from GL CT24111 by 30 June 2023.

Future Financial Year(s)

If the above recommendations are adopted by Council, there would be \$69,000 allocated to the 2023/2024 Financial Year for the Signature Events and Activities budget for Council adoption in July 2023.

A further \$45,000 would be allocated to 2024/2025 and 2025/2026 budgets for Council adoption each July for the five groups who applied for three years of funding, which are:

- a. Ashburton Anglers - Mack10k Fishing Competition, \$10,000
- b. Paraburdoo Red Dirt Rocks Ball, \$10,000
- c. Tom Price Baptist Church – Carols by Glowlight, \$5,000
- d. Onslow Rodeo, \$10,000
- e. Pannawonica Robe River rodeo, \$10,000.

**Legislative Implications**

*Local Government Act 1995*

*Section 6.7 – Municipal fund*

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

**Risk Management**

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

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

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

**Voting Requirements**

Simple Majority



**Officer Recommendation**

That with respect to Acceptance of the Signature Events Activities Applications 2023/2024 for the summarised purposes above, Council:

1. Approves the following applications:
  - (a) Pannawonica Gala Association - \$10,000
  - (b) Ashburton Anglers Inc - \$10,000 for three years
  - (c) Tom Price Campdraft Inc - \$10,000
  - (d) Paraburdoo Red Dirt Rocks - \$10,000 for three years
  - (e) Tom Price Baptist Church - \$5,000 for three years
  - (f) Onslow Rodeo Association - \$10,000 for three years
  - (g) Karingal Neighbourhood Centre - \$4,000
  - (h) Pannawonica Rodeo Association - \$10,000 for three years.
2. Declines the Yinhawangka Aboriginal Corporation application for \$13,000.
3. Approves Nameless Festival of events 2023 application for \$50,000.
4. Notes that:
  - (a) a matching allocation may be provided to the Nameless Committee from the approved partnership funding, subject to partnership approval process, and
  - (b) the Nameless Committee will provide a further late application for 2023/2024 Budget allocation requests at June Council meeting.

**Amended Recommendation**

That with respect to Acceptance of the Signature Events Activities Applications 2023/2024 for the summarised purposes above, Council:

1. Approves the following applications:
  - (a) Pannawonica Gala Association - \$10,000
  - (b) Ashburton Anglers Inc - \$10,000 for three years
  - (c) Tom Price Campdraft Inc - \$10,000
  - (d) Paraburdoo Red Dirt Rocks - \$10,000 for three years
  - (e) Tom Price Baptist Church - \$5,000 for three years
  - (f) Onslow Rodeo Association - \$10,000 for three years
  - (g) Karingal Neighbourhood Centre - \$4,000
  - (h) Pannawonica Rodeo Association - \$10,000 for three years.
2. Declines the Yinhawangka Aboriginal Corporation application for \$13,000.

**Council Decision**                      **082/2023**

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

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

**That with respect to Acceptance of the Signature Events Activities Applications 2023/2024 for the summarised purposes above, Council:**

1. Approves the following applications:
  - (a) Pannawonica Gala Association - \$10,000
  - (b) Ashburton Anglers Inc - \$10,000 for three years
  - (c) Tom Price Campdraft Inc - \$10,000
  - (d) Paraburdoo Red Dirt Rocks - \$10,000 for three years
  - (e) Tom Price Baptist Church - \$5,000 for three years
  - (f) Onslow Rodeo Association - \$10,000 for three years
  - (g) Karingal Neighbourhood Centre - \$4,000
  - (h) Pannawonica Rodeo Association - \$10,000 for three years.
2. Declines the Yinhawangka Aboriginal Corporation application for \$13,000.

**Carried 8/0**

**Reason for change:** The Nameless Festival has withdrawn their application.

## **15 Councillor Agenda Items / Notices of Motion**

Nil

## 16 Recommendations From Committee

### Audit And Risk Management Committee Meeting held on 9 May 2023

#### 6.1 2021-2022 Annual Report

<b>File Reference</b>	FM09
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	T Dayman, Acting Director Corporate Services
<b>Authorising Officer</b>	T Dayman, Acting Director Corporate Services
<b>Previous Meeting Reference</b>	Nil
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. 2021-2022 Annual Report</li> <li>2. 2021-2022 Audit Report</li> <li>3. 2021-2022 Auditors Report</li> <li>4. Auditors Report Management Letter A</li> <li>5. Auditors Report Management Letter B</li> </ol>

#### Report Purpose

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

The purpose of this report is to provide Audit and Risk Management Committee with a copy of the 2021-2022 Annual Report, Audited Financial Statements, and the Auditors General Independent Auditor's report and Auditors Report, including auditors' findings and recommendations.

The Audit and Risk Management Committee is requested to endorse and recommend to Council to accept the Annual Report, Financial Statements and Auditors Report for the period ending 30 June 2022.

#### Voting Requirements

Absolute Majority

#### Committee Recommendation

That with respect to the 2021-2022 Annual Report and Financial Statements, the Audit and Risk Management Committee recommends that Council,

1. Accepts the Auditors Report for the year ending 30 June 2022, as provided for in Attachment 3, 4 and 5, and notes the findings and recommendations,
2. Accepts the Annual Report, Financial Statements and Audit Report for the year ended 30 June 2022 as provided for in Attachment 1 and 2, and
3. Holds a general meeting of electors on the 13 June 2023, at the Clem Thompson Sports Pavilion, Tom Price.

**Council Decision**            **083/2023**

**Moved**                        **Cr M Gallanagh**

**Seconded**                  **Cr A Sullivan**

**That with respect to the 2021-2022 Annual Report and Financial Statements, the Audit and Risk Management Committee recommends that Council,**

- 1. Accepts the Auditors Report for the year ending 30 June 2022, as provided for in Attachment 3, 4 and 5, and notes the findings and recommendations,**
- 2. Accepts the Annual Report, Financial Statements and Audit Report for the year ended 30 June 2022 as provided for in Attachment 1 and 2, and**
- 3. Holds a general meeting of electors on the 13 June 2023, at the Clem Thompson Sports Pavilion, Tom Price.**

**Carried By Absolute Majority 8/0**

**Resolved en bloc**

## 6.2 Audit Log Status Update

<b>File Reference</b>	CM52
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	D Weerasingha, Internal Auditor
<b>Authorising Officer</b>	T Dayman, Acting Director Corporate Services
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 04 April 2023 - Item 6.1 – 055/2023
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	1. Internal Audit and Financial Audit Log as at 27 April 2023

### Report Purpose

Council is required to review the Audit Log actions.

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

Council is requested to receive the Audit Log status updates.

### Voting Requirements

Simple Majority

### Committee Recommendation

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

**Council Decision**            **084/2023**

**Moved**                            **Cr M Gallanagh**

**Seconded**                        **Cr A Sullivan**

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

**Carried 8/0**  
**Resolved en bloc**

### 6.3 2020 Regulation 17 Review Status Update

<b>File Reference</b>	GV32
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	J Bray, Manager Governance
<b>Authorising Officer</b>	T Dayman, Acting Director Corporate Services
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 8 March 2022 - Item 9.3 – (020/2022) Ordinary Council Meeting 8 September 2020 - Item 9.2
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	1. 2020 Regulation 17 Review Status Update

#### Report Purpose

The purpose of this report is to provide a progress update on the findings of the Chief Executive Officer's review of systems and processes relating to legislative compliance, risk management and internal controls undertaken in accordance with regulation 17 of the *Local Government (Audit) Regulations 1996*.

The Audit and Risk Management Committee is requested to receive the final status update on the 2020 Regulation 17 Review.

#### Voting Requirements

Simple Majority

#### Committee Recommendation

That with respect to the 2020 Regulation 17 Review – Status Update, the Audit and Risk Management Committee recommends that Council,

1. Receives the Status Update as detailed in Attachment 1, and
2. Notes that no further updates on the 2020 Regulation 17 Review will be presented to the Audit and Risk Management Committee as the outstanding matters will be considered as part of the Regulation 17 Review commencing in May 2023.

**Council Decision**            **085/2023**

**Moved**                        **Cr M Gallanagh**

**Seconded**                 **Cr A Sullivan**

**That with respect to the 2020 Regulation 17 Review – Status Update, the Audit and Risk Management Committee recommends that Council,**

- 1. Receives the Status Update as detailed in Attachment 1, and**
- 2. Notes that no further updates on the 2020 Regulation 17 Review will be presented to the Audit and Risk Management Committee as the outstanding matters will be considered as part of the Regulation 17 Review commencing in May 2023.**

**Carried 8/0**

**Resolved en bloc**



## 6.4 Internal Audit Roadmap 2023-2026

<b>File Reference</b>	CM53
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	D Weerasingha, Internal Auditor
<b>Authorising Officer</b>	T Dayman, Acting Director Corporate Services
<b>Previous Meeting Reference</b>	Nil
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	1. Internal Audit Roadmap 2023-2026

### Report Purpose

The purpose of this report is to establish an effective internal audit function by setting a roadmap with a time plan. This roadmap also identifies important concepts and core principles of internal audit, in compliance with the risk management and internal audit requirements outlined in:

- The *Local Government Act 1995* and related Regulations;
- The Operational Guidelines provided by the Department of Local Government, Sport, and Cultural Industries (DLGSC);
- The International Professional Practice Framework of the Institute of Internal Auditors - International and Australia;
- Various other Acts and Regulations related to local government;
- Industry Best Practices, including those recommended by the Office of the Auditor General-WA and others; and
- International Standards (ISO).

Audit and Risk Management committee is requested to review and recommend Internal Audit Roadmap 2023-2026 to Council.

Council is requested to receive and adopt the Internal Audit Roadmap 2023-2026.

### Voting Requirements

Simple Majority

### Committee Recommendation

That with respect to Internal Audit Roadmap 2023-2026, the Audit and Risk Management Committee recommends that Council, receives and adopts the Internal Audit Roadmap 2023-2026.

**Council Decision            086/2023**

**Moved                        Cr M Gallanagh**

**Seconded                    Cr A Sullivan**

**That with respect to Internal Audit Roadmap 2023-2026, the Audit and Risk Management Committee recommends that Council, receives and adopts the Internal Audit Roadmap 2023-2026.**

**Carried 8/0  
Resolved en bloc**

## 17 New Business Of An Urgent Nature Introduced By Council Decision

<b>Council Decision</b>	<b>087/2023</b>
<b>Moved</b>	<b>Cr L Rumble JP</b>
<b>Seconded</b>	<b>Cr A Sullivan</b>

In accordance with *section 5.19 of the Local Government Act 1995* the Chief Executive Officer has requested that item 18.1 Update of Local Government Partnership Agreement (Inspire) between the Shire of Ashburton and Rio Tinto Ore be withdrawn due to the Council not reaching quorum.

Council requested the Chief Executive Officer to call a Special Council Meeting on Tuesday, 23 May 2023 at 6:30pm to consider this item.

**Carried 8/0**

## 18 Confidential Matters

*Cr M Gallanagh disclosed a direct financial interest in Item 18.1 (detailed in Item 5.2).*

*Cr L Rumble JP disclosed a direct financial interest in Item 18.1 (detailed in Item 5.2).*

*Cr A Smith disclosed a direct financial interest in Item 18.1 (detailed in Item 5.2).*

*Deputy Shire President Cr M Lynch disclosed an indirect financial interest in Item 18.1 (detailed in Item 5.2).*

*Cr T Mladenovic disclosed a direct financial interest in Item 18.1 (detailed in Item 5.2).*

*Cr A Sullivan disclosed a direct financial interest in Item 18.1 (detailed in Item 5.2).*

### 18.1 Update of Local Government Partnership Agreement (Inspire) between the Shire of Ashburton and Rio Tinto Iron Ore

<b>File Reference</b>	CS22
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	K Donohoe, Chief Executive Officer
<b>Authorising Officer</b>	K Donohoe, Chief Executive Officer
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 13 December 2022 - Item 19.1 – (186/2022)
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Proposed Inspire Agreement - amendments marked up</li> <li>2. Proposed Inspire Agreement - signed Letter of Intent</li> <li>3. Correspondence from Rio Tinto Legal Counsel - 15 March 2023</li> <li>4. Stantons Audit Report into the Community Infrastructure and Services Partnership</li> </ol>

#### **Reason for Confidentiality**

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

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

## **19 Next Meeting**

The next Ordinary Council Meeting will be held at 1:00pm on Tuesday 13 June 2023 at Clem Thompson Sports Pavilion, Stadium Road, Tom Price.

## **20 Closure Of Meeting**

There being no further business, the Presiding Member closed the meeting at 2:04pm.