



# Published Minutes

Ordinary Council Meeting

Tuesday, 13 June 2023

Date:	Tuesday 13 June 2023
Time:	1:00pm
Location:	Clem Thompson Sports Pavilion, Stadium Road, Tom Price
Distribution Date:	Friday 16 June 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  
16 June 2023

These minutes were confirmed by Council as a true and accurate record of proceedings at the Ordinary Council Meeting held on Tuesday, 13 June 2023.

Presiding Member

Date

**Disclaimer**

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

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# 1 Declaration Of Opening

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

## 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 R De Pledge Cr M Gallanagh Cr L Rumble JP Cr A Sullivan Cr J Richardson Cr A Smith Cr T Mladenovic	Shire President (Presiding Member), Onslow Ward Deputy Shire President, Tom Price Ward Ashburton Ward Pannawonica Ward Paraburdoo Ward Paraburdoo Ward Tableland Ward Tom Price Ward Tom Price Ward
Employees:	K Donohoe C McGurk D Kennedy R Miller A Lennon R Marlborough A Furfaro N Cochrane	Chief Executive Officer Director Community Development Director Corporate Services Director Infrastructure Services Manager Media and Communications Senior Governance Officer Governance Officer Council Support Officer
Guests:	Nil	

Members of Public:	There was one member of the public in attendance at the commencement of the meeting.
Members of media:	There were no members of the media in attendance at the commencement of the meeting.

### **3.2 Apologies**

Nil

### **3.3 Approved Leave Of Absence**

Nil

## **4 Question Time**

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

#### **4.1.1 Response - Restrict Access Vehicle Use - Mt Stuart-Red Hill Road**

**Leanne Corker**

Ordinary Council Meeting – 9 May 2023 – Item 4.2.

#### **Question**

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?

#### **Response**

The response to the question is provided in two parts:

- (1) The advice / permit information provided to Mineral Resources for access to the subject roads was to be used by Mineral Resources to complete their application to Main Roads Western Australia Heavy Vehicle Services in support to have the subject roads added to the RAV network. There appears to have been a misunderstanding in that Mineral Resources took this as approval to use the subject roads for cartage of construction materials. The Shire has issued Mineral Resources advice to cease and desist of any further use of RAV's on the subject roads until written approval has been received from Main Roads Western Australia Heavy Vehicle Services that they have been added to the RAV network.
- (2) As per the resolution, Council concurred with the Mineral Resources application and provided conditions that would satisfy the RAV application while the Road Use Agreement was completed. Mineral Resources had agreed to enter into a Road Use Agreement (RUA) and this RUA will be presented to the Ordinary Council Meeting on 13 June 2023.

## **4.2 Public Question Time**

### **Melissa Wright – Tom Price BMX Club**

#### **Question/s**

The Tom Price BMX Club occupy property leased from the Shire and recently the Club have expended significant funds on electrical upgrades. There are several matters at the Club's site that need Councils support to be investigated and hopefully actioned.

- Q.1 Would Council support new toilets being constructed on the Club's site, as no facilities are available. If new toilets were supported, they could potentially be shared with the adjacent Tom Price Motor Sport Club.
- Q.2 Would Council support installing potable water facilities such as a drinking fountain on the Clubs site to enable safe drinking water to be available for users.
- Q.3 Would Council investigate the situation with water accounts for the property, as the Club receive three different accounts for the same site.
- Q.4 Would Council investigate the current situation with public road access to the Clubs leased site and formalise public road access.

#### **Response**

The Chief Executive Officer advised that the question would be taken on notice and a written response will be 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.

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



Our ref E23062085  
Enquiries Kimberley Craik  
Phone (08) 6552 1408  
Email [legislation@dlgsc.wa.gov.au](mailto:legislation@dlgsc.wa.gov.au)

Mr Kenn Donohoe  
Chief Executive Officer  
Shire of Ashburton

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

Dear Mr Donohoe

I refer to your correspondence dated 7 June 2023 and advise that, in accordance with the authority delegated by the Minister for Local Government, I have approved your application, under section 5.69(3) of the *Local Government Act 1995* (the Act).

It has been noted that the Shire requires a minimum approval of two members in order to achieve quorum. Accordingly, approval has been granted for two members, Cr Lynch and Cr Mladenovic, to fully participate in the discussion and decision making relating to the following agenda item at the Shire's Ordinary Council Meeting, to be held on 13 June 2023:

#### **15.4 – ENDORSEMENT OF THE SHIRE OF ASHBURTON EVENT AND ACTIVITIES PLAN 2023-2024**

Conditions of approval:

- 1. The approval is only valid for the 13 June 2023 Ordinary Council Meeting when agenda item 15.4 is considered;*
- 2. The abovementioned councillors must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;*
- 3. The Chief Executive Officer (CEO) is to provide a copy of the Department of Local Government, Sport and Cultural Industries (DLGSC) letter of approval to the abovementioned councillors;*
- 4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;*
- 5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the DLGSC, to allow the DLGSC to verify compliance with the conditions of this approval; and*
- 6. The approval granted is based solely on the interests disclosed by the abovementioned councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.*

Should you require further information in relation to this matter, please contact Kimberley Craik, A/Legislation Officer, via the details provided above.

Yours sincerely

TIM FRASER  
EXECUTIVE DIRECTOR – LOCAL GOVERNMENT

8 June 2023



## 5.2 Declaration Of Interest

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

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

The following declarations of interest are disclosed –

15.4 Endorsement of the Shire of Ashburton Event and Activities Plan 2023-2024	
Name	Cr M Gallanagh
Nature of interest	Direct Financial
Interest description	My husband and I both work for Rio Tinto, live in company housing, we own shares in Rio Tinto both individually and collectively to a greater value than the prescribed amount.
Name	Cr A Smith
Nature of interest	Direct Financial
Interest description	My husband is an employee of Rio Tinto and owns over \$10,000 shares (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	Cr L Rumble JP
Nature of interest	Direct Financial
Interest description	I own Rio Tinto shares over the value of the prescribed amount as part of my retirement plan.
Name	Deputy Shire President M Lynch
Nature of interest	Indirect Financial
Interest description	I am an employee and tenant of Rio Tinto. I am paid a salary by Pilbara Iron.
Name	Cr T Mladenovic
Nature of interest	Indirect Financial
Interest description	My partner is employed by Rio Tinto and we live in subsidised housing provided as part of his employment. My partner owns shares in Rio Tinto 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.

#### 6.1 Chief Executive Officer's Annual Performance Review 2022/2023

Name	Kenn Donohoe
Nature of interest	Direct Financial
Interest description	Chief Executive annual performance appraisal review and discussions around new key performances indicators. Salary, wages tribunal communications and contract remuneration.

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

The Shire President thanked Alison Lennon, the Shire's Manager Media and Communications on behalf of the Shire and wished her all the best for future.

## 7 Petitions / Deputations / Presentations

### 7.1 Petitions

Nil

### 7.2 Deputations

Nil

### 7.3 Presentations

Nil

## 8 Applications for Leave of Absence

### Leave of Absence

**Council Decision**                      **088/2023**

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

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

**That Council approve the request for Leave of Absence, for Cr Jamie Richardson of Ashburton Ward for the period from 11 July 2023 to 8 August 2023 inclusive.**

**Carried 9/0**

## 9 En Bloc Council Resolutions

### 9.1 Agenda Items Adopted En Bloc

Nil

## 10 Confirmation Of Minutes

### 10.1 Confirmation Of Council Minutes

#### 10.1.1 Minutes Of The Ordinary Council Meeting Held On 9 May 2023

**Council Decision**                      **089/2023**

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

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

**That the Minutes of the Ordinary Council Meeting held 9 May 2023 (Item 10.1.1 Attachment 1) be confirmed as a true and accurate record.**

**Carried 9/0**

**10.2 Receipt Of Committee And Other Minutes****10.2.1 Minutes Of The Audit And Risk Management Committee Meeting Held On 9 May 2023**

**Council Decision            090/2023**

**Moved                        Cr A Smith**

**Seconded                    Cr R De Pledge**

**That the Minutes of the Audit And Risk Management Committee Meeting held 9 May 2023 (Item 10.2.1 Attachment 1) be received.**

**Carried 9/0**

## 11 Recommendations From Committee

**Ashburton Economic And Tourism Development Committee Meeting held on 13 June 2023**

### 5.1 Ashburton Economic and Tourism Development Committee Terms of Reference and 2023 Meeting Dates

<b>File Reference</b>	ED278
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	J Bray, Manager Governance
<b>Authorising Officer</b>	D Kennedy, Director Corporate Services
<b>Previous Meeting Reference</b>	Nil
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	1. Draft Ashburton Economic and Tourism Development Terms of Reference

#### Report Purpose

Council is required to consider the draft Ashburton Economic and Tourism Development Committee (Committee) Terms of Reference and proposed meeting dates for the remainder of 2023.

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

Council is requested to adopt the proposed Committee Terms of Reference and meeting dates.

#### Voting Requirements

Simple Majority

#### Officer Recommendation

That with respect to the Ashburton Economic and Tourism Development Committee Terms of Reference and 2023 Meeting Dates, the Ashburton Economic and Tourism Development Committee recommends that Council,

1. Adopts the terms of reference as detailed in Attachment 1, and
2. Endorses the following meeting details,

<b>Date</b>	<b>Time</b>	<b>Location</b>
8 August 2023	9:00am	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow
14 November 2023	9:00am	Ashburton Hall, Ashburton Avenue, Paraburdoo

**Council Decision                091/2023**

**Moved                                Cr A Smith**

**Seconded                          Cr T Mladenovic**

**That with respect to the Ashburton Economic and Tourism Development Committee Terms of Reference and 2023 Meeting Dates, the Ashburton Economic and Tourism Development Committee recommends that Council,**

- 1.    Adopts the terms of reference as detailed in Attachment 1, and**
- 2.    Endorses the following meeting details,**

<b>Date</b>	<b>Time</b>	<b>Location</b>
<b>8 August 2023</b>	<b>9:00am</b>	<b>Council Chambers, Onslow Shire Complex, Second Avenue, Onslow</b>
<b>14 November 2023</b>	<b>9:00am</b>	<b>Ashburton Hall, Ashburton Avenue, Paraburdoo</b>

**Carried 9/0**

## 5.2 Bank Closures in Regional Australia

<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>	Nil
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Shire of Ashburton Submission - Bank closures in regional Australia</li><li>2. Local Government Association of Queensland - Bank closures in regional Australia</li></ol>

### Report Purpose

Council is required to consider the impact on the community of no face-to-face banking services in the Shire of Ashburton.

The purpose of this report is to inform the Ashburton Economic and Tourism Development Committee of national efforts to address bank closures in regional Australia to develop a position as a Shire.

Council is requested by the Committee to support positive advocacy and engagement with the Australian Local Government Association for a business paper to be prepared investigating how and if local governments can facilitate or deliver face to face banking services through the recommendation presented for consideration.

### Voting Requirements

Simple Majority

### Officer Recommendation

That with respect to Bank closures in Regional Australia, the Ashburton Economic and Tourism Development Committee recommends that Council, authorises the Chief Executive Officer to request the Australian Local Government Association to prepare a business paper investigating how local government can facilitate or deliver face to face banking services in regional areas.

**Council Decision                      092/2023**

**Moved                                      Cr A Smith**

**Seconded                                  Cr T Mladenovic**

**That with respect to Bank closures in Regional Australia, the Ashburton Economic and Tourism Development Committee recommends that Council, authorises the Chief Executive Officer to request the Australian Local Government Association to prepare a business paper investigating how local government can facilitate or deliver face to face banking services in regional areas.**

**Carried 9/0**



### 5.3 Ashburton Ranges Trail Park Preliminary Concept

<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>	Ordinary Council Meeting 9 June 2020 - Item 14.1 – 92/2020 Ordinary Council Meeting 10 May 2022 - Item 11.1 – 051/2022
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	1. Ashburton Ranges Trail Park - Preliminary Concept

#### Report Purpose

Council is required to consider the Ashburton Ranges Trail Park Concept as a key tourism project proposal.

The purpose of this report is to inform the Ashburton Economic and Tourism Development Committee of the opportunity to create a coordinated trail experience (mountain biking, hiking and all abilities trail) across Tom Price and Paraburdoo.

Council is requested to endorse the Ashburton Ranges Trail Park Preliminary Concept as a key tourism project for the Shire.

#### Voting Requirements

Simple Majority

#### Officer Recommendation

The with respect to the Ashburton Ranges Trail Park Preliminary Concept, the Ashburton Economic and Tourism Development Committee recommends that Council,

1. Endorses the concept as a key tourism project for the Shire of Ashburton,
2. Endorses the Ashburton Economic and Tourism Development Committee to be on the project working group,
3. Authorises the Chief Executive Officer to commence detailed concept planning and development with an update report to be presented to the Committee for consideration its the November 2023 meeting.

**Council Decision                      093/2023**

**Moved                                      Cr M Lynch**

**Seconded                                  Cr A Smith**

**The with respect to the Ashburton Ranges Trail Park Preliminary Concept, the Ashburton Economic and Tourism Development Committee recommends that Council,**

- 1.    Endorses the concept as a key tourism project for the Shire of Ashburton,**
- 2.    Endorses the Ashburton Economic and Tourism Development Committee to be on the project working group,**
- 3.    Authorises the Chief Executive Officer to commence detailed concept planning and development with an update report to be presented to the Committee for consideration its the November 2023 meeting.**

**Carried 9/0**

## 12 Office of the Chief Executive Officer Reports

### 12.1 Closure of Unconstructed Road Reserve (Lefroy Avenue, Onslow)

<b>File Reference</b>	RP42090
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	J Hunter, Coordinator Planning and Lands
<b>Authorising Officer</b>	R Wright, Executive Manager Land, Property and Regulatory 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. Unconstructed Road Reserve <a href="#">⇒</a></li><li>2. Original Lefroy Avenue Gazettal <a href="#">⇒</a></li><li>3. Department of Education Relinquish of Reserve 42090 <a href="#">⇒</a></li></ol>

#### Report Purpose

Council is requested to provide support regarding the proposed closure of the subject unconstructed road reserve, located in the town of Onslow.

The road reserve is a remnant parcel of land leftover from the early 1970's and is now considered redundant. The closure of the road reserve will allow for better activation of this underutilised space.

#### Background

The subject unconstructed road reserve, known as 'Lefroy Avenue', Land ID Number 3488927 is located between the Onslow Skate Park (Reserve 30686) and 6 Cameron Avenue, Onslow. The road reserve intersects Cameron Avenue and terminates at Lot 970 on Deposited Plan 220088 (Reserve 42090), refer to Attachment 1.

Both adjoining Crown reserves are under the Shire's management for the purpose of 'Recreation'.

The road reserve is approximately 34 meters in length, 20 metres in width and comprises approximately 726m<sup>2</sup>. The road reserve also contains part of an informal drainage basin, shown in Figure 1.



Figure 1 - Informal drainage basin within unconstructed road reserve.

Lefroy Avenue reserve previously traversed what is now Lot 970 (Reserve 42090) and was partly closed with the small section remaining. It is unclear why the remaining section of road reserve was never closed. Attachment 2 shows the road reserve in its original form, when it was first gazetted and named in 1971. The surrounding area has since evolved significantly over the years.

It may be possible that the road reserve was left there to provide access to the school site that was once earmarked for Lot 970 (Reserve 42090). The Department of Education relinquished their control of the reserve to the Shire in 2014 (refer to Attachment 3) in exchange for a larger site that has been earmarked within the [Onslow Townsite Expansion Structure Plan](#).

Following the relinquishment of the reserve by the Department of Education, the Shire then had the management order changed from the purpose of “School site” to “Recreation”.

The unconstructed road reserve is now considered redundant and is unutilised space with limited options for any use due to its current classification as a road reserve.

### Comments

In December 2022, Shire officers presented an overall Master Plan at the Council Briefing which included future aspirations for Reserve 30686 and 42090, with the remnant road reserve earmarked for closure, amalgamation, and expansion of the Onslow Skate Park and associated facilities.

It is suggested that the closure of the unconstructed road reserve will increase the usability and development potential for both Reserve 30686 (Onslow Skate Park) and Reserve 42090 (large, mostly vacant, reserve that contains the multipurpose sports courts).

The Shire has no current or future plans to construct the subject road and access to both Reserves and future plans for these sites will not be impeded by its closure.



The road reserve adjoins residential property, 6 Cameron Avenue, Onslow. The landowners have been contacted via a formal letter outlining the Shire's intentions to close the unconstructed road reserve and were invited to make a submission and/or raise any objections prior to consideration by Council. No formal submissions or objections have been received, however, verbal telephone conversations confirmed there were no issues from the landowner's perspective.

It should be noted that the adjoining property currently has legal access to the road reserve in its current form, however, due to the existing layout of development on site and the site contours, access to the road reserve is not possible. This was discussed with the adjoining landowner and agreed that future access is not required or achievable. Figure 2 shows the levels of the site compared to the adjoining property.



Figure 2 - the site levels of the subject road reserve (foreground) compared to the site levels of the adjoining property (background)

## Consultation

Adjoining Landowner

Manager Roads and Civil Projects

Director Community Development

Executive Manager Land, Property and Regulatory Services

In accordance with section 58 of the *Land Administration Act* (3), prior to making a request to the Minister of Lands for the road closure, the Shire is required to advertise any resolution for a period of 35 days in a newspaper circulating in its district of notice of motion for that resolution.

## Strategic Community Plan

### Shire of Ashburton Strategic Community Plan 2022-2032

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

## Council Policy

Nil

## Financial Implications

### Current Financial Year

Fees associated with advertising of the road closure in the newspaper will be incurred by the Shire.

Any survey costs will be incurred by the Shire.

Costs to advertise and formalise the road closure will be in the vicinity of \$10,000. Existing budgets have ability to cover this expense, with part of this cost possibly extending to next financial year.

### Future Financial Year(s)

Potential costs may be incurred in this financial year as identified above depending on the timing of the proposed survey, advertising and closure.

## Legislative Implications

### *Land Administration Act 1997*

#### *Section 58. Closing roads*

1. When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.
2. When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.
3. A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.

### *Land Administration Regulations 1998*

*Regulation 9. Local government request to close road permanently (Act s. 58(2)), requirements for*

For the purposes of preparing and delivering under section 58(2) of the Act a request to the Minister to close a road permanently, a local government must include with the request —

- a) written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require; and
- b) sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed; and
- c) copies of any submissions relating to the request that, after complying with the requirement to publish the relevant notice of motion under section 58(3) of the Act, the local government has received, and the local government's comments on those submissions; and
- d) a copy of the relevant notice of motion referred to in paragraph (c); and
- e) any other information the local government considers relevant to the Minister's consideration of the request; and
- f) written confirmation that the local government has complied with section 58(2) and (3) of the Act.

## 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)	Unsubstantiated, localised low impact on community trust. Low profile media item.	Unlikely (2)	Insignificant (1)	Low (1-4)	Adopt officer recommendation. Advertise the road closure in the newspaper for 35 days before requesting the roads formal closure. It has been noted the adjoining owner is supportive of the closure.

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 Closure of Unconstructed Road Reserve (Lefroy Avenue), Council,

1. Supports the closure of approximately 726m<sup>2</sup> of unconstructed road reserve formally described as Public Road Land ID Number 3488927 as provided and detailed in Attachment 1 and:
  - (a) Advertise the proposed road closure in accordance with Section 58 of the *Land Administration Act 1997* and 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. Request the land from the road closure be amalgamated into Lot 555 on DP066576 (Reserve 30686 – Onslow Skate Park).
3. Authorises the Chief Executive Officer and Shire President to engross any associated documents in order to close Public Road Land ID Number 3488927 as provided and detailed in Attachment 1.

**Council Decision                      094/2023**

**Moved                                      Cr M Gallanagh**

**Seconded                                  Cr R De Pledge**

**That with respect to Closure of Unconstructed Road Reserve (Lefroy Avenue), Council,**

- 1. Supports the closure of approximately 726m<sup>2</sup> of unconstructed road reserve formally described as Public Road Land ID Number 3488927 as provided and detailed in Attachment 1 and:**
  - (a) Advertise the proposed road closure in accordance with Section 58 of the *Land Administration Act 1997* and 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. Request the land from the road closure be amalgamated into Lot 555 on DP066576 (Reserve 30686 – Onslow Skate Park).**
- 3. Authorises the Chief Executive Officer and Shire President to engross any associated documents in order to close Public Road Land ID Number 3488927 as provided and detailed in Attachment 1.**

**Carried 9/0**



## 12.2 Response to Department of Planning, Lands and Heritage on a Request from the Ashburton Aboriginal Corporation to Lease the Former Munjina Airstrip and Adjoining Land

<b>File Reference</b>	RV74
<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>	As per Attachment 2
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Munjina Airstrip Proposal <a href="#">⇒</a></li> <li>2. Council decisions since 2012 - Tom Price Airstrip <a href="#">⇒</a></li> </ol>

### Report Purpose

To seek Council's endorsement to provide comments to the Department of Planning, Lands and Heritage (DPLH) on a request from the Ashburton Aboriginal Corporation (AAC) to lease the former Munjina Airstrip and adjoining land (located at the corner of Munjina Road and Great Northern Highway, near the Auski Munjina Roadhouse and Village, Mulga Downs) for the purpose of 'Airport, Helicopter Landing Facility, and Laydown Storage'.

### Background

On 8 August 2022, the DPLH emailed the Shire inviting comment on a request from the AAC to lease land including, and adjoining, the former Munjina Airstrip under section 79 of the *Land Administration Act 1997*.

The information was presented to the internal Development Control Unit in September 2022 with the conclusion being that further information was required for the Shire to formally consider the proposal.

On 29 March 2023, the DPLH provided an amended lease request by the AAC. The details of some essential terms of the lease are as follows:

1. The land to be leased is described as Unallocated Crown Lot 302 on Deposited Plan 44407 and portion of Lot 143 on Deposited Plan 92386 (Subject Land);
2. The land includes a portion of Reserve 50105 that was created for the former Munjina Airstrip;
3. The lease will be for the purpose of 'Airport, Helicopter Landing Facility, and Laydown Storage'; and
4. The term of the lease will be ten years with the option of a further ten years.

The DPLH is seeking comment from the Shire and other government agencies prior to drafting a lease agreement.

Attachment 1 shows the intended use of the Subject Land, whilst Figure 1 shows the requested lease area.

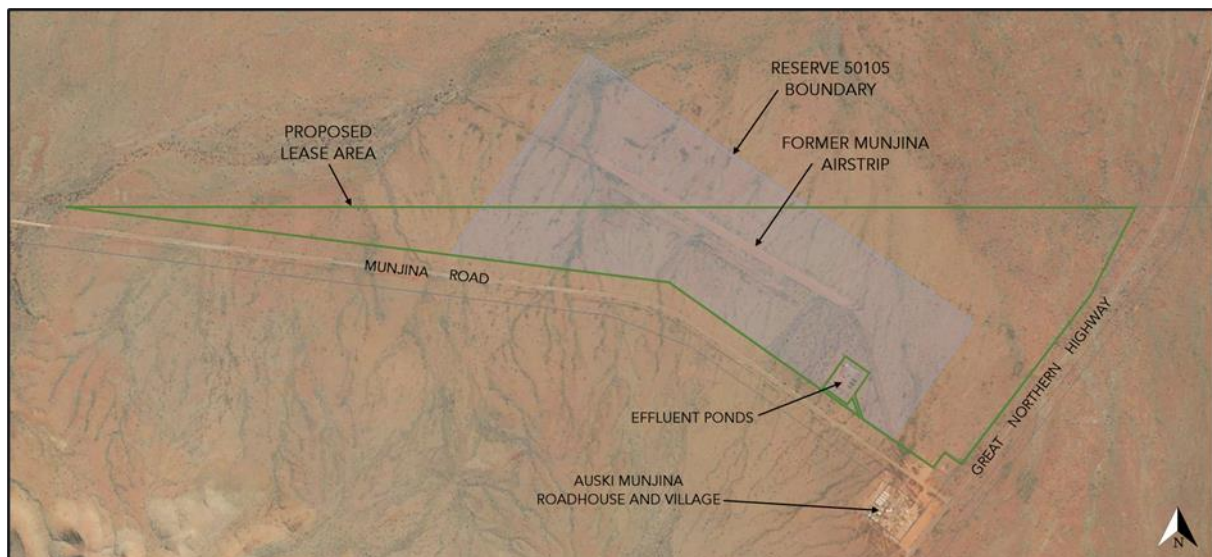


Figure 1 – Munjina Airstrip Proposal

The DPLH has provided the following information from the AAC that describes the intended use of the Subject Land (Proposal):

1. *The main purpose for applying for the lease is to reinstate the airstrip and provide safe secure activities to support its ongoing maintenance. An available airstrip is needed for safety in the area with the need to have Royal Flying Doctors called in at least four times in the past two years once they were able to gain permission to use a local miners strip but the others an ambulance needed to come from Newman 200kms away.*
2. *The upgrades would include Helipad, Windsock, Airstrip fencing, Secure Fuel storage and Solar panels for power to the site.*
3. *The current demand for the use is Royal Flying Doctors, Mine survey companies, Government Department agriculture programs and Tourism.*
4. *The proposed runway extension area would be about 400 to 450m with the goal of an overall length of between 1200 and 1500m to comply with Royal Flying Doctor minimum length. The strip would be 90m wide. The Aircraft parking would be 100 x 200m. It would be gravel service with a compact cracker dust parking area.*
5. *The largest planes would be Royal Flying doctor planes, outside of this the greatest use would be from Tourist operators, Survey Flights etc which are anything from Single Engine Cessna to King Air B200 or Cessna Caravan size.*
6. *The AAC are exploring opportunities to provide tourist flights in helicopter and fixed wing tours over Karijini National Park and surrounding mine sites.*
7. *There is currently very minimal development on the site apart from a clear airstrip, which would require adjustment to allow for the requested boundary.*
8. *The upgrades are estimated to cost about \$500,000 which the AAC intend to apply for a federal grant available for the upgrade and maintenance of remote airstrips.*

#### Subject Land Description and Context

As shown in Attachment 1, the Subject Land includes a portion of Reserve 50105 which was created for the Munjina Airstrip, established as a Royal Flying Doctor's Service (RFDS) airstrip in 1996.

Reserve 50105 was managed by the Department of Transport (DoT) until the DoT surrendered its management order after the decommissioning of the airstrip in 2016.

According to the DPLH, Reserve 50105 is currently an unmanaged reserve, meaning that by default it is managed by the DPLH. There is currently no management order or lease in place over the Reserve.

The Subject Land is located on the north-western side of Karijini National Park, and on the northern side of the intersection of Munjina Road and Great Northern Highway, Mulga Downs. On the south-western side of the same road intersection is the Auski Munjina Roadhouse and Village owned by the AAC. This facility provides automotive services as well as tourist and staff accommodation.

Figure 2 shows the Subject Land in the context of the surrounding landmarks:

- The Youngaleena Bunlima Community is approximately 17km north-west;
- Rio Tinto's recently operational Gudai Darri iron ore mine is approximately 38km to the south-east;
- Tom Price is located approximately 99km (direct line) to the west-south-west; and
- Paraburdoo is located approximately 145km (direct line) to the south-west.

Travel time by road between Tom Price and the former Munjina Airstrip is approximately one hour and 50 minutes, via Karijini Drive or Nanutarra – Munjina Road.

Paraburdoo Airport is the closest airport in the area available for public travel, notwithstanding it being owned by Rio Tinto and operated by Pilbara Iron. Paraburdoo Airport is approximately 72km by road from Tom Price, and 123km by road from Karijini.

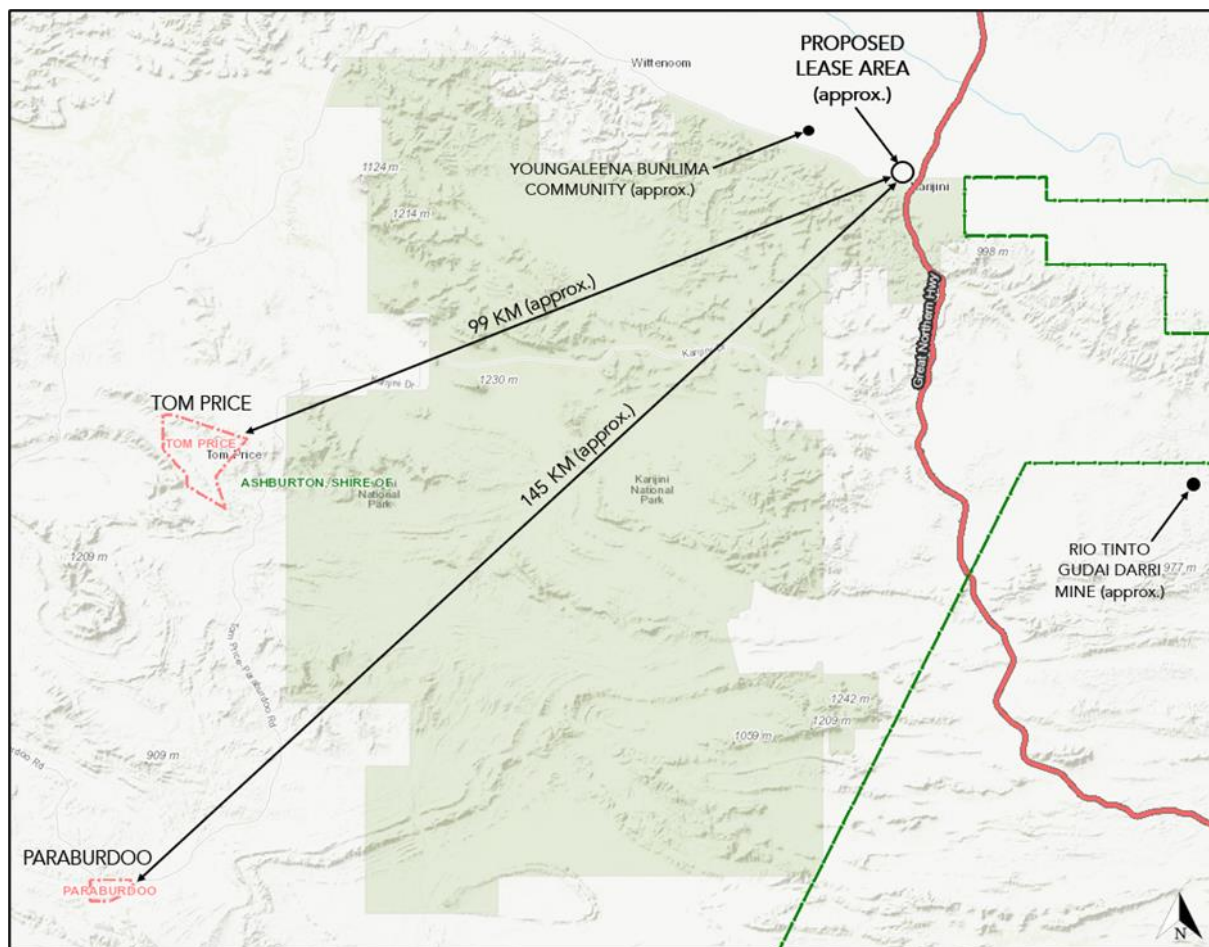


Figure 2 – Proposed Lease Area and surrounding context



## Comments

Shire officers have considered this proposal in the context of its broader strategic position on the provision of air services within the region and whether investment at the former Munjina Airstrip is the best location for a RFDS airstrip and possible tourism operators.

Improving air travel accessibility to the Shire's key tourism destinations of Karijini National Park and Hamersley Ranges has been identified as an opportunity in the Western Australian Planning Commission's (WAPC) [Pilbara Planning and Infrastructure Framework](#) (2012) and the [Pilbara Tourism Activation Infrastructure Report](#) (2016). Both reports recommend that an airport be established at Tom Price or within Karijini to support tourism growth, with the Pilbara Tourism Activation Infrastructure Report projecting that a sealed airstrip within Karijini would generate an additional \$4.5 million in visitor expenditure (page 64).

The Shire's *Local Planning Strategy* (2020) also identifies the opportunities presented by improved air transport in the district, and includes the following comments:

- *Opportunities: Capitalise on proximity to Asia and its airport infrastructure. The RFDS airstrip near Tom Price could be investigated for upgrading to an airport.*
- *Tourism within the region is regarded as an under-utilised resource that has the ability to provide many economic benefits, particularly for the major towns of Onslow, Tom Price and Paraburdoo (page 132, Part 2).*

Council has passed several resolutions in relation to a possible RFDS Airstrip near Tom Price since 2012, and at times also considered an airport for tourism and commercial use (refer to Attachment 2). Most recently, on 16 March 2021, Council considered an agenda item whereby a feasibility study was presented to upgrade the airstrip at the intersection of Tom Price-Paraburdoo Road and Karijini Road (Lot 111) for RFDS use. The following information extracted from that agenda item is relevant to this report:

1. *Indicative costs to prepare the airstrip for Civil Aviation Safety Authority (CASA) and RFDS specifications were \$5.26 million, with ongoing costs ranging between \$172,800 and \$222,800 per annum.*
2. *Further engagement with CASA and the preparation of preliminary design were recommended by the feasibility study.*
3. *The feasibility study also recommended that other potential aerodrome sites in the area should be investigated as the suitability of Lot 111 is considered marginal.*
4. *The State Government had committed \$2.5 million towards the construction of a Tom Price RFDS Airstrip, however the Department of Transport requested further information on the following items before prior to engaging with Treasury:*
  - a. *Confirmation of an approved / agreed site.*
  - b. *An updated construction report demonstrating current estimated costs.*
  - c. *Commitment from the Shire to undertake the required maintenance of the airstrip; and*
  - d. *Commitment to funding by other entities (eg. mining companies, Commonwealth Government) towards any identified funding gap.*
5. *Shire officers suggested investigating the economic and tourism benefits of an airstrip in close proximity to Karijini and Tom Price, with a view that commercial operators may be able to contribute.*
6. *On 26 February 2021, Premier Mark McGowan announced \$32.8 million in funding to build new Tom Price Hospital. The funding includes a \$20 million contribution from Rio Tinto.*

In considering these points, Council at the time resolved, in part, as follows:

*“That with respect to Tom Price Flying Doctor Service (RFDS) Airstrip, Council:*

- 1. Authorise the Chief Executive Officer to liaise with WA Country Health Service regarding the including of a Heli Pad in the design of the new Tom Price Health Service to be constructed circa 2023.*

In making this decision, Council set aside the second point from the officer recommendation which sought authorisation for the Chief Executive Officer to investigate the economic and tourism benefits of a multi-user airstrip shared by RFDS and commercial airline/aircraft operators. Council's reason for doing so was:

*“Council, whilst supportive of a Heli Pad in the design of the new Tom Price Health Service, did not support the investigation of an additional multi-user airstrip due to the sizable cost associated with any new development of this nature.”*

It is evident from the above strategic framework that an airport or sealed airstrip in the vicinity of Tom Price and Karijini is recognised strategically as an opportunity to improve accessibility and tourism in the region. However, an airport involves considerable upfront and ongoing operational costs that appear to be a significant barrier to gaining commitment on such a project from key stakeholders.

Without a clear commitment or position statement in relation to an airport or sealed airstrip in or near Tom Price, it is likely that smaller scale air services will be proposed, whereby unsealed airstrips will be considered for use by tourism operators in locations that may not be optimal for growth in the region.

AAC's proposal is considered to fit into this category, because it seeks to make practical use of an abandoned airstrip in proximity to the associated Munjina Auski Roadhouse and Village. The proposal will provide broader benefit to the region by way of an airstrip for RFDS and tourism use, however it is not in an optimal and preferred location that could be leveraged to provide direct benefit and service to Tom Price.

From this perspective, it is recommended that a response be provided to DPLH based on the following points:

1. The Shire welcomes the interest and investment in the region for an airstrip and helipad to support the Royal Flying Doctors Service and future tourism operators.
2. The Shire's strong preference is for investment in airstrip infrastructure to be in a location close to Tom Price to support the region's tourism opportunities and provide Royal Flying Doctors Service's close to Tom Price Hospital.
3. The Shire is generally supportive, in principle, of the proposed 'Airport, Helicopter Landing Facility and Laydown Storage' for medical emergencies, tourism and other ancillary uses, however, does not support the use of the site for fly in/fly out mining operations if this was to be a future consideration.

Technical considerations relevant to this proposal are:

- a. Development approval for the works outlined in the Proposal will be required under the Shire's Local Planning Scheme No. 7 (LPS 7);
- b. 'Aerodrome' is an 'A' use under Local Planning Scheme No. 7 and therefore public advertising of the proposal will be required;
- c. Two (2) telecommunication towers are located near the former Munjina Airstrip which may impact on the design and feasibility of the proposal;
- d. The existing effluent ponds and associated waste dump may attract birds and other wildlife which may present issues for aircrafts; and

- e. Ashburton Aboriginal Corporation's estimated cost to upgrade the former Munjina Airstrip is considerably less than the \$5.26 million estimated by the Shire's 2020 Feasibility Study to upgrade a similarly unsealed former airstrip near Tom Price. Whilst each airstrip will have different characteristics impacting their respective upgrade costs, this is a significant variance that may impact the viability of this Proposal. The Department of Planning, Lands and Heritage should seek assurance from Ashburton Aboriginal Corporation as to the estimated costs of the project to ensure a lease agreement is not made for works that are unviable.

### Consultation

The Shire has circulated the proposal to internal stakeholders only as the external referral process is the responsibility of the DPLH.

As noted in the 'Legislative Implications' section below, a development application will need to be submitted and approved by the Shire prior to commencement of the use or development. The development application is required to be advertised in accordance with LPS 7.

The Shire's planning consultants, LK Advisory have provided input into this report.

### Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

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

### Council Policy

Nil

### Financial Implications

#### Current Financial Year

There are no financial implications associated with the proposal at this stage as the Shire is only providing comment to the DPLH.

#### Future Financial Year(s)

Nil

### Legislative Implications

The Airport, Helicopter Landing Facility and Laydown Storage proposal will require development approval under the Shire's LPS 7 as the works and land use do not meet a circumstance where an exemption from development approval is required.

The Subject Land is zoned Rural under LPS 7. The objective of the Rural zone is:

*"This zone allows for a variety of Rural activities, providing for agriculture, horticulture, viniculture, grazing, dairying or farming generally and may include market gardens, stables, horse training, nurseries and the like. It also provides for extractive industry."*

The proposal best fits the land use definition of 'Aerodrome' under LPS 7. Aerodrome is defined as *"land, buildings and facilities provided for the purpose of landing, take-off, refuelling, maintenance, loading and unloading aircraft."*

An 'Aerodrome' is an 'A' use within the Rural zone meaning that the use is not permitted unless the local government has exercised its discretion and has granted development approval after advertising the application for public comment.

### Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Reputation (social/community)	Not providing a response to DPLH would be a missed opportunity to advocate for the Shire's interests.	Possible (3)	Minor (2)	Moderate (5-9)	Adopt the Officer's Recommendation

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

### Voting Requirements

Simple Majority

**Officer Recommendation**

That with respect to the request for comment from the Department of Planning, Lands and Heritage on the Ashburton Aboriginal Corporation's request for a lease over the former Munjina Airstrip and adjoining land for the purpose of 'Airport, Helicopter Landing Facility and Laydown Storage' (Proposal), Council,

1. Endorses the following comments to be provided to Department of Planning, Lands and Heritage:
  - (a) The Shire welcomes the interest and investment in the region for an airstrip and helipad to support the Royal Flying Doctors Service and future tourism operators.
  - (b) The Shire's strong preference is for investment in airstrip infrastructure to be in a location close to Tom Price to support the region's tourism opportunities and provide Royal Flying Doctors Service's close to Tom Price Hospital.
  - (c) The Shire is generally supportive, in principle, of the proposed 'Airport, Helicopter Landing Facility and Laydown Storage' for medical emergencies, tourism and other ancillary uses, however, would not support the use of the site for future fly in/fly out mining operations.
  - (d) Technical considerations relevant to this proposal are:
    - (i) Development approval for the works outlined in the Proposal will be required under the Shire's Local Planning Scheme No. 7 (LPS 7);
    - (ii) 'Aerodrome' is an 'A' use under Local Planning Scheme No. 7 and therefore public advertising of the proposal will be required;
    - (iii) Two (2) telecommunication towers are located near the former Munjina Airstrip which may impact on the design and feasibility of the proposal;
    - (iv) The existing effluent ponds and associated waste dump may attract birds and other wildlife which may present issues for aircrafts; and
    - (v) Ashburton Aboriginal Corporation's estimated cost to upgrade the former Munjina Airstrip is considerably less than the \$5.26 million estimated by the Shire's 2020 Feasibility Study to upgrade a similarly unsealed former airstrip near Tom Price. Whilst each airstrip will have different characteristics impacting their respective upgrade costs, this is a significant variance that may impact the viability of this Proposal. The Department of Planning, Lands and Heritage should seek assurance from Ashburton Aboriginal Corporation as to the estimated costs of the project to ensure a lease agreement is not made for works that are unviable.



**Council Decision                      095/2023**

**Moved                                      Cr L Rumble JP**

**Seconded                                Cr M Gallanagh**

That with respect to the request for comment from the Department of Planning, Lands and Heritage on the Ashburton Aboriginal Corporation's request for a lease over the former Munjina Airstrip and adjoining land for the purpose of 'Airport, Helicopter Landing Facility and Laydown Storage' (Proposal), Council,

**1.    Endorses the following comments to be provided to Department of Planning, Lands and Heritage:**

- (a)    The Shire welcomes the interest and investment in the region for an airstrip and helipad to support the Royal Flying Doctors Service and future tourism operators.**
- (b)    The Shire's strong preference is for investment in airstrip infrastructure to be in a location close to Tom Price to support the region's tourism opportunities and provide Royal Flying Doctors Service's close to Tom Price Hospital.**
- (c)    The Shire is generally supportive, in principle, of the proposed 'Airport, Helicopter Landing Facility and Laydown Storage' for medical emergencies, tourism and other ancillary uses, however, would not support the use of the site for future fly in/fly out mining operations.**
- (d)    Technical considerations relevant to this proposal are:**
  - (i)    Development approval for the works outlined in the Proposal will be required under the Shire's Local Planning Scheme No. 7 (LPS 7);**
  - (ii)    'Aerodrome' is an 'A' use under Local Planning Scheme No. 7 and therefore public advertising of the proposal will be required;**
  - (iii)    Two (2) telecommunication towers are located near the former Munjina Airstrip which may impact on the design and feasibility of the proposal;**
  - (iv)    The existing effluent ponds and associated waste dump may attract birds and other wildlife which may present issues for aircrafts; and**
  - (v)    Ashburton Aboriginal Corporation's estimated cost to upgrade the former Munjina Airstrip is considerably less than the \$5.26 million estimated by the Shire's 2020 Feasibility Study to upgrade a similarly unsealed former airstrip near Tom Price. Whilst each airstrip will have different characteristics impacting their respective upgrade costs, this is a significant variance that may impact the viability of this Proposal. The Department of Planning, Lands and Heritage should seek assurance from Ashburton Aboriginal Corporation as to the estimated costs of the project to ensure a lease agreement is not made for works that are unviable.**

**Carried 9/0**

### 12.3 Ministerial Statement 1201 – Wheatstone Development, and Recommended Engagement with Proponents

<b>File Reference</b>	ED87
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	L Advisory, LK Advisory Pty Ltd
<b>Authorising Officer</b>	K Donohoe, Chief Executive Officer
<b>Previous Meeting Reference</b>	Nil
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	1. Ministerial Statement 1201 (MS 1201) <a href="#">⇒</a>

#### Report Purpose

To inform the Council of a recent Ministerial Statement relating to the management of greenhouse gas emissions from the Wheatstone Project, and to seek Council's endorsement for the Chief Executive Officer to initiate discussions with proponents of major projects in the Shire to gain contributions for social and community infrastructure.

#### Background

##### Wheatstone Project – Ministerial Statement 1201

Chevron Australia discovered the Wheatstone offshore gas resource in 2004. Construction of the Wheatstone Project commenced in December 2011.

Gas is extracted from the Wheatstone subsea resource about 200km north of Onslow and piped to Chevron's onshore processing plant located approximately 12km west of Onslow within the Ashburton North Strategic Industrial Area (ANSIA), see Figure 1. The gas is liquified and exported as LNG by ship to offshore markets. Some gas (15%) is retained onshore and supplied to the Western Australian market via the Dampier-Bunbury Natural Gas Pipeline.



Figure 1 - Wheatstone Project location<sup>1</sup>

Chevron Australia's Wheatstone Project was approved for implementation under the *Environmental Protection Act 1986* (EP Act) on 30 August 2011, by the then Minister for Environment subject to the implementation conditions of Ministerial Statement 873 ([MS 873](#)).

At the time, condition 19 of MS 873 required the proponent (Chevron Australia) to:

- Develop and implement a Greenhouse Gas Abatement Program (GHGAP) for the Wheatstone Development project;
- Make the GHGAP publicly available; and
- Have the Wheatstone Development project's performance against the GHGAP regularly assessed by an independent specialist.

Several amendments have been granted to the Wheatstone Project's environmental approval since 2011, as well as broader changes to the legislative and regulatory framework concerning greenhouse gas (GHG) emissions of industry and major projects.

In December 2017, the then Minister for Environment requested that the Environmental Protection Authority (EPA) inquire into and report on the matter of amending the GHG emissions related implementation conditions of MS 873. The EPA published its [report](#) on 31 January 2023, advising that condition 19 of MS 873 is inadequate and recommending that it be deleted and replaced with provisions that bring it in alignment with contemporary EPA policy on the management of GHG emissions.

The Minister for Environment adopted the EPA's recommendation and on 19 April 2023, the Minister for Environment issued Ministerial Statement 1201 ([MS 1201](#)), refer to Attachment 1.

The significant change under MS 1201 is that condition 19 now requires the Wheatstone Project to achieve a prescribed, staged reduction of GHG emissions over five yearly periods, ultimately reaching a position of net zero GHG emissions by 2050. This is consistent with

<sup>1</sup> Image sourced from <https://australia.chevron.com/our-businesses/wheatstone-project>

the WA Government's '[Greenhouse Gas Emissions Policy for Major Projects](#)' (August 2019), whereby major projects would demonstrate how they would contribute to transitioning Western Australia towards net zero by 2050.

Also detailed in MS 1201 are reporting requirements that oblige Chevron Australia to demonstrate compliance with the overall GHG emissions trajectory targets.

Figure 2 is an extract from the EPA's report that shows the recommended reduction in net GHG emissions for the Wheatstone Project.

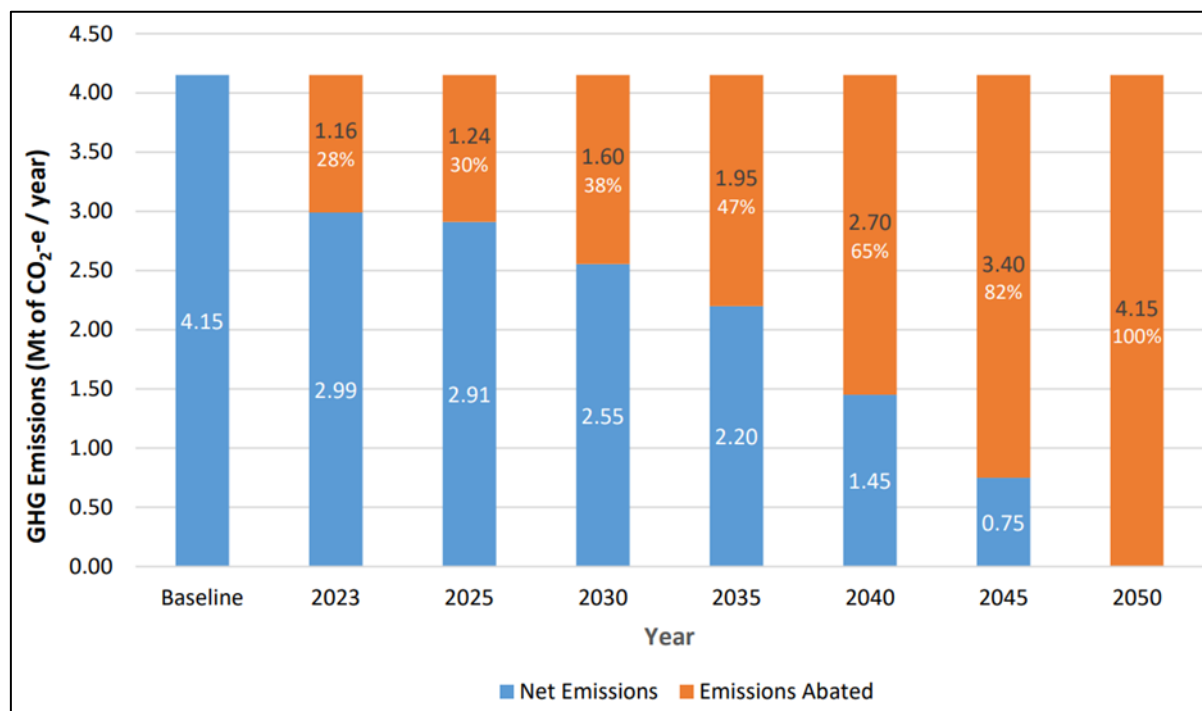


Figure 2 - EPA's recommended GHG emissions reduction trajectory<sup>2</sup>

According to the EPA report, the Wheatstone Project's GHG emissions will be mitigated through a GHG optimisation process and use of carbon offsets<sup>3</sup>.

#### Implications of Ministerial Statement 1201

MS 1201 will have little to no impact on the Shire of Ashburton's operations, as the changes to the implementation condition will not in itself, result in any immediate impacts to the Wheatstone Project.

In the EPA report, Chevron Australia contends that significant carbon reduction projects are likely to require a major capital project, though no further commentary is provided on the nature, scale or timing of such a project<sup>4</sup>. If the Wheatstone Project proposes a major capital project within the Ashburton North Strategic Industrial Area (ANSIA), the Shire will likely be consulted through the development application process administered by the Western Australian Planning Commission (WAPC) under the ANSIA Improvement Scheme No. 1. At that stage, the Shire could consider the impacts of a major capital project.

<sup>2</sup> Wheatstone Development – Gas Processing, Export Facilities and Infrastructure – Inquiry under section 46 of the *Environmental Protection Act 1986* to amend the implementation conditions of Ministerial state 873 relating to the emission of greenhouse gases', Environmental Protection Authority, [Report 1732](#), January 2023, Page 11.

<sup>3</sup> Ibid, Page 10.

<sup>4</sup> Wheatstone Development – Gas Processing, Export Facilities and Infrastructure – Inquiry under section 46 of the *Environmental Protection Act 1986* to amend the implementation conditions of Ministerial state 873 relating to the emission of greenhouse gases', Environmental Protection Authority, [Report 1732](#), January 2023, Page 11.

With regards to workforce accommodation, the Wheatstone Village is located within the ANSIA. Shire records from October 2020 state that 3,802 rooms were within the Village, with 1,882 rooms 'online' and the remaining 1,920 rooms being 'offline'. However recent aerial imagery (May 2023) shows approximately half the number of accommodation buildings compared to aerial imagery in October 2020, indicating a current workforce capacity of approximately 1,900 rooms.

It is also noted that Chevron Australia's [website](#) states a predicted lifespan of 30 years for the Wheatstone Project<sup>5</sup>, meaning it is possible that LNG production will have ceased by the time the project is required to achieve net zero GHG emissions by 2050. Whilst the relationship between the reduction of GHG emissions and the project's overall lifespan is a matter for the EPA to consider, from the Shire's perspective, the Wheatstone Project's lifespan highlights that major resource projects do come to an end and that planning for this eventuality needs to occur, for the continued prosperity of the Shire's community.

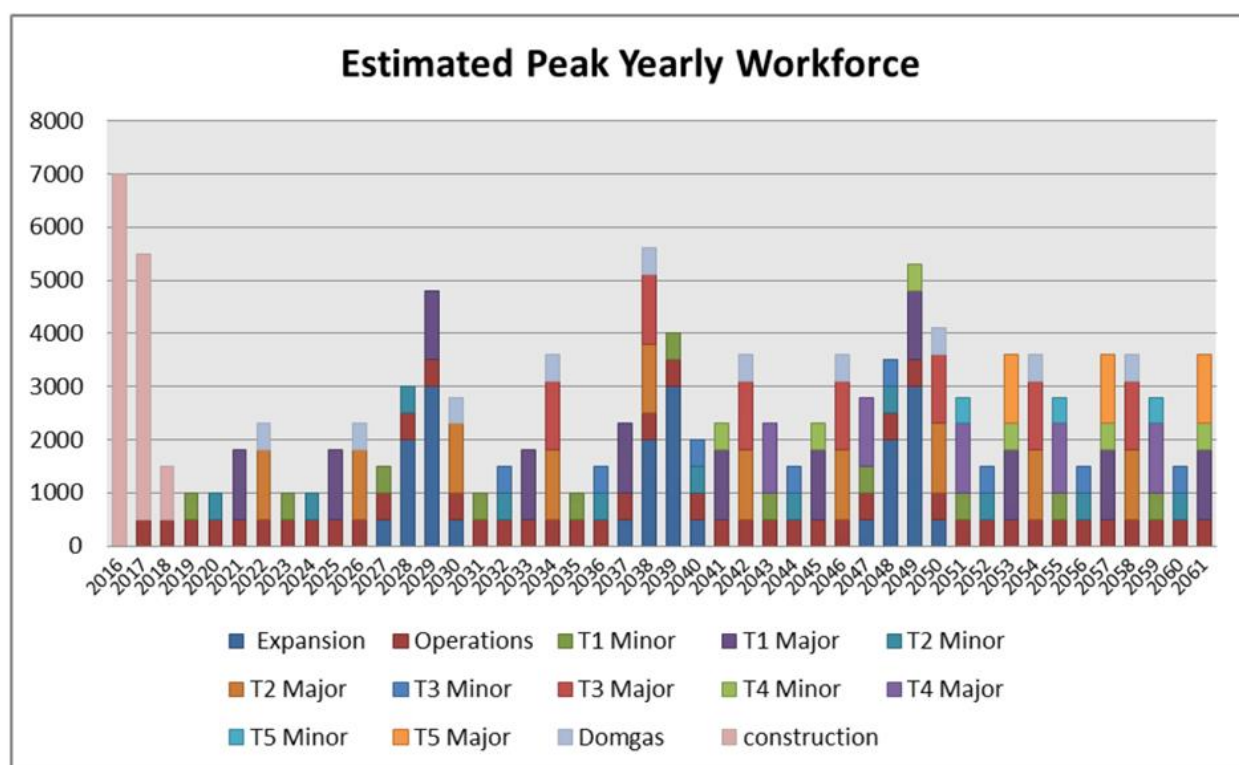
#### Future Wheatstone Project Construction

The Wheatstone Project currently consists of two LNG trains that produce 8.9 million tonnes per annum, and a domestic gas (DomGas) plant that supplies 200 TJ/per day to the Dampier to Bunbury Natural Gas Pipeline. The Project has been designed to expand to an ultimate capacity of five LNG trains to produce up to 25 million tonnes of LNG per annum, likely by procuring additional gas supply from third parties. Expansion of the Project to its capacity has EP Act approval under MS 873, however development approval will be required for the expansion under the ANSIA Improvement Scheme No. 1, administered by the WAPC.

Figure 3 is taken from Chevron Australia's development application for Workforce Accommodation dated 24 November 2016 and shows how the Wheatstone Project's workforce is predicted to fluctuate over the life of the project relative to construction and maintenance requirements, eg. minor and major shutdowns. Relevantly, a considerable increase in accommodation is projected during the 'Expansion' phases, which are assumed to align with the intended construction of LNG trains 3 to 5, though it should be noted that Chevron Australia's website does not confirm these construction timeframes.

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<sup>5</sup> Chevron Australia, 'Wheatstone Project – Australia's First Natural Gas Hub', Accessed 12.38pm, 28 April 2023. <https://australia.chevron.com/our-businesses/wheatstone-project>

Figure 3 - Wheatstone Workforce Accommodation Requirements<sup>6</sup>

### Other Major Projects

In addition to the Wheatstone Project, the Shire is aware of future planning and construction commitments for a variety of significant resource related projects in the region, including:

- Increased withdrawal capacity and extraction at the Tubridgi Gas Storage Facility south of Onslow;
- Mineral Resources Onslow Iron project and accommodation at Onslow Resort;
- Western Gas' subsidiary, Equus Energy, low carbon ammonia and methanol project within the ANSIA;
- Fin Resources 'Sol Mar Project' – solar salt production south of Onslow; and
- Decommissioning of offshore oil and gas facilities.

### Comments

#### Contributions to Social and Community

Resource production within the Shire contributes significantly to the State and National economy. The scale of the projects listed above will ensure that this contribution continues into the foreseeable future.

It is vital that the Shire's community gains tangible benefit from these major projects to support the Shire's social fabric and to ensure that the projects can have long-lasting positive impact.

<sup>6</sup> Wheatstone Project, Lot 1577 – Wheatstone Village Development Application, Chevron Australia, 24 Nov 2016, page 13.

The immediate and direct impact of the projects on the Shire's services and assets (roads, utilities and servicing) will be addressed during any development assessment process, however, through appropriate and good faith negotiation, the Shire has an opportunity to influence the resource sector's investment to achieve broader contributions to community and social infrastructure.

The community and social infrastructure funding provided by the State Development Agreement (Agreement) for the Wheatstone Project demonstrates how major investment projects can provide far reaching community benefit. Under this Agreement, the Chevron-operated Wheatstone Project committed more than \$250 million towards new and improved infrastructure in Onslow. In addition, the State Government, through various agencies, contributed about \$70 million<sup>7</sup>.

The Shire's '[Snapshot of Priority Projects](#)' document identifies several projects to promote economic diversification and growth, thereby providing long term benefit to the community. Also at the 16 May 2023, Council adopted [Council Policy – Industry Contribution to Social and Community Infrastructure](#) that provides a governance framework to guide discussion between the Shire and project proponents for contributions towards social and community infrastructure, whilst maintaining a clear distinction with the Shire's regulatory responsibilities, particularly in administering planning legislation.

In this context, it is recommended that the Chief Executive Officer be authorised, on behalf of the Shire, to proactively engage and approach proponents of major projects in the area to discuss what contributions towards social and community infrastructure can be obtained.

## Consultation

Chief Executive Officer

Manager Business and Economic Development

Executive Manager Land, Property and Regulatory Services

## 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	3.1 Coordinated delivery of economic services and projects for the community
Strategy	1 Develop and maintain key economic services partnerships, both internally and externally, to support Council's vision.

## Council Policy

Industry Contribution to Social and Community Infrastructure

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<sup>7</sup> 'Massive community investment benefits Onslow', [Media Statement](#) 9 December 2014, Former Premier; Minister for Tourism and Science, and Former Minister for Regional Development and Lands, and Minister Assisting the Minister for State Development.

**Financial Implications**Current Financial Year

Nil

Future Financial Year(s)

Implementation of the Shire's Priority Projects is reliant on industry contributions and grant funding, in addition to funding from the Shire's reserves. Any funding proposals or commitments that utilise Shire funds will be in accordance with the adopted budget and legislated financial management practices.

**Legislative Implications**

The *Local Government Act 1995* and subsidiary legislation places certain obligations on how the Shire manages its finances.

**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)	The community will expect the Shire to advocate and seek social and community investment from the proponents of significant resource projects. There is a risk to the Shire's reputation if it is not seen to be proactive in its approach.	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 Ministerial Statement 1201, the Wheatstone Project and future major projects in the Shire, Council,

1. Notes Ministerial Statement 1201 as it relates to greenhouse gas emission management of the Wheatstone Project and the potential need for future infrastructure investment to meet the conditions of Ministerial Statement 1201 as provided at Attachment 1,
2. Notes the significant planned and committed investment in resource projects occurring in the Shire of Ashburton, and
3. Requests the Chief Executive Officer initiate discussions with proponents of major projects in the Shire at the earliest opportunity to discuss and seek agreement to contribute towards social and community infrastructure in the Shire of Ashburton as guided by the Shire's 'Strategic Prospectus Documents' and Strategic Community Plan 2022 – 2032, and in accordance with Council Policy – Industry Contribution to Social and Community Infrastructure.

**Council Decision                      096/2023**

**Moved                                      Cr T Mladenovic**

**Seconded                                  Cr M Lynch**

**That with respect to Ministerial Statement 1201, the Wheatstone Project and future major projects in the Shire, Council,**

- 1. Notes Ministerial Statement 1201 as it relates to greenhouse gas emission management of the Wheatstone Project and the potential need for future infrastructure investment to meet the conditions of Ministerial Statement 1201 as provided at Attachment 1,**
- 2. Notes the significant planned and committed investment in resource projects occurring in the Shire of Ashburton, and**
- 3. Requests the Chief Executive Officer initiate discussions with proponents of major projects in the Shire at the earliest opportunity to discuss and seek agreement to contribute towards social and community infrastructure in the Shire of Ashburton as guided by the Shire's 'Strategic Prospectus Documents' and Strategic Community Plan 2022 – 2032, and in accordance with Council Policy – Industry Contribution to Social and Community Infrastructure.**

**Carried 9/0**

## 12.4 Development Application – Lot 492 Coolibah Street, Tom Price – Proposed Post Office

<b>File Reference</b>	COO.0492
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	L Advisory, LK Advisory Pty Ltd
<b>Authorising Officer</b>	K Donohoe, Chief Executive Officer
<b>Previous Meeting Reference</b>	Ordinary Council Meeting – 9 May 2023 – 11.1 - Council Decision 067/2023
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	1. Development Application Cover Letter <a href="#">⇒</a> 2. Site Plan and Floor Plan <a href="#">⇒</a>

### Report Purpose

To consider a change of use development application to use the former State Emergency Services headquarters as an 'Office' for use as the Tom Price Post Office at Lot 492 (No. 1) Coolibah Street, Tom Price (the subject land).

### Background

The subject land is zoned Residential R20 under Local Planning Scheme No. 7 (LPS 7) and located within Tom Price. It is bound by Coolibah Street to the south, a public open space reservation to the east, and single dwellings to the north and the west.

The Coolibah Street (primary street) streetscape comprises single storey brick and tile dwellings consistent with the Residential R20 zoning. Land on the eastern side of Court Road is a public purpose reserve for community purpose. The subject land was previously used by the State Emergency Services and included occasional informal parking in the Coolibah Street road reserve.

### Current location

The Tom Price Australia Post Office currently operates from Lot 979 Stadium Road, Tom Price (shown shaded red in Figure 1), however it is understood that the current licensee and contractor operating the business is looking to surrender their contract with Australia Post as of 30 June 2023.



Figure 1: Current Tom Price Post Office, Lot 979 Stadium Road, Tom Price

At the Ordinary Council Meeting held on 9 May 2023, Council received a report on the status of Australia Post, Tom Price and resolved:

*“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.”*

### Proposal

The details of the proposed post office are summarised in the table below and detailed in **Attachment 1**.

<b>Hours of Operation</b>	<ul style="list-style-type: none"> <li>9am to 5pm, Monday to Friday</li> </ul>
<b>Staff</b>	<ul style="list-style-type: none"> <li>six (6) staff (one (1) general manager, one (1) staff member and four (4) mail contractors)</li> <li>Only four (4) staff to be working on-site at one time</li> </ul>
<b>Car Parking</b>	<ul style="list-style-type: none"> <li>Five (5) bays proposed within the Coolibah Street Road Reserve.</li> </ul>
<b>Function</b>	<ul style="list-style-type: none"> <li>Licensed Post Office to operate inside the building</li> <li>Courier mail to be dropped off and sorted by mail contractors in the existing carport.</li> </ul>
<b>External Works</b>	<ul style="list-style-type: none"> <li>No change to the external appearance of the building</li> </ul>
<b>Internal Works</b>	<ul style="list-style-type: none"> <li>No changes</li> </ul>

A further development application that addresses internal fit-out, formalising the car parking on-site and landscaping will be submitted to the Shire in the future (Stage 2).

### Comments

An assessment of the suitability of the proposed land use, car parking and traffic considerations is provided under the headings below.

#### 1) Land use (LPS 7)

The proposed use fits with the LPS 7 definition of 'Office', which is an 'A' land use within the Residential Zone meaning that the use is not permitted unless the local government has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 5.7 of LPS 7.

The Residential zone objective under LPS 7 states:

*"This zone provides for residential development at a range of densities as indicated on the Scheme Maps."*

Despite the Residential zone objective only referring to 'residential development', LPS 7 allows several 'non-residential' land uses within that zone, including Office, subject to Council's approval. One of the Aims of LPS 7 is *'to locate recreation, commercial and community services in central places within urban centres to maximise access and efficiently of infrastructure provision'* (cl. 1.6(c) of LPS7).

The proposed Office land use is consistent with the above-mentioned Aim of LPS 7 and compatible within the Residential zone for the following reasons:

- The Post Office provides a valuable community service, on the edge of the Residential Zone in close proximity to the Tom Price Town Centre; and
- The proposed use will operate within an existing dwelling and its carport, with no changes to the external façade; and
- The hours of operation are during conventional business hours (9am -5pm) and will not result in unacceptable noise for surrounding properties.

#### 2) Parking (LPS 7)

The application proposes five (5) temporary parking bays located within the southern side of the Coolibah Street Road Reserve, opposite the subject land (as shown in Figure 2).



Figure 2: Proposed location of five (5) temporary car parking bays

Appendix 8 of LPS 7 sets out parking requirements for different land uses, and the parking requirements for an Office are summarised in the table below.

Land Use	Required Bays	Provided Bays
Office (1 bay per 30m <sup>2</sup> of nett lettable area)	4.7	5*
		*The application proposes to construct car parking within the road reserve.

Clause 6.17.1 of LPS 7 requires car parking to be provided on-site unless otherwise specified within LPS 7. The applicants request to use the road reserve results in a technical shortfall of car parking, however clause 6.17.5 allows the Shire to consider a reduction of car parking bays on-site if the circumstances of development justify such action and there is no lowering of safety standards. On this occasion, the technical car parking shortfall is appropriate for the following reasons:

- The application seeks to use informal parking, which has previously been used by the former tenant of the building, opposite the subject land. Condition 2 ensures that the applicant submits a "Permit to work within a Shire Reserve" and receives approval from the Shire, prior to occupation of the subject land.
- The applicant has advised that a further 'Stage 2' development application will be submitted, which includes the formalisation of car parking on-site. Given the time constraints for their licence and the community benefit that the post office provides, short term informal arrangements within the Coolibah Street reserve are appropriate.

Condition 3 is recommended to ensure that if the 'Stage 2' development application is not submitted, and approved within 12 months, the applicant will need to upgrade the informal parking to the satisfaction of the Shire.

- The subject land forms part of a cul-de-sac at the eastern end of Coolibah Street and the location of the informal parking bays is directly opposite the subject land and will not lower safety standards.

### 3) Traffic (Deemed Provisions)

The local road network will not be adversely impacted by the traffic generated by the proposed development for the following reasons:

- Coolibah Street is designated as an 'Access Road' by the Main Roads Western Australia Road Hierarchy, which are designed to accommodate up to 3,000 vehicles.
- Based on the number of customer transactions at the Tom Price Post Office, there will be between 1-3 customers visiting the Tom Price Post Office at any one time. In total, there will be approximately 45 customers that are likely to visit the subject land by vehicle per day. This equates to an average of 5 customers per hour (this figure may be less, noting that multiple transaction may be attributed to one customer).
- There are three (3) commercial vehicles associated with the operation:
  - One (1) motorcycle; and
  - Two (2) vans.

The motorcycle is used by the post delivery person in the mornings and the vans are used in the afternoons. These vehicles are generally parked at the delivery drivers' homes off-site and do not require dedicated spaces.

- The peak hours align with normal business hours and are unlikely to result in any additional impact on a residential street, particularly as the proposal is on the eastern corner, in a cul-de-sac and is in close proximity to Mine Road.
- The proposal is classified as being low impact as it generates less than ten (10) vehicle trips during the development peak hour, in accordance with the Western Australian Planning Commission's Transport Impact Guidelines Vol. 4.

### Consultation

The proposed 'Office' is an 'A' land use within the Residential Zone under LPS 7 and is required to be advertised in accordance with clause 5.7 of LPS 7 and clause 61(4), Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions). The proposal was advertised for public comment for 14 days between Wednesday 17 May 2023 and 31 May 2023 by the following means:

- Letter drop to adjoining properties; and
- Notice of the development application was published on the Shire's Website.

At the close of the advertising period, the Shire did not receive any submissions.



## Strategic Community Plan

### Shire of Ashburton Strategic Community Plan 2022-2032

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

## Council Policy

Nil

## Financial Implications

### Current Financial Year

Nil

### Future Financial Year(s)

Nil

## Legislative Implications

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)	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)	Adopt the officer's recommendation.

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

## Voting Requirements

Simple Majority

**Officer Recommendation**

That with respect to Development Application – Lot 492 Coolibah Street, Tom Price – Proposed Post Office, Council, Approve the application submitted by Taylor Burrell Barnett dated 5 May 2023 to change the use of Lot 492 Coolibah Street, Tom Price to “Office”, subject to the following conditions:

**CONDITIONS**

1. The conditions of this development approval are to be read in conjunction with the attached stamped approved drawings/plans. In the event of any inconsistency between the conditions of this development approval and the stamped approved drawings/plans, the conditions of this approval shall prevail to the extent of that inconsistency.
2. Prior to occupation, the applicant shall submit a “Working within the Shire Reserve” permit application to arrange the informal car parking within the Coolibah Street Road Reservation.
3. After a period of 12 months, the informal car parking arrangement approved in accordance with condition 2, shall be upgraded by the applicant to the satisfaction of the Shire of Ashburton.

**ADVICE NOTES**

1. This Determination Notice is not a Building Permit or Health Approval, nor does it authorise such works. All separate applications and approvals must be obtained prior to the commencement of construction on site, whichever occurs first.
2. In relation to condition 3, the Shire would be willing to accept paved and drained parking bays, or the provision of the required car parking bays on-site.
3. The approved use shall comply with the *Environmental Protection (Noise) Regulations 1997*.



**Council Decision                      097/2023**

**Moved                                      Cr L Rumble JP**

**Seconded                                Cr R De Pledge**

**That with respect to Development Application – Lot 492 Coolibah Street, Tom Price – Proposed Post Office, Council, Approve the application submitted by Taylor Burrell Barnett dated 5 May 2023 to change the use of Lot 492 Coolibah Street, Tom Price to “Office”, subject to the following conditions:**

**CONDITIONS**

- 1. The conditions of this development approval are to be read in conjunction with the attached stamped approved drawings/plans. In the event of any inconsistency between the conditions of this development approval and the stamped approved drawings/plans, the conditions of this approval shall prevail to the extent of that inconsistency.**
- 2. Prior to occupation, the applicant shall submit a “Working within the Shire Reserve” permit application to arrange the informal car parking within the Coolibah Street Road Reservation.**
- 3. After a period of 12 months, the informal car parking arrangement approved in accordance with condition 2, shall be upgraded by the applicant to the satisfaction of the Shire of Ashburton.**

**ADVICE NOTES**

- 1. This Determination Notice is not a Building Permit or Health Approval, nor does it authorise such works. All separate applications and approvals must be obtained prior to the commencement of construction on site, whichever occurs first.**
- 2. In relation to condition 3, the Shire would be willing to accept paved and drained parking bays, or the provision of the required car parking bays on-site.**
- 3. The approved use shall comply with the *Environmental Protection (Noise) Regulations 1997*.**

**Carried 9/0**

## 12.5 Mosquito Management Plan

<b>File Reference</b>	PH09
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	P Kuhne, Manager 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>	1. Shire of Ashburton Mosquito Management Plan <a href="#">↗</a>

### Report Purpose

Council is requested to consider the Mosquito Management Plan for the district of the Shire of Ashburton.

The purpose of this report is to provide the details of the Mosquito Management Plan that has been prepared to support effective mosquito management and control in the district.

Council is requested to consider and endorse the Mosquito Management Plan as provided at Attachment 1.

### Background

The Pilbara district and subsequently the Shire of Ashburton has a mosquito friendly environment. When conditions are favourable, and the mosquito breeding season is successful it increases the risk of mosquito borne disease and the prevalence of nuisance biting mosquitoes that impact on the physical and social wellbeing of people and communities.

The Shire has a successful history of partnering with the Department of Health (DoH) in managing the mosquito disease and annoying pest risk towards people and local communities and, as a part of a broader State network of coordinating mosquito control. Through the DoH, the Shire is part of a broader network of local governments that collaborate to mitigate mosquito risk to people and communities within Western Australia.

The Shire is a member of the Contiguous Local Authorities Group (CLAG) facilitated by DoH which provides funding for mosquito control activities. A key requirement of the Shire's membership is having a Mosquito Management Plan in place.

The Shire has a legislative responsibility to monitor and manage mosquito populations within its area to mitigate the risk of mosquito borne virus disease and excessive nuisance pest biting activity in and around local population centres.

## Comments

Mosquito management within the Shire is currently undertaken through:

1. Partnering with the DoH to monitor (Sentinel Chicken Program and trapping), share information and access funding to manage the risk.
2. Liaison with Shire departments, industry and the community to physically manage environmental conditions that promote mosquito breeding areas e.g. vegetation control, drainage and waste water management.
3. Identification of sites under Shire management to apply chemical treatments to reduce mosquito numbers.
4. Community engagement to promote 'Fight the Bite' and distribute information.

These programs will not be successful without having a Mosquito Management Plan in place to:

1. Support community communication and engagement strategies.
2. Determine and apply the correct chemical management program at the right time.
3. Coordinate treatment strategies with stakeholders to ensure efficient and effective mosquito management across the Shire.
4. Gather data that supports the strategies employed in mosquito management and supports effective decision making.
5. Attract expert advice and external funding when available.

The Shire has not had a completed plan in place and endorsed before to meet its legislative and administrative responsibilities as a responsible agency partnering with State and other local government stakeholders on mosquito control.

## Consultation

The Environmental Health Team has consulted with the following on the development of this Plan:

1. DoH Entomology Division (mosquito management)
2. Shire of Ashburton internal stakeholders
3. Other local governments including Shire's of East Pilbara, Carnarvon, and Broome.
4. Mining industry including Rio Tinto Iron Ore, Mineral Resources Limited, Onslow Salt, Chevron and East Pilbara Port Authority.

## 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	3.3 Clean, safe, and accessible communities
Strategy	1 Develop and maintain the Public Health Plan.

## Council Policy

Nil

## Financial Implications

### Current Financial Year

The Shire mosquito management program annually costs:

1. Sentinel Chicken Program - \$25,000
2. Mosquito Control - \$30,000
3. Mosquito control equipment maintenance and repairs - \$10,000.

This does not include staff and vehicle costs.

It is expected to receive \$10,000 in funding from CLAG to support chemical purchase and minor equipment purchase.

### Future Financial Year(s)

Depending on the type of mosquito breeding season each year and resource costs, the current costs are expected to be approximately the same in future years.

## Legislative Implications

### *Public Health Act 2016*

Requirement to undertake public health activities to mitigate risk to the community.

### *Environmental Protection Act 1986*

Requirement to undertake due diligence in use of physical and chemical control methods in mosquito management.

### *Work Health and Safety Act 2020*

Management of staff safety in handling mosquito management chemicals.

### *Shire of Ashburton Health Local Law 2013*

Local law containing provision for mosquito control by owner/occupier of premises and those with management responsibility to maintain vegetation around infrastructure.

## Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
People	Mosquito borne virus disease impacts people in the community.	Possible (3)	Moderate (3)	Moderate (5-9)	1. Implement the Mosquito Management Plan. 2. Undertake mosquito trapping and identification program. 3. Undertake Mosquito control program. 4. Community education and awareness programs.

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

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That with respect to the Shire of Ashburton Mosquito Management Plan 2023, Council, endorses the Plan as detailed in Attachment 1.

**Council Decision**                **098/2023**

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

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

**That with respect to the Shire of Ashburton Mosquito Management Plan 2023, Council, endorses the Plan as detailed in Attachment 1.**

**Carried 9/0**

## 13 Corporate Services Reports

### 13.1 Monthly Schedule of Accounts Paid - April 2023

<b>File Reference</b>	FM03
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	T Dayman, Manager Finance
<b>Authorising Officer</b>	D Kennedy, 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 - April <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 April 2023,
- Trust Fund Payments for April 2023, and
- Corporate Credit Card Reconciliations for March 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	5,578,908.39
Superannuation / Payroll (Direct Debits)	378,745.62
Cheques	-
Credit Cards	4,630.07
Bank Fees and Charges	1,922.64
<u>Municipal Fund Total</u>	5,964,206.72
<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 April 2023, as included at Attachment 1.

**Council Decision**                      **099/2023**

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

**Seconded**                                **Cr R De Pledge**

**That with respect to Monthly Schedule of Accounts Paid, Council, in accordance with *Local Government (Financial Management) Regulations 1996* Regulation 13, confirms the Monthly Schedule of Accounts Paid for April 2023, as included at Attachment 1.**

**Carried 9/0**



## 13.2 Monthly Financial Statements - April 2023

<b>File Reference</b>	FM03
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	T Dayman, Manager Finance
<b>Authorising Officer</b>	D Kennedy, 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 - April 2023 <a href="#">↗</a>

### Report Purpose

Council is required to produce 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 April 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 / Job Description	Current Budget	Amendment	Revised Budget	Reason
F0455	Tjiluna Oval – Reserve	\$20,095	(\$6,000)	\$14,095	Identified Savings
F0366	Tom Price Tennis – Facility	\$23,896	\$6,000	\$29,896	Urgent Electrical Tennis Club Remedial Works
J0949	Fire Appliance Maintenance	\$11,000	(\$7,000)	\$4,000	Identified Savings
J0424	Fire Prevention	\$19,000	(\$8,600)	\$10,400	Identified Savings

J3419	Bush Fire Brigade Building Maintenance	\$0	\$7,000	\$7,000	To enable end of lease refurbishment obligations.
J3420	SES Building Maintenance	\$0	\$8,600	\$8,600	To enable end of lease refurbishment obligations.
J3208	Consultancy Projects – and Procurement	\$90,400	(\$4,000)	\$86,400	Identified Savings
FX22008	Subscriptions and publications	\$0	\$4,000	\$4,000	Space to Co Partner Pro Bundle package excluded from budget.
X0177	Accommodation Strategy	\$480,300	(\$53,000)	\$427,300	Transfer of unspecified works to specific works
X3422 (New job)	Paraburdoo (Brockman Street, 571) – Capital Renewal	\$0	\$53,000	\$53,000	Bathroom has had ongoing issues and is now unusable by tenant.  Urgent repairs of recess required, resulting in a full refurbishment.

### 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**

Absolute Majority

**Officer Recommendation**

That with respect to Monthly Financial Statements, Council,

1. In accordance with *Local Government (Financial Management) Regulations 1996* regulation 34, accepts the Statement of Financial Activity, and associated documentation, for April 2023, as included at Attachment 1, and
2. Approve the following amendments to the 2022-2023 Annual Budget –
  - a. Increase Job F0366 Tom Price Tennis - Facility by \$6,000,
  - b. Decrease Job F04455 Tjiluna Oval – Reserve by \$6,000,
  - c. Decrease J0949 Fire Appliance Maintenance by \$7,000,
  - d. Decrease J0424 Fire Prevention by \$8,600,
  - e. Increase J3419 Bush Fire Brigade Building Maintenance by \$7,000,
  - f. Increase J3420 SES Building Maintenance by \$8,600,
  - g. Decrease J3208 Consultancy – Projects and Procurement by \$4,000,
  - h. Increase FX22008 Subscriptions and Publications (Facilities) by \$4,000,
  - i. Decrease X0177 Accommodation Strategy by \$53,000, and
  - j. Increase X3422 Paraburdoo (Brockman Street, 571) – Capital Renewal by \$53,000.

**Council Decision                    100/2023**

**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 April 2023, as included at Attachment 1, and**
- 2. Approve the following amendments to the 2022-2023 Annual Budget –**
  - a. Increase Job F0366 Tom Price Tennis - Facility by \$6,000,**
  - b. Decrease Job F04455 Tjiluna Oval – Reserve by \$6,000,**
  - c. Decrease J0949 Fire Appliance Maintenance by \$7,000,**
  - d. Decrease J0424 Fire Prevention by \$8,600,**
  - e. Increase J3419 Bush Fire Brigade Building Maintenance by \$7,000,**
  - f. Increase J3420 SES Building Maintenance by \$8,600,**
  - g. Decrease J3208 Consultancy – Projects and Procurement by \$4,000,**
  - h. Increase FX22008 Subscriptions and Publications (Facilities) by \$4,000,**
  - i. Decrease X0177 Accommodation Strategy by \$53,000, and**
  - j. Increase X3422 Paraburdoo (Brockman Street, 571) – Capital Renewal by \$53,000.**

**Carried By Absolute Majority 9/0**

### 13.3 Fees and Charges 2023-2024

<b>File Reference</b>	FM28
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	T Dayman, Manager Finance
<b>Authorising Officer</b>	D Kennedy, Director Corporate Services
<b>Previous Meeting Reference</b>	Nil
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	1. Fees and Charges 2023-2024 <a href="#">⇒</a>

#### Report Purpose

Council is required to adopt its Fees and Charges as part of the annual budget process.

The purpose of this report is to consider the level of imposition of fees or charges for any goods or services it provides or may provide.

Council is requested to adopt the schedule of Fees and Charges for 2023-2024 effective 1 July 2023.

#### Background

The Annual Budget is to include a schedule of Fees and Charges for imposition during the relevant financial year.

The adoption of the Annual Budget is generally the mechanism by which Council accepts and imposes fees and charges, however many Councils set new fees and charges earlier so that they may be advertised prior to the budget adoption and the community advised in advance of any changes.

This item allows for the early adoption of proposed fees and charges for 2023-2024 financial year, effective 1 July 2023.

#### Comments

Shire officers have undertaken an analysis on the proposed fees and charges to be imposed.

Officers, in reviewing and proposing the applicable fees and charges, have taken into consideration legislative requirements regarding setting the level of fees and charges.

The proposed schedule of fees and charges is attached.

#### Consultation

Elected Members

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

Fees and charges constitute approximately 11% of the operating funds required to undertake the activities of the Shire.

If adopted, due to the fees and charges being determined outside the Annual Budget adoption, local public notice is required. There will be minor associated advertising expenses.

Future Financial Year(s)

Nil

**Legislative Implications***Local Government Act 1995**Section 6.16 – Imposition of fees and charges*

Council, by an absolute majority decision, may impose and recover or charge for any goods or services it provides or proposes to provide.

Fees and charges are to be imposed when adopting the annual budget, although may be imposed during the year, and may be amended from time to time.

*Local Government Act 1995**Section 6.17 – Setting level of fees and charges*

In determining the amount of a fee or charge for a service or for goods Council must consider:

- a) The cost to provide the service or goods,
- b) The importance of the services or goods to the community, and
- c) The price at which an alternative provider could provide the services or goods.

## Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Financial impact		Unlikely (2)	Insignificant (1)	Low (1-4)	Provide Council with adequate information to make an informed decision and adopt the schedule of fees and charges.

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 Fees and Charges for the 2023-2024 financial year, Council, in accordance with Section 6.16 of the *Local Government Act 1995*, imposes the fees and charges, as attached, effective 1 July 2023.

**Council Decision**                      **101/2023**

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

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

**That with respect to the Fees and Charges for the 2023-2024 financial year, Council, in accordance with Section 6.16 of the *Local Government Act 1995*, imposes the fees and charges, as attached, effective 1 July 2023.**

**Carried By Absolute Majority 9/0**



### 13.4 Annual Review of Delegations 2022/2023

<b>File Reference</b>	GV20
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	R Marlborough, Senior Governance Officer
<b>Authorising Officer</b>	D Kennedy, Director Corporate Services
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 8 September 2020 – Item 11.3 – 139/2020 Ordinary Council Meeting 12 April 2022 – Item 12.3 – 039/2022
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	1. Review Table - Delegation Register <a href="#">⇒</a> 2. Register of Delegations and Authorisations <a href="#">⇒</a>

#### Report Purpose

Council is required to review delegations to the Chief Executive Officer, employees and others, where relevant, each financial year under various legislation.

The purpose of this report is to present the annual review of delegations that has been completed.

Council is requested to consider the review outcomes presented and determine a position by Absolute Majority, as recommended.

#### Background

Section 5.42 of the *Local Government Act 1995* (the Act) prescribes that Council may delegate its powers or duties to the Chief Executive Officer (CEO). Section 5.43 of the Act outlines the limitations on such delegations. The power to delegate to the CEO and employees directly in certain specific instances is also prescribed within other legislation administered.

Section 5.46(2) of the *Local Government Act 1995* requires delegations made under the Act to be reviewed each financial year. Similar provisions for periodic reviews are also provided in the *Dog Act 1976* and the *Cat Act 2011*.

In some other case an annual review of delegations made under other legislation administered by Shire is not statutorily required. However, it is considered good governance to review all delegations on an annual basis as this ensures operational effectiveness and fit for purpose.

Council last conducted an annual review of its delegations from Council to the CEO, or from Council to employees or others (where legislatively required) on 12 April 2022.

Safeguards are incorporated into delegations, by way of limitations or conditions as determined necessary.

The current Register of Delegations is published on the Shire's website and this document is part of the broader suite of publicly accessible documents.

## Comments

Delegations form an important part of the Shire's effective decision-making approach to support the community. The use of delegated authority means that the large volume of routine work can be effectively managed and acted on promptly, which in turn facilitates efficient service delivery.

The CEO may sub delegate to employees the authority to perform functions and duties that are exercisable by the CEO under the Act and other legislation or that have been delegated to the CEO by Council (with the exception of the power to delegate).

The following table provides a summary broadly outlining all proposed amendments to the Delegation of Authority and Authorisation Register. The table is provided in full for Council's information at Attachment 1.

Delegation No#	Delegation Title	Proposed Amendment Details
N/A	N/A	Minor amendments to the preamble of the Delegations and Authorisation Register which is published on the Website to further explain Delegation vs Authorisation and paragraph has been added to provide context around the term (length) of delegations, sub delegations or authorisations.
01.01.01	Appoint Authorised Persons	<p>Amend delegation by deleting reference to (s. 9.10 Appointment of authorised persons,) as section 9.10 of the <i>Local Government Act 1995</i> (Act) already provides the express power to the CEO to appoint authorised persons under the Act generally, and also under the:</p> <ul style="list-style-type: none"> <li>• <i>Caravan Parks and Camping Grounds Act 1995</i>;</li> <li>• <i>Cat Act 2011</i>;</li> <li>• <i>Cemeteries Act 1986</i>;</li> <li>• <i>Control of Vehicles (Off-road Areas) Act 1978</i>;</li> <li>• <i>Dog Act 1976</i>;</li> <li>• any subsidiary legislation made under the Act; and</li> </ul> <p>for any written law prescribed for the purposes of section 9.10 of the Act.</p>
01.01.02	Powers of Entry	Added express conditions to apply to the delegate and sub delegates where entry under s.3.34(1) or 3.34(3) is subject to imminent or substantial risk to public safety or property.

Delegation No#	Delegation Title	Proposed Amendment Details
01.01.07	Gates Across Public Thoroughfares	Added a statutory reference to the delegation conditions to clarify the regulatory requirements associated with the gate register. Added content to the sub delegate conditions to clarify that the original Council conditions on the delegation apply.
01.01.08	Public Thoroughfare – Dangerous Excavations	Added content to the sub delegate conditions to clarify that the original Council conditions on the delegation apply.
01.01.09	Crossing – Construction, Repair and Removal	Added content to the sub delegate conditions to reaffirm that the conditions applicable to the delegate also apply.
01.01.10	Private Works on, over or under Public Places	Added content to the sub delegate conditions to clarify that the original Council conditions on the delegation apply.
01.01.12	Disposing of Property	<p>In Functions – added the authority to specifically deal with the exempt dispositions of property by way of lease, for employee or other residential tenancy arrangements.</p> <p>In Conditions – updated, clause 3(d) to reflect the statutory requirements which also link directly with Council Policy – Disposal of Property (Other than Land).</p> <p>In the sub delegates conditions –added subclause 4(c) to provide a means to administratively manage residential tenancies for the Carinya Aged Care unit for eligible persons.</p>
01.01.17	Defer, Grant Discounts, Waive or Write Off Debts	Policy reference updated. Delete FIN13 Debtors Management - General and FIN15 Rates Debt Recovery Policy and replace with Council Policy – Debt Recovery.
01.01.23	Recovery of Rates or Service Charges	Policy reference updated. Delete FIN15 Rates Debt Recovery Policy and replace with Council Policy – Debt Recovery.
01.01.24	Recovery of Rates Debts – Require Lessee to Pay Rent	
01.01.25	Recovery of Rates Debts – Actions to Take Possession of the Land	
01.01.28	Authority to Approve Donations	<p>Title of delegation updated to - Authority to Approve Small Assistance Donations to clearly identify the purpose.</p> <p>Function updated to clarify the purpose of this delegation. Delegate and subdelegate conditions updated to reinforce that budgeted funds must be available.</p> <p>Policy reference also updated. Delete Policy REC08 and replace with Council Policy – Community Donations, Grants and Funding.</p>

Delegation No#	Delegation Title	Proposed Amendment Details
<b>Building Act 2011</b>		
02.01.01	Grant a Building Permit	Updated statutory framework references and recordkeeping requirements to support compliance
02.01.02	Grant a Demolition Permit	
02.01.03	Occupancy Permits or Building Approval Certificates	
02.01.05	Building Orders	Updated recordkeeping requirements to support compliance.
02.01.06	Inspection and Copies of Building Records	
02.01.07	Referrals and Issuing Certificates	
02.01.08	Private Pool Barrier – Alternative and Performance Solutions	
02.01.09	Smoke Alarms – Alternative Solutions	
<b>Bush Fires Act 1954</b>		
03.01.10	Prosecution of Offences and Infringement Notices	Updated delegates to enable prosecutions for offences and to enable proceedings to be instituted and to deal with serving infringement notices and other associated matters.
03.04.01	Prosecution of Offences and Infringement Notices	Delete this delegation, as it is a duplication of delegation 03.01.10.
<b>Dog Act 1976</b>		
05.01.08	Limitation of numbers – Exemptions	<b>New Delegation</b> – To deal with written applications under the <i>Dog Act 1976</i> to keep more than the prescribed number of dogs at premises in the district.
<b>Food Act 2008</b>		
06.01.01	Prohibition Orders	In Delegates – added Deputy Chief Executive Officer, Executive Manager Land Property and Regulatory Services, Manager Regulatory Services and Environmental Health Officer to support effectively managing prohibition orders, clearance certificates. In Conditions – added a requirement that the Environmental Health Officer must consult with another delegate prior to issuing a prohibition order.
06.01.02	Food Business Registrations	In Delegates – added Deputy Chief Executive Officer, Executive Manager Land Property and Regulatory Services, Manager Regulatory Services and Environmental Health Officer to support effectively managing food business registrations.
<b>Authorisations and Other Matters</b>		
AA.01.04	Dog Act 1976 - Enforcement Proceeding	Delete delegation as the CEO has the direct ability under section 9.10(2) of the <i>Local Government Act 1995</i> to appoint employees as Authorised Persons to take enforcement proceedings on behalf of the local government under the <i>Dog Act 1976</i> .

Delegation No#	Delegation Title	Proposed Amendment Details
AA.01.05	Dog Regulations 2013 - Withdraw Infringement Notices	Delete delegation as the CEO has the direct ability under section 9.10(2) of the <i>Local Government Act 1995</i> to appoint employees as Authorised Persons for the local government under the <i>Dog Act 1976</i> .
AA.04.01	Local Government Act 1995 - Execution of Documents	In Delegates – add the position of Deputy Chief Executive Officer and delete the position Director People and Place as this position is no longer part of the organisational structure.
AA.04.02	Health (Miscellaneous Provisions) Act 1911 - Powers of Local Government - Appointment of Authorised Persons	Updated statutory reference to clearly the express power to delegate (appoint). In Functions – deleted the listed legislative provisions as the reference to the <i>Health (Miscellaneous Provisions) Act 1911</i> includes subsidiary legislation made. The delegates (appointees) have been updated to include the Chief Executive Officer, Deputy Chief Executive Officer, Executive Manager Land, Property and Regulatory Services, Manager Regulatory Services and the Environmental Health Officer. Director People and Place has been deleted as this position is no longer part of the organisational structure. Conditions updated to provide for risk management plans for large events in public building and limitations placed on the Environmental Health Officer role regarding commencing legal proceedings. Recording keeping requirements updated
AA.04.03	Health (Miscellaneous Provisions) Act 1911 - Powers of Local Government, Public Buildings, Events and Gatherings	Delete delegation as the content is now provided for in Delegation AA.04.02.
AA.04.04	Litter Act 1979 - Appointment of Authorised Officers to Withdraw Infringement Notices	In Delegates – Add positions of Chief Executive Officer and Deputy Chief Executive Officer. Delete position of Director People and Place as this position is not part of the organisational structure.
AA.04.05	Control of Vehicles (Off-Road Areas) Act 1978 - Appointment of Authorised Persons to Withdraw Infringement Notices	In Delegates – add the positions of Deputy Chief Executive Officer, Executive Manager Land, Property and Regulatory Services and the Manager Regulatory Services and delete the position Director People and Place as this position is no longer part of the organisational structure. A condition applies that the CEO is to be advised in writing of infringement notice withdrawals.
AA.04.06	Local Government Act 1995 - Power to Remove and Impound	In Delegates (authorised employees) – Add the positions of Deputy Chief Executive Officer, Executive Manager Land Property and Regulatory Services, Manager Regulatory Services, Coordinator Ranger Services, Ranger and Environmental Health Officer. Delete the position Director People and Place as this position is no longer part of the organisational structure. Condition added to the Environmental Health Officers Authorisation where impounding matters must relate specifically to applicable positions in the <i>Health Local Law 2013</i> .

Delegation No#	Delegation Title	Proposed Amendment Details, if any
AA.04.07	Authorising Persons - Liquor Control Act 1988	<b>New Delegation</b> – To support requests for feedback from Racing Gaming and Liquor on certain liquor licence applications of a limited nature (extending trading permits applications and other liquor licensing applications).
AA.06.01	Environmental Protection Act 1986, Environmental Protection (Noise) Regulations 1997	In delegate – Deleted the position Director People and Place as this position is no longer part of the organisational structure. Added the Environmental Health Officers as a delegate (Authorised Persons and Inspector). In conditions – Limitations imposed to exclude the powers contained in s.89A and 91A as per correspondence from the Director General of the Department of Water and Environmental Regulation.
EE.05.08	Approval for Certain Local Government Vehicles as Special Use Vehicles	The is a new record from an external entity to confirm that the local government has approval for certain vehicles, as Special Use Vehicles.
LL.xx.xx	Shire of Ashburton Local Laws	<p><b>New Delegation</b> - This delegation has been created to deal with the delegations of Council powers and functions in local laws to the CEO, with one delegation rather than multiple individual delegations for each local law, as detailed in the table columns below.</p> <p>This simplifies the overall process, and it is timely given the recent formal repeal of the following local laws:</p> <ul style="list-style-type: none"> <li>• Activities on Thoroughfares and Public Places Local Law 2013;</li> <li>• Local Government Property Local Law 2013</li> <li>• Local Law Relating to the Management and Control of Public Swimming Pools 1998 (as amended)</li> <li>• Extractive Industries Local Law 2013</li> </ul> <p>The Standing Order Local Law 2012 has not been included in this proposed delegation to the CEO, as delegating functions and powers under this local law are not necessary.</p>
LL.01.01	Activities on Thoroughfares and Public Places Local Law 2013 (as amended)	See the table above for these matters
LL.01.04	Extractive Industries Local Law 2013	
LL.01.07	Local Government Property Local Law 2013 (as amended)	
LL.01.07	Public Places and Local Government Property Local Law 2023	
LL.01.08	Local Law Relating to the Control of Cats 1998	
LL.01.09	Local Law Relating to the Management and Control of Public Swimming Pools 1998 (as amended)	
LL.01.10	Parking and Parking Facilities Local Law 2013	
LL.01.11	Standing Orders Local Law 2012	

The proposed changes have been marked in the updated Register of Delegations and Authorisations (refer to Attachment 2) for consideration. Proposed insertions for the matters listed above have been highlighted in bold italic text and deletions have been struck through.

Sub-delegations from the CEO to employees or others, or authorisations to employees or others by the CEO or subdelegates, where permissible in law, are dealt by a separate internal annual review process and these matters are not a subject of the review presented to Council for consideration.

The review undertaken supports effective processes being available to manage decision making and this ensures good governance. It is recommended that Council adopts the changes and updates presented.

### **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**

#### *Local Government Act 1995*

#### *Section 5.42 Delegation of some powers and duties to CEO*

A local government may delegate to the Chief Executive Officer the exercise of certain powers or the discharge of certain duties under various pieces of legislation.

#### *Section 5.46 Register of, and records relevant to, delegations to CEO and employees*

The Chief Executive Officer is to keep a register of the delegations made by Council to the Chief Executive Officer, and to any employees, and to –

- Review these at least once every financial year, and
- Have records kept of each instance a power or duty is exercised or discharged.

*Section 9.49A Execution of documents*

A local government may authorise the Chief Executive Officer, another employee, or an agent of the local government to sign documents on behalf of the local government, either generally or subject to specified conditions or restrictions.

*Building Act 2011**Section 127 Delegation: special permit authorities and local governments*

A local government may delegate, as specified, any of its powers or duties as a permit authority under the *Building Act 2011*.

*Bush Fires Act 1954**Section 48 Delegation by local governments*

A local government may delegate to its Chief Executive Officer the performance of any of its functions under the *Bush Fires Act 1954*.

*Section 59(3)*

A local government may, by written instrument of delegation, delegate authority generally, or in any class of case, or in any particular case, to its bush fire control officer, or other officer, to consider allegations of offences alleged to have been committed against this Act in the district of the local government and, if the delegate thinks fit, to institute and carry on proceedings in the name of the local government against any person alleged to have committed any of those offences in the district, and may pay out of its

*Cat Act 2011**Section 44 Delegation by local government*

A local government may delegate to its Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the *Cat Act 2011*.

*Dog Act 1976**Section 10AA Delegation of local government powers and duties*

A local government may delegate to its Chief Executive Officer any power or duty of the local government under the *Dog Act 1976*.

*Food Act 2008**Section 118 Functions of enforcement agencies and delegation*

A local government, as an enforcement agency, has the functions in relation to the administration of the *Food Act 2008* and may delegated these functions to a person or body, or a person or body within a class of persons or bodies, prescribed by legislation.

*Graffiti Vandalism Act 2016**Section 16 Delegation by local government*

A local government may delegate to its Chief Executive Officer the exercise of any of its powers or the discharge or any of its duties under the *Graffiti Vandalism Act 2016*.

*Public Health Act 2016**Section 21 Enforcement agency may delegate*

A local government, as an enforcement agency, may delegate a power or duty conferred on it by the *Public Health Act 2016* to the Chief Executive Officer or an authorised officer designated by the local government.



*Planning and Development (Local Planning Schemes) Regulations 2015**Schedule 2 Clause 82 Delegations by local government*

A local government may delegate to a committee or to the Chief Executive Officer the exercise of any of the local government's powers or the discharge of any of the local government's duties under this legislation, other than the power of the local government to delegate.

*Shire of Ashburton Town Planning Scheme No:7**Clause 9.3 Delegation of Functions*

- 9.3.1 – The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the *Local Government Act 1995*, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.
- 9.3.2 – The CEO may delegate to any employee of the Local Government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under clause 9.3.1.

*Local Government (Administration) Regulations 1996**Regulation 19 Delegates to keep certain records (Act s. 5.46(3))*

Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of —

- (a) how the person exercised the power or discharged the duty; and
- (b) when the person exercised the power or discharged the duty; and
- (c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty

**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 completing the statutory financial year review will result in non-compliance with the <i>Local Government Act 1995</i> and other legislation.	Unlikely (2)	Minor (2)	Low (1-4)	Completing and endorsing the annual review will meet the statutory requirements.

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 Annual Review of Delegations 2022/2023, Council, in accordance with,

1. Section 5.46 of the *Local Government Act 1995*, receives the review of the Register of Delegations and Authorisations, as summarised within the body of this report and as provided and detailed in Attachment 1;
2. Section 5.42 of the *Local Government Act 1995* and all other applicable statutory frameworks, adopts all of the amendments to the Register of Delegations and Authorisations as outlined in Point 1 above and included in Attachment 2, to commence on 1 July 2023.

**Council Decision                      102/2023**

**Moved                                      Cr T Mladenovic**

**Seconded                                  Cr M Gallanagh**

**That with respect to the Annual Review of Delegations 2022/2023, Council, in accordance with,**

- 1. Section 5.46 of the *Local Government Act 1995*, receives the review of the Register of Delegations and Authorisations, as summarised within the body of this report and as provided and detailed in Attachment 1;**
- 2. Section 5.42 of the *Local Government Act 1995* and all other applicable statutory frameworks, adopts all of the amendments to the Register of Delegations and Authorisations as outlined in Point 1 above and included in Attachment 2, to commence on 1 July 2023.**

**Carried By Absolute Majority 9/0**

### 13.5 Proposed Repeal Local Law 2023

<b>File Reference</b>	LE30
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	R Marlborough, Senior Governance Officer
<b>Authorising Officer</b>	D Kennedy, Director Corporate Services
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 4 April 2023 – Item 12.3 – 050/2023
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	1. Shire of Ashburton Repeal Local Law 2023 <a href="#">⇒</a>

#### Report Purpose

Council is required to consider making the proposed Shire of Ashburton Repeal Local Law 2023 pursuant to section 3.12(4) of the *Local Government Act 1995* (the Act).

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

Council is requested to formally make the *Shire of Ashburton 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

Following the periodic review of the Shire's local laws that commenced in October 2022 investigations determined that a large number of obsolete historic by-laws (local laws) made for the district by the former Ashburton District Road Board, the Tablelands Roads Board District, The Municipality of the Shire of Tableland, the Shire of Ashburton (prior to 28 April 1972), and the Shire of West Pilbara were still theoretically in effect, in law, as they had never been formally repealed.

After these historic matters were identified, a report was presented to the Ordinary Council Meeting on 4 April 2023 proposing to make the identified repeal local law to effectively deal with the obsolete historic local laws. The purpose and effect of the local law proposed and now recommended for adoption is:

#### Purpose:

To repeal various historic obsolete local laws (by-laws) in the district.

#### Effect:

The historic obsolete local laws (by-laws) identified will be repealed and they will no longer be in effect.

Council by resolution (050/2023) supported commencing the process under the *Local Government Act 1995* to make the local law identified by giving local public notice in accordance with section 1.7 of the Act, for a period of not less than 6 weeks, with a copy of the proposed local law to be sent to the Minister for Local Government.

Following Council's decision, the proposed local law was advertised as required by the Act and copies were sent to the Minister for Local Government and the Department of Local Government, Sport and Cultural Industries. Submissions were invited until 4.30pm on 2 June 2023.

### Comments

It is good governance to ensure the districts local laws are well managed and compliant and as previously advised formal action is required to effectively deal with the historic obsolete by-laws identified, by way of making the proposed repeal local law.

The public submission period closed at 4.30pm on 2 June 2023. No public comment was received. The Department of Local Government, Sport and Cultural Industries (Department) were invited to provide comments/feedback during the local law making process. A response was received from the Department on 7 June 2023. Minor edits, as follows were suggested.

- **Clause 4(a)**
  - Change "Tableland District Roads Board" to "Tablelands Roads Board District"
  - Change "*Locking Wheels with Chain Etc*" to "*Locking Wheels with Chain, Etc*"
- **Clause 4(c):** Change "*Camel Drivers*" to "*Camel-drivers*"
- **Clause 4(d):** Change "*By-laws, No. 1*" to "*By-law No.1*"
- **Clause 4(h):** Change "Shire of Tableland" to "The Municipality of the Shire of Tableland"
- **Clause 4.(i):**
  - Change "Shire of Ashburton" to "The Municipality of the Shire of Ashburton"
  - Change "*Draft Model By-laws Relating to Petrol Pumps, No.10*" to "*Draft Model By-laws Relating to (Petrol Pumps) No. 10*"
- **Clause 4(j):** Change "Shire of Tableland" to "The Municipality of the Shire of Tableland"
- **Clause 4.(k):** Change "Shire of Tableland" to "The Municipality of the Shire of Tableland"
- **Clause 4.(l):** Change "Shire of Tableland" to "The Municipality of the Shire of Tableland"
- **Clause 4(m)**
  - Change "Shire of West Pilbara" to "The Municipality of the Shire of West Pilbara"
  - Change "*Draft Model By-Laws relating to (Caravan Parks and Camping Grounds No.2)*" to "*Draft Model By-Laws relating to (Caravan Parks and Camping Grounds) No.2*"

- **Clause 4(n)**

- Change “Shire of West Pilbara” to “The Municipality of the Shire of West Pilbara”
- Change “By-Laws” to “By-laws”

The edits suggest by the Department were all minor in nature and they do not affect the premise of the local law first proposed. The changes suggested have been actioned and it is recommended that Council support making the *Shire of Ashburton Repeal Local Law 2023* as provided and detailed at Attachment 1, in accordance with the provisions of the *Local Government Act 1995*.

### **Consultation**

Following Council’s decision on 4 April 2023, local public notice for the proposed local law was published in the Pilbara News on 19 April 2023. Further local public notices about this local law were displayed on the Shire administration offices and library noticeboards, the Shires official website and public information was also circulated by social media.

A copy of the proposed local law was sent to the Minister for Local Government and the Department of Local Government, Sport and Cultural Industries (Department) on 20 April 2023. The Department acknowledged receiving the proposed local law on 24 April 2023.

Public submissions were invited until 4.30pm on 2 June 2023. No public submissions were received. The Department provided a response on the proposed local law on 7 June 2023.

### **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 the remaining 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 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 if local law are not repealed.	Unlikely (2)	Insignificant (1)	Low (1-4)	Making the repeal local law, as recommended will effectively address any risk.

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 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 engross the local law and affix the Common Seal,
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 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**                **103/2023**

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

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

**That with respect to the Shire of Ashburton 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 engross the local law and affix the Common Seal,**
- 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 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 9/0**

### 13.6 Method of Valuation Application - Lot 300 Back Beach Road Onslow

<b>File Reference</b>	RV10
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	M Wagstaff, Senior Finance Officer
<b>Authorising Officer</b>	D Kennedy, Director Corporate Services
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 14 December 2021 - Item 13.2 – 203/2021 Ordinary Council Meeting 9 August 2022 - Item 13.2 – 109/2022
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	Nil

#### Report Purpose

The purpose of this report is to obtain Council endorsement to proceed with an application to the Minister for Local Government, Sport and Cultural Industries (Minister) requesting a Gross Rental Valuation (GRV) method of rating be applied to Lot 300 on Deposited Plan 422325, 5 Back Beach Road, Onslow (L300).

Once the Minister has approved the application the Shire can request a GRV valuation from the Valuer General (Landgate), for the purpose of levying rates.

#### Background

Prior to 2022, L300 was Unallocated Crown land, owned by the State of Western Australia and as such, was categorised as non-rateable land with no method of valuation applied. Section 6.26 of the *Local Government Act 1995* prescribes what is rateable land and what is not rateable land.

Section 6.26 (2) states that

*The following land is not rateable land –*

- (a) *land which is the property of the Crown and –*
- (ii) *is unoccupied.....*

At the December 2021 Ordinary Council Meeting, Council reviewed a Development Assessment Panel (DAP) Application for Development Approval (DA), submitted by Rowe Group on behalf of Mineral Resources Limited, for construction of a 500 bed transient workers accommodation resort (Onslow Village) on L300. This DA was approved by the Regional Joint Development Assessment Panel (JDAP) on 23 December 2021, with an estimated construction cost of \$100,000,000. Amendments to this DA were presented to Council at the August 2022 Ordinary Council Meeting.

In February 2022, L300 was officially transferred to Buurabalayji Thalanyji Aboriginal Corporation RNTBC (BTAC) as Freehold Land, Certificate of Title Volume 4014 Folio 669. At this time, the land became rateable.



To commence rating an application must be made to the Minister in accordance with Section 6.28 of the Act requesting either a GRV or Unimproved value (UV) basis of rating be applied. As L300 will predominately be used for non-rural purposes the GRV basis is appropriate. Landgate have provided an indicative GRV for the land which will assist the application process to the Minister via the DLGSC.

In March 2023, the Western Australian Planning Commission approved a lease between BTAC (Lessor) and Ashburton Properties Pty Ltd (Lessee) with a minimum term of 20 years with the proposed use of Transient Workforce Accommodation on part of L300. On completion the differential rating category for the portion of L300 will be changed to Transient Worker Accommodation.

### Comments

Now that Landgate has provided an indicative valuation for L300, the next step in the process is to obtain Council endorsement to make application to the Minister for a method of valuation to be applied.

Subject to Council endorsement the next steps in the process will be as follows:

1. Provide written notice to BTAC and Ashburton Properties Pty Ltd that the Shire of Ashburton (Shire) will be applying to the Minister requesting a GRV method of valuation apply to L300. Both parties will be allowed 14 days to respond, and they will be provided with the following further information:

The indicative valuation provided by Landgate for the undeveloped vacant land is \$105,000 which will result in rates being levied under the rating category of GRV Residential and Community.

*(The proposed rate in the dollar for this category in 2023/2024 is 0.09830, which would result in rates levied of ~\$10,350).*

2. After written notification is provided and 14 days allowed for response, application will then be made to the Minister via the DLGSC requesting approval for a Method of Valuation for L300. The application will include Council's resolution of this item, proof of consultation with the landowner/leaseholder, proof of the approved DA, and the indicative valuation provided by Landgate.
3. Once approval is given by the Minister, Landgate will provide a formal GRV and rates will be levied under rating category GRV Residential and Community.
4. Upon receipt of a Notice of Completion for the Onslow Village construction works, a request will be made to Landgate to provide a revised GRV based on the final capital costs. As above, once the revised GRV is provided, interim rates will be levied under rating category GRV Transient Worker Accommodation.

### Consultation

Department of Local Government, Sport and Cultural Industries

Landgate

Chief Executive Officer

Manager Finance

Planning and Lands Department

## 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)

Increase in rates levied

## Legislative Implications

### *Local Government Act 1995*

As outlined in the body of the report Section 6.26 of the Act deals with rateable land and the process to be followed when Crown land that is not rateable is transferred to freehold and becomes rateable.

Section 6.28 outlines the basis of rating and that the Minister approves either a Gross Rental Value (GRV) or Unimproved Value (UV) dependent upon the predominant land usage.

## 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 change from Crown land to Freehold changes the land from non-rateable to rateable land as per the Act. If we don't obtain a method of valuation we cannot rate the land and will be non-compliant	Almost Certain (5)	Insignificant (1)	Moderate (5-9)	Apply for a method of the land valuation and levy rates on.

Reputation (social/community)	If the land is not rated there could be backlash from community members regarding lost rate revenue for the community. Other ratepayers may believe that their land should not be rated and lodge an appeal to SAT	Likely (4)	Major (4)	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 eligible property assessments.
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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 Method of Valuation Application – Lot 300 Back Beach Road Onslow, Council,

1. Notes that Lot 300 Back Beach Road, Onslow is now Freehold land and there is an approved Development Application for a 500-bed transient worker's accommodation resort; and
2. Requests that the Minister for Local Government, in accordance with Section 6.28 of the *Local Government Act 1995* apply a Gross Rental Valuation classification against Lot 300 Back Beach Road, Onslow to enable rates to be levied.

**Council Decision                      104/2023**

**Moved                                      Cr R De Pledge**

**Seconded                                  Cr M Lynch**

**That with respect to Method of Valuation Application – Lot 300 Back Beach Road Onslow, Council,**

1. **Notes that Lot 300 Back Beach Road, Onslow is now Freehold land and there is an approved Development Application for a 500-bed transient worker's accommodation resort; and**
2. **Requests that the Minister for Local Government, in accordance with Section 6.28 of the *Local Government Act 1995* apply a Gross Rental Valuation classification against Lot 300 Back Beach Road, Onslow to enable rates to be levied.**

**Carried 9/0**

### 13.7 Removal of Method of Valuation Application - Cardo Camp and Cowra Camp

<b>File Reference</b>	RV10
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	M Wagstaff, Senior Finance Officer
<b>Authorising Officer</b>	D Kennedy, Director Corporate Services
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 23 April 2018 – Item 12.5 – 350/2018
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Cardo Camp - photos after demolition <a href="#">⇒</a></li> <li>2. Cowra Camp - demolition permit and NOC <a href="#">⇒</a></li> </ol>

#### Report Purpose

The purpose of this report is to obtain Council endorsement to proceed with applications to the Department of Local Government, Sport and Cultural Industries (DLGSC) requesting removal of the method of valuation, Gross Rental Valuation (GRV) from the following mining camps that have ceased operation:

1. Rates Assessment A51854, Lease N49852/LS1 (Cardo Camp), ratepayer API Management Pty Ltd (API)
2. Rates Assessment A51867, Lease I123596/LS1 (Cowra Camp), ratepayer BHP Minerals Pty Ltd (BHP)

#### Background

At the April 2018 Ordinary Council Meeting, Council authorised officers to submit a Transient Workforce Accommodation camps spot rating application to the Minister for Local Government, Sport and Cultural Industries (Minister) for various mining camps, including Cardo Camp and Cowra Camp. (Resolution 350/2018)

The Cowra Camp was subsequently found to have been demolished in November 2017 and the Cardo Camp was decommissioned in March 2022. (Attachments 1 & 2)

#### Comments

Landgate were provided with evidence of the demolishment of both camps and as a result GRV was reduced to \$20 which triggered minimum rates of \$1,283 for 2022/2023.

Subject to Council approval, the steps required to cease spot rating entirely are as follows:

1. Application to be made to the DLGSC who have delegated authority from the Minister, requesting the removal of the method of valuation - GRV, from the Cardo Camp and Cowra Camp, effective from 1 July 2022. The application will include Council's resolution of this item, and proof of consultation with the landowner/leaseholder.
2. Once approval is obtained from DLGSC, Landgate will change the GRV's to \$0 and spot rating will no longer apply. A refund of \$1,283 per assessment will then be provided to the ratepayers.

### **Consultation**

Department of Local Government, Sport and Cultural Industries

Landgate

API Management Pty Ltd

BHP Minerals Pty Ltd

### **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

Rate refunds to the value of \$2,566

#### Future Financial Year(s)

Nil

### **Legislative Implications**

#### *Local Government Act 1995*

Section 6.28 of the Act outlines the basis of rating and that the Minister approves either a Gross Rental Value (GRV) or Unimproved Value (UV) dependent upon the predominant land usage. The DLGSC has delegated authority from the Minister to approve the removal of a previously provided basis of rating, should circumstances change.

## Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Compliance	Decommissioning of the mining camp means the land is no longer eligible for GRV spot rating. If the GRV method of valuation is not removed we will be non compliant with the Act. Ratepayer is likely to apply to SAT for a determination. I	Almost Certain (5)	Moderate (3)	High (10-16)	Applying for removal of GRV method of valuation will result in no further rates being levied and compliance with the legislation.
Reputation (social/community)	Council does not support the request for removal of GRV method of valuation and continues to rate the land, this will foster ill will with the ratepayer and potentially other members of the community	Almost Certain (5)	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 high.

## Voting Requirements

Simple Majority

## Officer Recommendation

That with respect to the Removal of Method of Valuation Application – Cardo Camp and Cowra Camp, Council,

1. Note with respect to Rates Assessment A51854, Lease N49852/LS1 (Cardo Camp) that all camp buildings have been demolished and that GRV spot rating is no longer applicable;
2. Note with respect to Rates Assessment A51867, Lease I123596/LS1 (Cowra Camp) that all camp buildings have been demolished and that GRV spot rating is no longer applicable; and
3. Supports the Chief Executive Officer writing to the Department of Local Government, Sport and Cultural Industries to approve the application to remove the method of valuation, GRV from Rate Assessments A51854 and A51867 effective from 1 July 2022.

**Council Decision                    105/2023**

**Moved                                    Cr A Sullivan**

**Seconded                            Cr T Mladenovic**

**That with respect to the Removal of Method of Valuation Application – Cardo Camp and Cowra Camp, Council,**

- 1.    Note with respect to Rates Assessment A51854, Lease N49852/LS1 (Cardo Camp) that all camp buildings have been demolished and that GRV spot rating is no longer applicable;**
- 2.    Note with respect to Rates Assessment A51867, Lease I123596/LS1 (Cowra Camp) that all camp buildings have been demolished and that GRV spot rating is no longer applicable; and**
- 3.    Supports the Chief Executive Officer writing to the Department of Local Government, Sport and Cultural Industries to approve the application to remove the method of valuation, GRV from Rate Assessments A51854 and A51867 effective from 1 July 2022.**

**Carried 9/0**

### 13.8 Differential Rates 2023/24 - Submissions and Use of Concessions

<b>File Reference</b>	RV07
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	D Kennedy, Director Corporate Services
<b>Authorising Officer</b>	D Kennedy, Director Corporate Services
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 9 May 2023 - Item 12.7 – 077/2023
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Differential Rates 2023-24 Public Submission <a href="#">⇒</a></li> <li>2. Draft Rating Setting Statement 2023-24 <a href="#">⇒</a></li> </ol>

#### Report Purpose

The purpose of this report is twofold. Firstly, it presents to Council the one submission received during the public consultation period for the proposed 2023/24 Differential Rates, and secondly recommends that Council seek Ministerial approval for the UV Non-Pastoral differential category for 2023/24, reduce the advertised rate in the dollar for the UV Pastoral differential category and cease to provide a rating concession to the UV Pastoral differential category.

#### Background

In addition to differential rates, Council has provided a concession under section 6.47 of the *Local Government Act 1995 (LGA)* to the UV Pastoral differential category since 2020/21.

The use of a concession was initially triggered by a Ministerial directive to freeze rates at 2019/20 levels during the Covid-19 pandemic which also coincided with the Valuer General (**VGO**) providing updated UV valuations that saw UV valuations increase by 62%. A concession of 37.5% was provided to ensure rating revenue from the UV Pastoral differential category stayed at 2019/20 levels.

As rates were effectively frozen for 2020/21, Ministerial approval for the UV Mining/Industrial differential rate was not required. Prior to this, each year Council sought Ministerial approval for the UV Mining/Industrial rate in accordance with section 6.33(3) of the LGA as the differential rate was more than twice the lowest differential rate.

In 2021/22, there was Officer concern that the Minister may not continue to provide approval for the UV Mining/Industrial differential rate. The source of this concern appears to be a letter received on 12 July 2019 from the Department of Local Government, Sport and Cultural Industries (**DLGSC**) approving the Shire's UV Mining/Industrial differential rate for 2019/20.

In this letter it stated the following:

*“While the Department is satisfied that the proposed rates increases are fair and consistent with surrounding local governments, it is suggested that the Shire provide more detailed reasoning in its Objects and Reasons document, particularly for the UV Mining/Industrial category”.*



As a result of the above, it was felt necessary to adjust the Shire's differential rates, such that Ministerial approval was no longer required under section 6.33 of the LGA and thus secure the Shire's existing rate base. To achieve this, Council increased the UV pastoral rate from 0.0622 to 0.1850. This equated to 50% of the UV Non-Pastoral differential category (formerly UV Mining/Industrial).

The increase was partially offset by Council providing a 30% concession under section 6.47 of the LGA. Legal advice obtained at the time, raised concerns as to the lawfulness of such a concession, notwithstanding the lack of any express prohibition in the LGA from doing so.

The 30% concession was again provided by Council in 2022/23.

## Comments

### Differential Rates Submission

Council gave local public notice under section 6.36 of the LGA of the intention to apply differential rates in 2023/24 as per the below table.

Rate Category	Rate in \$\$\$	Minimum Payment	Percentage of Rates
<b>GRV Residential and Community</b>	0.09830	\$1310	10%
<b>GRV Commercial and Industrial</b>	0.08974	\$1310	2%
<b>GRV Transient Worker Accommodation</b>	0.17740	\$1310	6%
<b>UV Pastoral</b>	0.19691	\$1310	2%
<b>UV Non-Pastoral</b>	0.38568	\$1310	79%

The public submission period commenced on the 13 May 2023 and concluded on 5 June 2023. One submission was received from McMahon Mining Title Services Pty Ltd (**McMahon**) in relation to the UV Non-Pastoral differential category. (Attachment 1)

The submission identifies that the Department of Mines, Industry Regulation and Safety (DMIRS) has increased the rent rate for exploration licences by 4.79%, prospecting licences by 6.06% and mining leases by 9.09% effective from 1 July 2022. The rent imposed, is used by the VGO to determine UV valuations for rating purposes and as a result will increase the actual rates levied to the exploration and mining industry.

The submission did not raise any objections to the advertised Objects and Reasons for the UV Non-Pastoral category. Rates are the primary source of local government revenue underpinned by the valuations provided by the VGO. Differential rates endeavour to apply the rating impost as fairly and equitably as possible. Officers do not believe that there is a requirement to amend the Objects and Reasons. It should also be noted that McMahon are not a ratepayer of the Shire of Ashburton, but rather a consulting company to exploration and prospecting companies throughout WA.

### UV Non-Pastoral (Ministerial Approval)

Recent discussions with the DLGSC sought to clarify the legitimacy of the concerns regarding the ability of the Shire to obtain Ministerial approval for the UV Non-Pastoral rate.

In what appears to be a misunderstanding, the DLGSC has confirmed that the differential rates approval for 2019/20 that recommended additional justification to the Objects and Reasons should not have been interpreted as an inability to gain Ministerial approval in the future.

30 local governments applied for and received Ministerial approval for differential rates in 2022/23. Only one differential rate was disallowed under extenuating circumstances as the Council had adopted a budget containing a new differential rate category without having first obtained Ministerial approval. The proposed rate in the dollar was 3 times that of other local governments with a similar differential category and hence was challenged by the DLGSC.

The DLGSC has developed an online submission portal for differential rate approvals and holds delegated authority from the Minister to approve applications as it is recognised that as the legislation currently stands, Ministerial approval will legitimately be required as part of applying rates fairly and as equitably. The turnaround time for approval is 3 weeks.

#### Concessions – (UV Pastoral)

The DLGSC has obtained State Solicitors Office advice regarding the use of concessions under section 6.47 of the LGA. The advice received is consistent with the legal advice obtained by the Shire in 2021, in that the use of concessions to avoid the restrictions of section 6.33(3) of the LGA is likely to be unlawful.

#### Conclusion

Options for Council consideration are as follows:

##### Option 1

- (a) Reduce the proposed rate in the dollar for UV Pastoral category from 0.19691 to 0.13529;
- (b) Seek Ministerial approval for UV Non-Pastoral category as the proposed rate in the dollar of 0.38568 is more than twice the UV Pastoral category; and
- (c) No concessions to be provided under section 6.47 of the LGA.

This is the recommend approach as it meets all the legislative requirements of the LGA, ceases the use of concessions and ensures that the UV Non-Pastoral category are not subjected to a further substantial rate increase relative to other differential categories.

##### Option 2

- (a) Maintain the proposed rate in the dollar for UV Pastoral category at 0.19691;
- (b) Maintain the proposed rate in the dollar for UV Non-Pastoral category at 0.38568; and
- (c) No concessions to be provided under section 6.47 of the LGA.

This option is not recommended. Whilst it would generate an additional \$400,000 in revenue and remove the requirement to obtain Ministerial approval for the UV Non-Pastoral category, the burden would be borne entirely by the UV Pastoral category who endured a doubling of rates in 2021/22. This would equate to a further rate increase of approximately 40% and see the UV Pastoral rate exceed any other local government UV Pastoral rate by approximately 20%.

##### Option 3

- (a) Maintain the proposed rate in the dollar for UV Pastoral category at 0.19691;
- (b) Maintain the proposed rate in the dollar for UV Non-Pastoral category at 0.38568; and
- (c) Provide a concession of 30% under section 6.47 of the LGA to the UV Pastoral category.

This is the status quo option and for reasons outlined in the body of the report is not recommended.

### Consultation

Community – Proposed differential rates advertised between 13 May 2023 and 5 June 2023.

DLGSC – use of concessions and Ministerial approval.

### 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	3 Plan effectively for financial sustainability.

### Council Policy

Nil

### Financial Implications

#### Current Financial Year

Nil

#### Future Financial Year(s)

Following discussions with Council at the Ordinary Meeting of Council held on 9 May 2023, the differential rates for the 2023/24 Budget were advertised with an increased overall rate yield of 3.95%.

The below table shows the rate yield increases over the last 5 years including the Covid-19 rates freeze in 2020/21. General rate increases over this period have been significantly less than the rate of inflation and the Local Government Cost index. This demonstrates a strong commitment from Council to exercise fiscal constraint and drive operational and administrative efficiency. This is complemented by the growth in rate revenue attributed to the significant development activity that is occurring in the Shire.

Year	2019/20	2020/21	2021/22	2022/23	2023/24
Rate Yield Increase	2.00%	Nil	1.50%	2.00%	3.95%

In accordance with Councils Long Term Financial Plan (LTFP) the draft budget rate setting statement presents a balanced budget with a deficiency of \$54,818,118 to be made up by rate revenue. (Attachment 2)

## Legislative Implications

### *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.

Ministerial approval is required if differential rate is more than twice the lowest differential rate imposed.

### *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	DLGSC challenge the lawfulness of the use of concessions	Possible (3)	Moderate (3)	Moderate (5-9)	Officer recommendation mitigates the risk identified.
Reputation (social/community)	Rate in the dollar and minimum payments perceived as excessive relative to other local governments	Possible (3)	Moderate (3)	Moderate (5-9)	Council has maintained moderate rate increases for the last 5 years. Comparison of differential rates to other local governments confirms rates to be comparable.
Financial impact	DLGSC disallow the differential rates proposed	Possible (3)	Major (4)	High (10-16)	Officer recommendation mitigates the risk identified.

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 Differential Rates 2023/24 – Submissions and Use of Concessions, Council,

1. Acknowledge and notes the submission received as per Attachment 1;
2. Advise the submitter that no change is proposed to be made to the advertised UV – Non-Pastoral differential rate for 2023/24;
3. Reduce the proposed rate in the dollar for the UV Pastoral differential category from 0.19691 to 0.13529;
4. Adopt the following revised 2023/24 Differential Rates for inclusion in the 2023/24 Budget:

Rate Category	2023/24 Rate in \$\$\$	Minimum Payment
GRV Residential and Community	0.09830	\$1310
GRV Commercial and Industrial	0.08974	\$1310
GRV Transient Worker Accommodation	0.17740	\$1310
UV Pastoral	0.13529	\$1310
UV Non-Pastoral	0.38568	\$1310

5. Request the Chief Executive Officer seek Ministerial approval for the UV Non-Pastoral Differential Rate category in accordance with Section 6.33(3) of the *Local Government Act 1995* prior to adopting the 2023/24 Budget; and
6. Cease to provide the UV Pastoral Differential Rate category a concession under Section 6.47 of the *Local Government Act 1995*.

**Council Decision                    106/2023**

**Moved                                    Cr L Rumble JP**

**Seconded                            Cr R De Pledge**

**That with respect to Differential Rates 2023/24 – Submissions and Use of Concessions, Council,**

- 1. Acknowledge and notes the submission received as per Attachment 1;**
- 2. Advise the submitter that no change is proposed to be made to the advertised UV – Non-Pastoral differential rate for 2023/24;**
- 3. Reduce the proposed rate in the dollar for the UV Pastoral differential category from 0.19691 to 0.13529;**
- 4. Adopt the following revised 2023/24 Differential Rates for inclusion in the 2023/24 Budget:**

<b>Rate Category</b>	<b>2023/24 Rate in \$\$\$</b>	<b>Minimum Payment</b>
<b>GRV Residential and Community</b>	<b>0.09830</b>	<b>\$1310</b>
<b>GRV Commercial and Industrial</b>	<b>0.08974</b>	<b>\$1310</b>
<b>GRV                    Transient                    Worker Accommodation</b>	<b>0.17740</b>	<b>\$1310</b>
<b>UV Pastoral</b>	<b>0.13529</b>	<b>\$1310</b>
<b>UV Non-Pastoral</b>	<b>0.38568</b>	<b>\$1310</b>

- 5. Request the Chief Executive Officer seek Ministerial approval for the UV Non-Pastoral Differential Rate category in accordance with Section 6.33(3) of the *Local Government Act 1995* prior to adopting the 2023/24 Budget; and**
- 6. Cease to provide the UV Pastoral Differential Rate category a concession under Section 6.47 of the *Local Government Act 1995*.**

**Carried 9/0**

## 14 Infrastructure Services Reports

### 14.1 Strategic Asset Management Plan 2023-2028

<b>File Reference</b>	CP09
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	L Aitken, Acting Manager Assets and Programming
<b>Authorising Officer</b>	R Miller, Director Infrastructure Services
<b>Previous Meeting Reference</b>	Nil
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	1. Strategic Asset Management Plan <a href="#">⇒</a>

#### Report Purpose

The purpose of this report is to present to Council the Strategic Asset Management Plan 2023-2028 (SAMP) that has been prepared after a review of existing Shire asset management documents.

Council is requested to endorse this SAMP that provides specific actions and direction for improving asset data (inspections and condition assessments), work programs (maintenance and renewal planning) and will deliver robust forecasting to update and inform the Long-Term Financial Plan.

#### Background

In 2010/11, the Integrated Planning and Reporting (IPR) Framework and Guidelines were introduced to Western Australia as part of the State Governments Local Government Reform Program.

The Strategic Community Plan and Corporate Business Plan are informed by Asset Management Plans (AMP) and the relationship and planning cycle of the IPR framework is shown below.

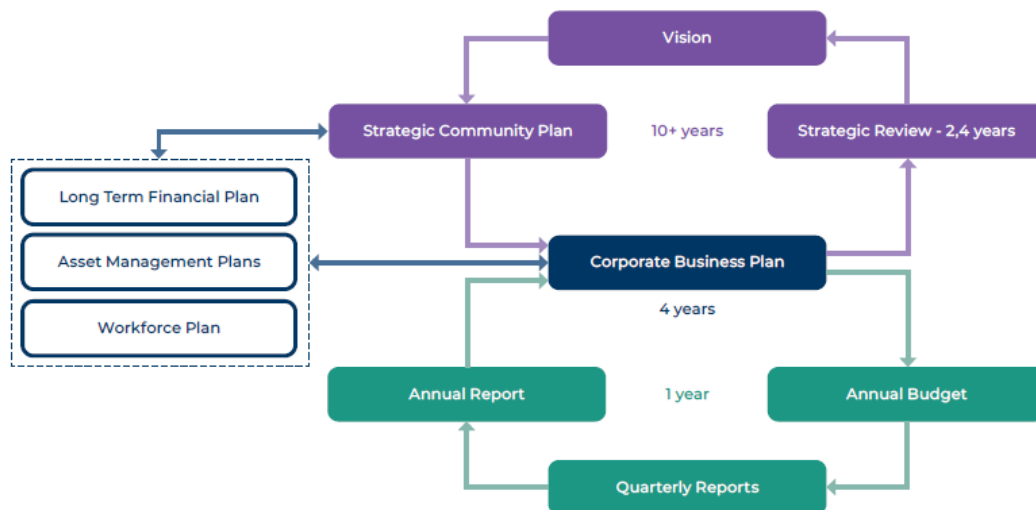


Figure 4. Shire of Ashburton integrated planning cycle.

Council last approved an Asset Management Strategy and multiple AMPs in 2017/18 for the following asset classes:

- Buildings
- Parks & Recreation and Town Infrastructure
- Footpaths
- Roads
- Drainage
- Onslow Aerodrome
- Waste.

Onslow Airport has since published an updated Asset Management Plan (AMP) in 2020. As a standalone operation the Airport is not included in the SAMP, however the AMP financial implications inform the LTFP.

The Waste AMP (2017) has also not been included and will be reviewed in 2023/24 in conjunction with developing an AMP for the Pilbara Regional Waste Management Facility (PRWMF). Due to complexity of the Building asset class it will also be focus area as identified in the continual improvement actions.

In reviewing the existing Asset Management Strategy and multiple Asset Management Plans it was decided a consolidated one document approach would provide a clearer foundation for guidance and improvement actions across all asset classes.

The Asset Classes, Replacement Values and forecast 20-year renewal requirement consolidated into this SAMP are shown in the table below:



<b>ASSET CLASS</b>	<b>REPLACEMENT VALUE</b>	<b>20-YEAR RENEWAL ESTIMATE</b>
<b>Buildings</b>	\$110.224m	\$47m
<b>Open Spaces</b>	\$67.738m	\$16m
<b>Pathways</b>	\$13.264m	\$0.4m
<b>Roads</b>	\$301.359m	\$81m
<b>Stormwater</b>	\$52.105m	\$1.8m
<b>TOTAL</b>	\$544.690m	\$146.2m

## Comments

The SAMP outlines the strategies and guidelines that enable our organisation to effectively deliver assets that align with our objectives. The next phase will be to apply these strategies when reviewing asset work plans, to prescribe specific actions and outcomes (what must be done and when must it be done). Budget allocations will need to be made to support the next phase of asset renewal planning and delivery.

This SAMP is based on currently available information and is intended to evolve as updated information becomes available, improvement actions are accomplished, and as new systems and processes are developed and implemented. It is intended to be updated with each budget cycle and then reviewed every five years.

In 2023 a Valuation and Condition Assessment of Infrastructure Assets (Open Spaces, Pathways, Roads, Stormwater) has been conducted that will provide improved data for Replacement Values, Condition and Remaining Life, making available data that will enable updated calculations for more definitive Renewals Forecasts.

## Consultation

Executive Management

Asset Management Working Groups (AMWGs)

AMWGs provide operational assistance and professional input into the management of assets. These groups include representation from all positions in the Shire that have a direct relationship with assets and service delivery. Information sessions with each of the five Asset Classes were held individually to contribute to this SAMP.

Assets & Programming

Team members provided information from the asset system (asset inventory, replacement values, condition) and assisted in consultation and recommendations for transfer from the previous reports into a single document.

## 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	2.4 Effective, compliant, and sustainable management of community assets and infrastructure
Strategy	1 Implementation of cost-effective contemporary Asset Management Practices aligned to international standards.

## Council Policy

Asset Management Policy

Risk Management Policy

## Financial Implications

### Current Financial Year

Nil

### Future Financial Year(s)

For each Asset Class the SAMP shows a graph (Renewal Forecast) of the Remaining Useful Life and the Replacement Value.

The renewal forecasting for each asset class is an integral component of the Shire's LTFP. For the Shire to be sustainable into the future, provision for adequate asset renewal in a timely basis is essential. As data (Replacement Values, Condition Assessment, Remaining Useful Life, priority) continues to improve the confidence level of renewal forecasting and LTFP projections grows and allows Council to make informed Asset Management strategic decisions.

## Legislative Implications

*Local Government Act 1995 – Sections 2.7 and 5.56*

Sets out the role, purpose, responsibilities, and powers of local governments, including preparing a long-term financial plan supported by asset management plans for sustainable service delivery.

## Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Natural environment	Failure or reduction in service	Possible (3)	Moderate (3)	Moderate (5-9)	Identify and allocate adequate budget and resources. Proactive and scheduled maintenance program to continue and be monitored.
Compliance	Reduction in grant income	Possible (3)	Moderate (4)	Moderate (5-9)	Lifecycle asset management planning (AMP). Programs and Procedures for Asset Inspection and Condition Audit to continue and be monitored.
Financial Impact	Deterioration due to lack of maintenance, repair and renewal	Possible (3)	Moderate (4)	Moderate (5-9)	Lifecycle asset management planning (AMP). Proactive and scheduled maintenance program to continue and be monitored.

The risks highlighted require adequate budget provision and resource allocation to be mitigate the risk as part as an ongoing program. 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 Shire of Ashburton Strategic Asset Management Plan 2023-2028, Council,

1. Endorses the Strategic Asset Management Plan as detailed in Attachment 1;
2. Note that Part B – Asset Management Plan (Asset Class Summaries) contains asset related information that will be updated as additional information comes to hand, without reference to Council; and
3. Requests the Chief Executive Officer to provide an annual progress report on the Strategic Asset Management Plan and improvement actions.

**Council Decision                      107/2023**

**Moved                                      Cr A Sullivan**

**Seconded                                  Cr A Smith**

**That with respect to Shire of Ashburton Strategic Asset Management Plan 2023-2028, Council,**

- 1. Endorses the Strategic Asset Management Plan as detailed in Attachment 1;**
- 2. Note that Part B – Asset Management Plan (Asset Class Summaries) contains asset related information that will be updated as additional information comes to hand, without reference to Council; and**
- 3. Requests the Chief Executive Officer to provide an annual progress report on the Strategic Asset Management Plan and improvement actions.**

**Carried 9/0**

## 14.2 Road Use Agreement - Mt Stuart-Red Hill Road

<b>File Reference</b>	TT.02
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	A Sheridan, Project Manager
<b>Authorising Officer</b>	R Miller, Director Infrastructure Services
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 8 November 2022 - Item 13.1 – 156/2022
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Location Map <a href="#">⇒</a></li> <li>2. Landgate Mapping <a href="#">⇒</a></li> <li>3. Draft Road Use Agreement - Confidential</li> <li>4. Upgrade Works <a href="#">⇒</a></li> <li>5. Maintenance Standards <a href="#">⇒</a></li> <li>6. Legal Advice - Confidential</li> </ol>

### Report Purpose

Council is required to consider the proposed Road Use Agreement as contained in Attachment 3 to this report.

The purpose of this report is to provide background information regarding the legal status of Mt Stuart-Red Hill Road and Urandy Creek Road and, as a consequence:

- The use of those roads for the initial stages of developing the Mineral Resources Limited (MinRes) Iron Ore Mine located 150 km east of Onslow.
- The issue of a temporary permit authorising that use.

Council is requested to endorse the proposed Road Use Agreement and authorise staff to advise Main Roads WA (MRWA) that it concurs with the MinRes application to add the subject portion of Mt Stuart-Red Hill Rd to its Restricted Access Vehicle (RAV) network.

### Background

At the Ordinary Council Meeting on 8 November 2022 (Council Decision number 156/2022) Council resolved as follows:

*That with respect to the application by Mineral Resources to add Mt Stuart-Red Hill Road and Urandy Creek Road to the Restricted Access network, Council,*

1. *Requests the Chief Executive Officer to advise Main Roads Western Australia's Heavy Vehicle Section that Council concurs with the application subject to the inclusion of condition CA07 as follows (operational conditions excluded for brevity)*
2. *Only provides concurrence to the above Restricted Access Vehicle network approval on the provision Mineral Resources enter into a Road Use Agreement under Section 132 of the Road Traffic Act 2008, and*
3. *Requests the Chief Executive Officer to present the Road User Agreement to Council for endorsement, prior to execution.*

The roads in question are depicted on the attached location maps (Attachment 1). They comprise the first 17.9 km of Mt Stuart-Red Hill Rd and the first 9.79 km of Urandy Creek Rd. Both roads are shown on the Main Roads Mapping System as Local Government Roads with the following road numbers: Red Hill-Mt Stuart Rd - 811Z069 and Urandy Creek Rd - 811Z094.

This Main Roads Mapping System is the source document that Local Authorities would generally use to determine the location and designation of a road and to assign responsibility for care and control of the asset. A “Z” classification typically refers to roads that are not maintained by the Shire. The roads in question have not been maintained by the Shire for many years.

Mt Stuart-Red Hill Rd is part of the historical road network linking pastoral stations north from Meekatharra to Ashburton Downs and onto Kooline, Wyloo, Mt Stuart, Red Hill, Peedamulla and north from there. It is understood that in 1990, Urandy Station was amalgamated with Red Hill Station, and that the Urandy Creek Road was once a station access road, even though the station was unoccupied and destocked. In recent times its use has been associated primarily with an internal station access road, although the road has been used for many years to provide access to API exploration activities.

Landgate records indicate that Urandy Creek Road is road number 2100, and Mt Stuart-Red Hill Road is road number 8469. Road 8469 and Road 2100 traverse Pastoral Lease N049852, being Lot 165 on DP 238633 (CLT LR3098/911). While the Landgate mapping system shows the Urandy Creek Road Reserve several kilometres north of the existing road (refer Attachment 2), the physical road is believed to be located as per the Main Roads Mapping System. It is not uncommon for rural roads to be located off alignment, however the legal status of this road remains uncertain. This matter is addressed further in the Comments section of the report.

In September 2022, MinRes applied to MRWA to extend the Restricted Access Vehicle (RAV) network to include those sections of Mt Stuart-Red Hill Road and Urandy Creek Road as described above. Main Roads WA has since advised that it will not assess the roads for the purposes of extending the RAV network until such time as a Road Use Agreement is in place.

On 29 September 2022, the Shire carried out an on-site inspection of Mt Stuart-Red Hill Rd and Urandy Creek Rd in accordance with Main Roads guidelines. That inspection identified a number of areas which required Upgrade Works and a number of operating restrictions that would be necessary to allow for RAV Access. The requirements have been incorporated into a draft Road Use Agreement (Attachment 3). The Draft Agreement has already been subject to internal review by both the Shire and MinRes.

Details of the required Upgrade Works and Maintenance Works are provided as Attachments to the draft Road Use Agreement, however they are not considered to be confidential in nature and copies are provided as Attachments 4 and 5 to this report.

By email to the Shire dated 22 March 2023 MinRes noted it had completed all necessary works and set out comprehensive survey and maintenance obligations and requested a 12 month permit from the Shire to utilise triple road trains on the roads.

By email to MinRes dated 28 March 2023 the Shire noted that MinRes had satisfied the requested criteria to allow a temporary RAV10 access to be granted under permit to Mt Stuart-Red Hill Road and Urandy Creek Road.

This correspondence constituted Shire's approval for the RAV access and was understood by the parties as providing approval to use the road. However, no actual permit was issued.

The arrangements as outlined above were subject to an undertaking by MinRes that it would negotiate suitable arrangements for access past the Mistake Cattle Yards (including the possibility of a road realignment in that area) to ensure that there were no negative impacts on pastoral activities. MinRes subsequently advised that it had no tenure or authority to realign the roads in the area, but that they would be willing to use an alternative track if one was created.

MinRes has recently advised that it continues to discuss the matter of a road realignment in that area with the pastoralist and that an on-site meeting is planned with the station owners to discuss this and other matters. It is understood that the station owner is planning to use the cattle yards in the near future and has requested that MinRes traffic be prevented from using the road entirely during certain days / times. MinRes has agreed to those conditions.

Legal advice (Confidential Attachment 6) suggests however, that it is beyond the power of the Shire to grant to MinRes temporary access to the subject roads for its Restricted Access Vehicles and that such use should cease until MinRes has obtained any necessary RAV permits. This matter is discussed further in the Comments Section of this report.

Regardless of the above, the inconvenience caused by the use of the subject roads by MinRes would appear to be relatively short lived as MinRes is planning to use a proposed new Service Road for access to the mine site, and this road is likely to be constructed and operational before the end of the year (as explained below). Once the Service Road is in place, MinRes will only use Mt Stuart-Red Hill Rd and Urandy Creek Rd for occasional or emergency access purposes.

Subject to final approvals (expected by 1 August 2023), MinRes intends to commence construction of the Service Road as an early construction package. That road will be a private road providing direct access to the mine site from the highway and will eventually be sealed.

The Draft Road Use Agreement (Attachment 3) provides for MinRes to upgrade and maintain the first 17.9 km of Mt Stuart-Red Hill Rd and maintain it through until 30 March 2024, under the following conditions:

- when the proposed Service Road has been constructed and is open for use, or on 30 March 2024, whichever is earlier, use of the Mt Stuart-Red Hill Rd for constructing and servicing the mine site will cease;
- from that time on, MinRes will continue to maintain that portion of Mt Stuart-Red Hill Rd in accordance with the terms of the Deed, for the purpose of occasional access to the mine site and for emergency access purposes.

Given that the first portion of Urandy Creek Road is not located within the dedicated road reserve (refer Attachment 2), there is some uncertainty regarding the legal status of that road. This matter is discussed further in the Comments section below.

The Station Owner is however of the strong belief, as expressed in recent correspondence, that the road between Mistake Cattle Yards and Cardo is an internal station access track and is not part of Urandy Creek Rd. For this reason, MinRes has agreed to negotiate directly with the station owner regarding access to that road.

The Draft Road Use Agreement therefore excludes any reference to Urandy Creek Rd. The Draft Agreement also provides for the Shire to advise Main Roads of the Execution of the Deed and to provide its concurrence to the first 17.9 km of Mt Stuart-Red Hill Rd being added to the RAV Network in accordance with the MinRes RAV application.

The Draft Agreement also provides for the following:

- MinRes, at its own cost, to undertake the Upgrade Works for the road so that it is suitable for use by RAV 10 vehicles.
- The provision of Traffic Management Plans and other documents reasonably requested by the Shire.
- The implementation of operational requirements as stipulated in Attachment 4.
- Dust suppression controls along the entire length of the road when bulk materials hauling operations are in progress.
- MinRes to have due regard for Station activities involving the mustering, yarding and transport of livestock and to liaise with the station owners as necessary and to coordinate its works so as to allow for annual mustering activities.
- The Shire (or its Project Manager or other authorised person) to access and inspect the Works at any time for the purpose of compliance and to give directions.

The Draft Agreement also covers matters relating to Indemnity, Insurances, Default, Termination, Standard of Access Road at Handover, Dispute Resolution, Force Majeure, Confidentiality, Notices etc. Full details are as contained within the Draft Road Use Agreement at Confidential Attachment 3.

## Comments

The Shire has obtained formal Legal Advice regarding the status of the roads in question and the ability of the Shire to issue a temporary permit for use of the roads. That advice is provided in Confidential Attachment 6.

### Land Tenure Issues

Urandy Creek Road was originally gazetted in the WA Gazette dated 13 October 1905, page 3137. Legal advice indicates that, on gazettal, Urandy Creek Road became a road within the meaning of the *Road Act 1902*. The declaration involved a strip of land one chain (being 66 feet or 22 yards) wide, being the road reserve area.

Mt Stuart-Red Hill Road was originally gazetted in the WA *Government Gazette* dated 11 April 1930, page 1066. By Gazette dated 25 February 1994 page 752, the WA Minister for Lands, under the *Local Government Act 1960* and at the request of the Shire of Ashburton, declared the closure of a part of road 8469 (Mt Stuart-Red Hill Road). This partial closure is not relevant to the section of road in question. Various statutes have come into play in the intervening years.

Under the relevant statutes, when read together, the Shire has the care control and management of Mt Stuart-Red Hill Road and Urandy Creek Road and its road reserves.

The Shire's care control and management commenced:

- in the case of Urandy Creek Road (road 2100) when it was originally gazetted in the WA Gazette dated 13 October 1905, page 3137. The gazettal was under the *Roads Act 1902*;
- in the case of Mt Stuart-Red Hill Road (road 8468) when the declaration of the road was gazetted on 11 April 1930, pursuant to the *Road Districts Act 1919*; and

In the opinion of our Solicitors, the Shire has maintained the care control and management of Urandy Creek Road and Mt Stuart-Red Hill Road to the current date and throughout the changes in legislation.

The issue of the legal status of the Mt Stuart-Red Hill Road and Urandy Creek Road and associated road corridors and the ability of the Shire and others to access Mt Stuart-Red Hill Road and Urandy Creek Road depends on whether the current proposed RAV route:

- is on a road dedicated by statute;
- has roads constructed within the declared road reserve;
- is on a common law dedicated road; or
- is a private road

The issue primarily lies with Urandy Creek Road. The Landgate "Tenure Map – Lot 465 on DP 238633 produced 22 Oct 2021" appears to show Mt Stuart-Red Hill Road largely within a designated road reserve, but with some sections of that road outside the road reserve. The road reserve for Urandy Creek Road however, starts approximately 8 km north of the physical road but ends up at the same point (Cardo Camp) before heading east from that point (Attachment 2 refers).

Mt Stuart-Red Hill Road is constructed generally within the dedicated road reserve, with some relatively minor deviations. As such the road is considered a road under the care control and management of the Shire and there is little to prevent free access by the Shire and MinRes vehicles, including its RAVs once the required authorisations and permits are satisfied.

The first section of Urandy Creek Road is not constructed within the road, which raises questions as to the legal status of the road. While it is not uncommon in a rural setting for a road to emerge over many years of use as a commonly accepted route to go from one place to another, in this instance however, the dedicated road reserve is located some considerable distance from the physical road (refer Attachment 2).

It is unclear as to whether the first section of Urandy Creek Road, given that it is not constructed within the dedicated road reserve (and is in fact located some distance from it), could be classified as either a road dedicated by statute, a common law road or a private road.

The fact that the physical road is shown on the Main Roads mapping as Urandy Creek Rd may add some weight to it being a road which is under the care and management of the Shire. The road has also been used for many years to provide access to API exploration activities in the area. However, there are other factors which would need to be considered as outlined in Confidential Attachment 6.

In the circumstances, the most sensible approach would be to agree with the Station Owners that the road between Mistake Cattle Yards and Cardo is an internal station access track and for MinRes to come to an agreement with the Station Owners regarding the use of that track and any arrangements for realignment, or other control measures, in the vicinity of Mistake Cattle Yards. MinRes is agreeable with this approach.



### Temporary Permit

Legal advice suggests that it is beyond the power of the Shire to grant to MinRes temporary access to Mt Stuart-Red Hill Road and Urandy Creek Road for its Restricted Access Vehicles. The advice suggests that:

- MinRes does not currently have the required permits or authority to use its RAVs on Mt Stuart-Red Hill Road and Urandy Creek Road.
- The RAV access should cease until Main Roads WA Heavy Vehicle Services (HVS) has acted to extend the RAV network to include Mt Stuart-Red Hill Road and Urandy Creek Road and MinRes has obtained any necessary RAV permits.

While the Shire has the care control and management under statute of Mt Stuart-Red Hill Road and Urandy Creek Road, the Shire's power under statute does not extend to approving RAV access on the public road network.

The power to approve RAV access on the public road network is contained in the *Road Traffic (Vehicles) Act 2012* (WA). The Commissioner of MRWA is empowered under the *Road Traffic (Vehicles) Act 2012* to approve RAV access on the public road network. The Commissioner has delegated this power to Heavy Vehicle Services (HVS). The HVS carries out this function through administering the RAV route assessment and approval process.

If the track between Mistake Cattle Yards and Cardo is considered a private station road, as has been suggested above, then there is nothing to stop MinRes entering into an agreement with them for the use of RAV vehicles on that road. MinRes has advised that they are prepared to enter into such negotiations directly with the property owners.

Note that subsequent to the drafting of this report, Main Roads on 2 June 2023, issued an Interim Access Approval providing for RAV access to Mt Stuart-Red Hill Rd between Nanutarra Munjina Rd and Urandy Creek Rd and for Urandy Creek Rd between Mt Stuart-Red Hill Rd and Ken's Bore. The main applicant is MinRes but for the formality of the agreement all mining partners, Mineral Resources Limited, Crushing Services International Pty Ltd and Onslow Iron Pty Ltd will sign as part of the Road Use Agreement.

### **Consultation**

MRWA Heavy Vehicle Services (HVS) staff

Relevant Shire staff (Infrastructure Services / Planning and Lands)

MinRes staff

Legal consultants

### **Strategic Community Plan**

Shire of Ashburton Strategic Community Plan 2022-2032

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

**Council Policy***Road Management Policy*

The Shire manages its road network to minimise preventable expenditure. This will at times include maximising efficiencies such as allowing access by Restricted Access Vehicles.

**Financial Implications**Current Financial Year

All costs associated with the Road Use Agreement, including Legal costs, will be borne by the applicant (MinRes).

All costs associated with the upgrade and maintenance of the Access Road, in accordance with the terms of the Deed, will be borne by MinRes.

Future Financial Year(s)

There will be no financial impact in future years as any work required for the term of the Deed will be at the expense of MinRes.

**Legislative Implications**

The report and attached legal advice relied on numerous statutes as summarised below:

The *Road Act 1902* under which Urandy Creek Road was dedicated.

The *Roads Districts Act 1919* under which Mt Stuart-Red Hill Rd was dedicated.

The *Land Act 1933* which dealt with enactments dealing with Crown land, until it was repealed and replaced by the *Land Administration Act 1997*.

The *Local Government Act 1960* which was, until June 1996, the State's primary legislation dealing with creation, management and closure of roads.

The *Local Government Act 1995* which mostly replaced the Local Government Act of 1960. Section 3.53 in particular, provides for local government to be responsible for controlling or managing thoroughfares.

The *Land Administration Act 1997* which incorporated the Local Government (Miscellaneous Provisions) Act 1960 dealing with roads.

The *Road Traffic Act 2008* - Section 132 permits a local government and person who may become liable for the cost of repairs to enter into an agreement providing for the person to pay a compensation to the local government.

The *Road Traffic (Vehicles) Act 2012* - Division 3 relates to access restrictions on certain vehicles that comply with mass or dimension requirements and the RAV network.

## Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
People	RAV colliding with another vehicle causing injury or fatality.	Possible (3)	Major (4)	High (10-16)	Prohibit access by RAV vehicles until remedial works have been completed and the road has been added to the RAV network by Main Roads WA (HVS).
Financial impact	Shire of Ashburton expending funds to maintain / upgrade the route.	Unlikely (2)	Moderate (3)	Moderate (5-9)	Enter into a Road Use Agreement with the Applicant to ensure that the Shire is not liable for any expense in relation to the upgrade and maintenance of the route.

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 request by Mineral Resources to add Mt-Stuart Red Hill Road to the Restricted Access Vehicle Network, Council:

1. Requests the Chief Executive Officer to advise Main Roads WA Heavy Vehicle Services that the Shire concurs with the addition of the first 17.9 km of Mt Stuart-Red Hill Rd to the Restricted Access Vehicle network for use by RAV 10 vehicles in accordance with the agreed terms as detailed in the Draft Mt Stuart-Red Hill Rd Road Use Agreement provided at Attachment 3.
2. Authorises the Chief Executive Officer to finalise the Draft Road Use Agreement for the use of Mt Stuart Rd-Red Hill Rd and once consensus is reached, authorises the Shire President and Chief Executive Officer to engross the deed between the Shire of Ashburton and Mineral Resources Limited, Crushing Services International Pty Ltd and Onslow Iron Pty Ltd.
3. Advise Main Roads that the Shire is entering into a Road Use Agreement with Mineral Resources Limited, Crushing Services International Pty Ltd and Onslow Iron Pty Ltd for the use of Mt Stuart-Red Hill Rd.
4. Advise Mineral Resources Limited that it is required to negotiate its own arrangements with the station owners for RAV access to the track which leads from the Mistake Cattle Yards to Cardo Camp.

**Alternate Recommendation**

That with respect to the request by Mineral Resources to add Mt-Stuart Red Hill Road to the Restricted Access Vehicle Network, Council:

1. Requests the Chief Executive Officer to advise Main Roads WA Heavy Vehicle Services that the Shire concurs with the addition of the first 17.9 km of Mt Stuart-Red Hill Rd to the Restricted Access Vehicle network for use by RAV 10 vehicles in accordance with the agreed terms as detailed in the Draft Mt Stuart-Red Hill Rd Road Use Agreement provided at Attachment 3,
2. Authorises the Chief Executive Officer to finalise the Draft Road Use Agreement for the use of Mt Stuart Rd-Red Hill Rd and once consensus is reached, authorises the Shire President and Chief Executive Officer to engross the deed between the Shire of Ashburton and Mineral Resources Limited, Crushing Services International Pty Ltd and Onslow Iron Pty Ltd,
3. Authorise the Chief Executive Officer to advise Main Roads that the Shire is entering into a Road Use Agreement with Mineral Resources Limited, Crushing Services International Pty Ltd and Onslow Iron Pty Ltd for the use of Mt Stuart-Red Hill Rd,
4. Authorises the Chief Executive Officer to advise Mineral Resources Limited that it is required to negotiate its own arrangements with the station owners for RAV access to the track which leads from the Mistake Cattle Yards to Cardo Camp and all activities to cease until agreement is in place and mutually presented by both parties, and
5. Authorises the Chief Executive Officer to advise MRL that a realignment of the Red Hill-Mt Stewart be immediately required from at least 1km south of the Mistake Creek yard for the purpose of moving. RAV traffic a mutually agreed distance between MRL and Red Hill from the yards.

**Council Decision**                      **108/2023**

**Moved**                                      **Cr J Richardson**

**Seconded**                                **Cr R De Pledge**

**That with respect to the request by Mineral Resources to add Mt-Stuart Red Hill Road to the Restricted Access Vehicle Network, Council:**

1. **Requests the Chief Executive Officer to advise Main Roads WA Heavy Vehicle Services that the Shire concurs with the addition of the first 17.9 km of Mt Stuart-Red Hill Rd to the Restricted Access Vehicle network for use by RAV 10 vehicles in accordance with the agreed terms as detailed in the Draft Mt Stuart-Red Hill Rd Road Use Agreement provided at Attachment 3,**

2. **Authorises the Chief Executive Officer to finalise the Draft Road Use Agreement for the use of Mt Stuart Rd-Red Hill Rd and once consensus is reached, authorises the Shire President and Chief Executive Officer to engross the deed between the Shire of Ashburton and Mineral Resources Limited, Crushing Services International Pty Ltd and Onslow Iron Pty Ltd,**
3. **Authorise the Chief Executive Officer to advise Main Roads that the Shire is entering into a Road Use Agreement with Mineral Resources Limited, Crushing Services International Pty Ltd and Onslow Iron Pty Ltd for the use of Mt Stuart-Red Hill Rd,**
4. **Authorises the Chief Executive Officer to advise Mineral Resources Limited that it is required to negotiate its own arrangements with the station owners for RAV access to the track which leads from the Mistake Cattle Yards to Cardo Camp and all activities to cease until agreement is in place and mutually presented by both parties, and**
5. **Authorises the Chief Executive Officer to advise Mineral Resources Limited that a realignment of the Mt Stuart-Red Hill Rd be immediately required from at least 1km south of the Mistake Cattle Yards for the purpose of moving RAV traffic a mutually agreed distance between Mineral Resources Limited and Red Hill from the yards.**

**Carried 9/0**

**Reason for change:**

**Point 4 was added to the recommendation to provide authority for the Chief Executive Officer to give guidance to Mineral Resources Limited in respect to gaining access between the Mistake Cattle Yard and Cardo Camp. Point 5 was added to the recommendation to provide the Chief Executive Officer authority to engage with Mineral Resources Limited with respect to the realignment requirements for the Mt Stuart-Red Hill Rd.**

**Suspension of Standing Orders**

Moved Cr M Lynch

Seconded Cr R De Pledge

A motion was moved that Council suspend standing orders at 1:49pm.

**Carried 9/0**

**Resumption of Standing Orders**

Moved Cr T Mladenovic

Seconded Cr M Lynch

A motion was moved that Council resume standing orders at 2:00pm.

**Carried 9/0**

## 15 Community Development Reports

### 15.1 Pannawonica Community Projects

<b>File Reference</b>	CS05
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	B Maher, Coordinator Communities
<b>Authorising Officer</b>	C McGurk, Director Community Development
<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. Pannawonica Volunteer Fire and Rescue Services - Business Case 2023 <a href="#">⇒</a></li> <li>2. Pannawonica Community Garden - Business Case 2023 <a href="#">⇒</a></li> <li>3. Pannawonica Craft Club - Business Case 2023 <a href="#">⇒</a></li> <li>4. Pannawonica Library, Youth Activation - Business Case 2023 <a href="#">⇒</a></li> <li>5. Pannawonica Junior Sports Club - Inflatables - Business Case 2023 <a href="#">⇒</a></li> </ol>

#### Report Purpose

Council is required to consider the Pannawonica Community Program business cases attached to this report in relation to the expenditure of this year's budget allocation.

The purpose of this report is to present the Pannawonica Projects business cases for Council review.

Council is requested to endorse the Pannawonica Projects business cases to allow funds to be released to the community clubs and groups.

#### Background

At the Special Council meeting held on 28 July 2022, Council approved the following modifications to the presented Annual Budget:

- 9a *The inclusion of a donation of \$10,000 (ex GST) to Pannawonica Junior Sports to assist with purchasing/replacing sporting gear*
- 9b *The inclusion of a donation of \$10,000 (ex GST) to Pannawonica Community Garden to assist with upgrades to the water system and soil for the garden beds*
- 9c *The inclusion of a donation of \$10,000 (ex GST) to Pannawonica Junior Volunteers to assist with the general operation of this group*
- 9d *The inclusion of a donation of \$20,000 (ex GST) to the Pannawonica Art for Elders Program recognising there are limited activities for elderly members.*

The reason stated for this budget modification was to ensure a greater level of support for Pannawonica is achieved.

Upon the amendment to the 2022/2023 Annual Budget, the Communities Team in Pannawonica engaged the local clubs and groups to request they submit a proposal on capacity building opportunities they would like to put forward for funding.

In November 2022, after having received very minimal engagement from the clubs and groups, clubs and groups were followed up with and supported to identify opportunities to allocate the abovementioned funding. The Communities Team also supported them in compiling the data and detail in the business cases.

In reference to the proposed inflatables (bouncy castles) (Attachment 5), these items were proposed in the 2021/2022 Annual Budget, however due to the Hillcrest Primary School incident in Tasmania, the purchase of these items was delayed as no clubs or groups, nor the Shire were in a position to take on the associated risk at the time.

The Pannawonica Junior Sports (PJS) Committee have been approached by the Shire's Communities Team with regards to their club taking on ownership of the proposed inflatables, to support delivery of after school activities by PJS, and assist in building the capacity of the club through events and fundraising opportunities. At the time of this report, PJS were reviewing the opportunity, whilst undertaking their own risk assessments with their insurer. In the event of a successful outcome of these discussions and internal reviews, PJS will accept the funding as outlined in the attached business case (refer to Attachment 5).

### **Comments**

The following business cases have been attached for review, which have been compiled in consultation with the Pannawonica clubs and groups to support their sustainability and improve the liveability of the community:

1. Pannawonica Volunteer Fire & Rescue Services – YES Program - \$10,000
2. Pannawonica Community Garden – Reactivation of Gardens - \$10,000
3. Pannawonica Craft Club – Adult Workshops/Engagement - \$17,000
4. Pannawonica Library - Youth Space Activation - \$4,000
5. Pannawonica Junior Sports Club – Inflatables - \$29,000.

Whilst there is no structure in place for the recipients of these donations to provide an acquittal of monies received, it is recommended that recipients be provided a brief report template to complete once they have expended the funds to capture the outcomes received for their club and/or group.

### **Consultation**

Consultation has been undertaken with the Pannawonica clubs and groups directly through engagement with their committee members and the Shire's Communities Team.

## 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	2 Drive community engagement to provide input to enhance opportunities aligned with community needs.

## Council Policy

Nil

## Financial Implications

### Current Financial Year

The budget allocated for the Pannawonica projects is \$70,000.

### 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)	Further delaying the release of funds, will risk the Shire's reputation within Pannawonica community groups.	Possible (3)	Moderate (3)	Moderate (5-9)	Endorsement of business cases and active engagement with clubs and groups to support finalisation of projects.

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



**Officer Recommendation**

That with respect to the allocated Pannawonica Community Program budget, Council, approve the business cases to allow funding to be released to the following clubs and groups,

1. Pannawonica Volunteer Fire & Rescue Services – YES Program - \$10,000
2. Pannawonica Community Garden – Reactivation of Gardens - \$10,000
3. Pannawonica Craft Club – Adult Workshops/Engagement - \$17,000
4. Pannawonica Library - Youth Space Activation - \$4,000
5. Pannawonica Junior Sports Club – Inflatables - \$29,000.

**Alternate Recommendation**

That with respect to the allocated Pannawonica Community Program budget, Council, approve the business cases to allow funding to be released to the following clubs and groups,

1. *Pannawonica Volunteer Fire & Rescue Services – YES Program - \$10,000*
2. *Pannawonica Community Garden – Reactivation of Gardens - \$10,000*
3. *Pannawonica Craft Club – Adult Workshops/Engagement - \$20,000*
4. *Pannawonica Junior Sports Club – Equipment \$10,000*
5. *Pannawonica Library - Youth Space Activation - \$4,000*
6. *Pannawonica Community Inflatables - \$29,000.*

**Council Decision**                      **109/2023**

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

**Seconded**                                **Cr R De Pledge**

1. ***Pannawonica Volunteer Fire & Rescue Services – YES Program - \$10,000***
2. ***Pannawonica Community Garden – Reactivation of Gardens - \$10,000***
3. ***Pannawonica Craft Club – Adult Workshops/Engagement - \$20,000***
4. ***Pannawonica Junior Sports Club – Equipment \$10,000***
5. ***Pannawonica Library - Youth Space Activation - \$4,000***
6. ***Pannawonica Community Inflatables - \$29,000.***

**Carried By Absolute Majority 6/3**

**Reason for change:**

To ensure that the Shire of Ashburton adheres to its current budget approvals and commitments with relations to Pannawonica and make appropriate modifications to current budget to include what should have been carried over from the 2021/2022 budget.

Council have decision making processes and structures in place that are participatory, consensus oriented, accountable, and transparent. The item has previously been approved in the Annual Budget at the Special Council Meeting held on the 28 July 2022. and has not been executed.

**Good governance should mean that the people of Pannawonica receive the services they require in an effective and efficient manner that is equitable and inclusive and delivered with honesty.**

### **Suspension of Standing Orders**

Moved Cr A Sullivan

Seconded Cr R De Pledge

A motion was moved that Council suspend standing orders at 2:02pm.

**Carried 9/0**

### **Resumption of Standing Orders**

Moved Cr R De Pledge

Seconded Cr M Gallanagh

A motion was moved that Council resume standing orders at 2:06pm.

**Carried 9/0**

## 15.2 Paraburdoo Multipurpose Courts Clubroom/Canteen Fees

<b>File Reference</b>	CM02.22
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	C McGurk, Director Community Development
<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

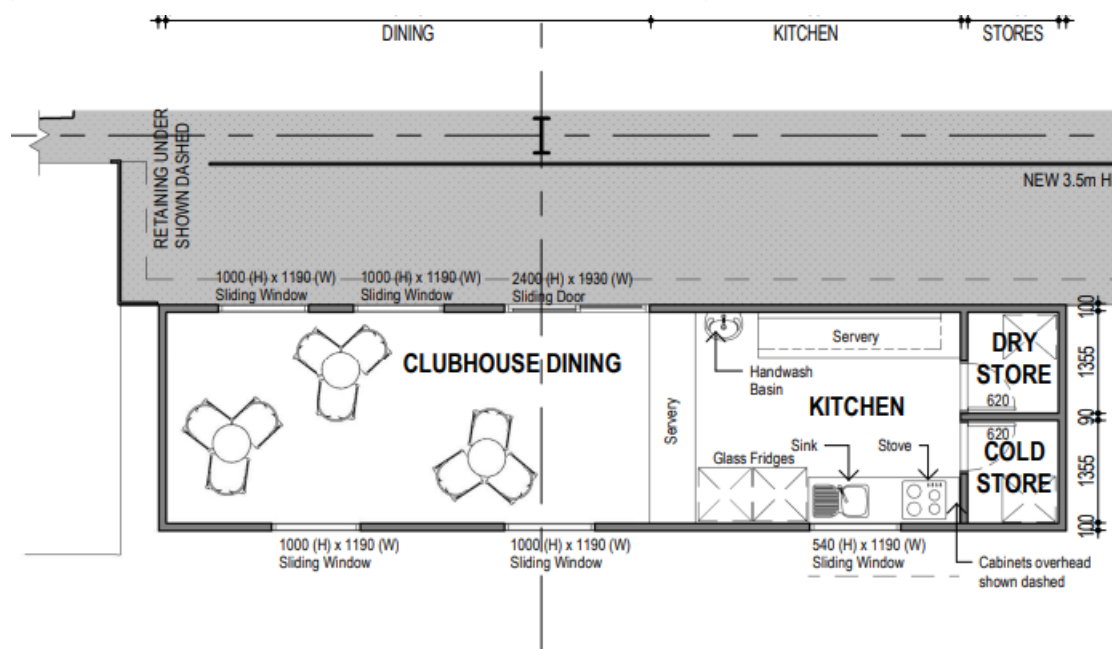
### Report Purpose

Council is requested to consider the options available for the activation of the Paraburdoo Multipurpose Court club room/canteen facility.

The purpose of this report is to present options available for improved activation and determine a position on the activation of the Paraburdoo Multipurpose Court Club/canteen facility.

### Background

As part of the design and construction of the Paraburdoo Multipurpose Courts, the project included a club room/canteen facility. The facility is designed to be used for cooking and serving of food for events, fundraisers, and community group.



Now construction is complete, the facility is required to be activated by means of Shire facility venue hire or community licence like the Tom Price Multipurpose Courts.

## Comments

The Paraburdoo Multipurpose Courts have been unavailable since August 2022, due to the facility being under construction. The project is now complete, and the club room/canteen is a new addition to the facility.

Determination by council is required so Shire officers can progress activation of the new clubroom/canteen.

Shire Officers have considered the following options:

1. Advertise Expression of Interest (EOI) for Community Lease as per Shire's Community Leases and Licences Policy and offer a five (5) year community lease with the Shire of Ashburton at \$500 per annum, a total of \$2,500 over a five-year period; or
2. Shared community license agreement between two community groups, Paraburdoo Netball Association and Paraburdoo Basketball Association, six months each, per calendar year per community group. Each club would have a license agreement with the Shire at \$250 per annum, a total of \$2,500 over a five-year period; or
3. Shire Fees and Charges, managed by Facilities via Space to Co. Fees and charges to be the same as Tom Price Minna Oval canteen. The cost for hire is \$12 per hour. At an estimate being hired once per month for four hours, the annual revenue would be \$576.

## Consultation

Director Community Development

Facilities Officer Tom Price

Facilities Officer Paraburdoo

Paraburdoo Netball Association

Paraburdoo Basketball Association

## Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

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

## Council Policy

Community Leases and Licences

## Financial Implications

### Current Financial Year

Nil

### Future Financial Year(s)

Option 1	Leased to one (1) non for profit community group	\$500.00	per club per annum
Option 2	Leased to two (2) non for profit community groups	\$500.00	per club per annum
Option 3	Fees and Charges	\$12.00	per hour/ estimated \$576 per annum
Option 4	not adopted	\$0.00	

## Legislative Implications

### *Local Government Act 1995*

#### *Section 3.58 Disposing of Property*

Dispose includes to sell, lease, or otherwise dispose of whether absolutely or not and property includes the whole or any part of the interest of local government in property, but does not include money.

#### *Section 6.16 – Imposition of fees and charges*

A local government can, by an absolute majority decision, impose fees and charges for goods and services it supplies. Fees and charges are to be imposed when adopting the annual budget and may be imposed during the financial year and / or amended from time to time during the financial year.

#### *Section 6.17 – Setting level of fees and charges*

In determining the amount of a fee or charge the local government is to consider the provision cost, the community importance and alternative provider pricing of those goods and services.

#### *Section 6.19 (Local government to give notice of fees and charges)*

The local government is to provide local public notice of proposed new fees and the date the new fee will be applied from. It is proposed the new fees be applied from 1 July 2023.

#### *Regulation 30 –Local Government (Functions and General) Regulations 1996*

A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act. Subsection 2 of this regulation provides that a disposition of land is an exempt disposition, if the land is disposed of to a body (whether incorporated or not) if the objects of the body are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.

## Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Interruption to service		Unlikely (2)	Minor (2)	Low (1-4)	Adopt one of the three options presented to Council.

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 activation of the Paraburdoo Multipurpose court club room/canteen facility, Council,

1. Agree to Option 2, a shared Community licence agreement between two (2) community groups Paraburdoo Netball Association and Paraburdoo Basketball Association, six months each, per calendar year per community group. With the licenses operating for a period of 5 years, each licence to be \$250 per annum,
2. Authorises the Chief Executive Officer to progress the preparation with Shire Officers of Community Licence for abovementioned community groups for execution.

**Council Decision**                      **110/2023**

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

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

**That with respect to the activation of the Paraburdoo Multipurpose court club room/canteen facility, Council,**

1. **Agree to Option 2, a shared Community licence agreement between two (2) community groups Paraburdoo Netball Association and Paraburdoo Basketball Association, six months each, per calendar year per community group. With the licenses operating for a period of 5 years, each licence to be \$250 per annum,**
2. **Authorises the Chief Executive Officer to progress the preparation with Shire Officers of Community Licence for abovementioned community groups for execution.**

**Carried By Absolute Majority 9/0**

### 15.3 Endorsement of the Implementation Plan for the Youth Strategy 2023-2025

<b>File Reference</b>	CS01
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	C Galliers, Manager Community Services
<b>Authorising Officer</b>	C McGurk, Director Community Development
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 10 December 2014 - Item 12.1 - 11889 Ordinary Council Meeting 23 April 2018 - Item 13.1 - 353/2018 Ordinary Council Meeting 4 April 2023 - Item 14.2 – 054/2023
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	1. Draft Implementation Plan - Youth Strategy 2023-2025 <a href="#">⇒</a>

#### Report Purpose

Council is requested to review the draft Implementation Plan that underpins the recently adopted Youth Strategy 2023-2025, to ensure the progression and achievement of the overarching goals and actions.

The purpose of this report is to present the draft Implementation Plan for Council consideration and review.

Council is requested to endorse the draft Implementation Plan - Youth Strategy 2023-2025 as detailed and provided at Attachment 1, which underpins the adopted strategy.

#### Background

At the Ordinary Meeting of Council held on 10 December 2014, Council approved a proposal to replace the REC11 Youth Advisory Council Policy with a Youth Engagement Strategy, to be developed and returned to Council for adoption. Youth Advisory Council Western Australia (YACWA) was the consultant engaged to prepare the draft Youth Engagement Strategy based on the information gathered from the youth workshops and stakeholder consultation which was presented to Council at the Ordinary Meeting of Council in April 2018.

The draft Youth Engagement Strategy 2018-2023 provided a reference point for improved engagement with youth sector stakeholders and outlined collaborative partnership opportunities in service delivery. The draft was endorsed by Council in 2018 but never formalised.

In June 2022, the Shire engaged YACWA to reconnect with our stakeholders and more importantly the Shire's youth to build upon the previous opportunities and outcomes that were not followed through and acted upon in 2018.

At the Ordinary Meeting of Council held on 4 April 2023, Council approved the Youth Strategy 2023-2025 as a key informing strategy to drive community development in the youth space.

**Comments**

The endorsed Youth Strategy 2023-2025 is structured around five focus areas as follows, with two to three goals aligned to each area and then actions that relate to each goal:

1. Spaces and activities
2. Health and wellbeing
3. Career pathways and development
4. Youth empowerment
5. Representation and identity.

The draft Implementation Plan presented for adoption provides an actionable plan that details the who, what, when, how and why of the above goals. It determines the specific tasks under each action that will deliver the objectives of the overarching strategy.

The success of the informing strategy and the proposed Implementation Plan is reliant on the engagement and collaboration of a number of youth service providers. This Implementation Plan strives to ensure the overall outcomes work to build collaboration with those that are already working with young people and not to work against or duplicate these efforts.

The draft Implementation Plan is based on the three-year timeframe of the Youth Strategy, allocating achievable outcomes within each year.

**Consultation**

Communities Team – reviewed Youth Strategy and workshopped viable actions.

**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	2 Drive community engagement to provide input to enhance opportunities aligned with community needs.

**Council Policy**

Nil

**Financial Implications**Current Financial Year

Nil

Future Financial Year(s)

The implementation of the proposed plan will be captured via the Annual Budget process, for the duration of the strategy.

**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
People	Disengaged youth, increased crime, youth programs that do not align to a strategic vision.	Possible (3)	Moderate (3)	Moderate (5-9)	Active engagement with key stakeholders that provide youth services, ie. Western Australia Police, Tom Price Youth Services, Department of Communities.

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 draft Implementation Plan – Youth Strategy 2023-2025, Council,

1. Endorses the Implementation Plan as detailed in Attachment 1, and
2. Authorises the Chief Executive Officer to formalise and publish the plan and associated actions identified.

**Council Decision**                      **111/2023**

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

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

**That with respect to the draft Implementation Plan – Youth Strategy 2023-2025, Council,**

- 1. Endorses the Implementation Plan as detailed in Attachment 1, and**
- 2. Authorises the Chief Executive Officer to formalise and publish the plan and associated actions identified.**

**Carried 9/0**

At 2:14 pm, Cr Audra Smith left the meeting.

At 2:14 pm, Cr Melanie Gallanagh left the meeting.

At 2:14 pm, Cr Linton Rumble JP left the meeting.

At 2:14 pm, Cr Alana Sullivan left the meeting.

*Cr M Gallanagh disclosed a direct financial interest in Item 15.4 (detailed in Item 5.2).*

*Cr A Smith disclosed a direct financial interest in Item 15.4 (detailed in Item 5.2).*

*Cr L Rumble JP disclosed a direct financial interest in Item 15.4 (detailed in Item 5.2).*

*Deputy Shire President Cr M Lynch disclosed an indirect financial interest in Item 15.4 (detailed in Item 5.2).*

*Cr T Mladenovic disclosed an indirect financial interest in Item 15.4 (detailed in Item 5.2).*

*Cr A Sullivan disclosed a direct financial interest in Item 15.4 (detailed in Item 5.2).*

## 15.4 Endorsement of the Shire of Ashburton Event and Activities Plan 2023-2024

<b>File Reference</b>	CS22
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	C Galliers, Manager Community Services
<b>Authorising Officer</b>	C McGurk, Director Community Development
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 12 July 2022 - Item 14.2 – 159/2022
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Event and Activities Plan 2023-2024 <a href="#">⇒</a></li> <li>2. Cultural Celebration Event Proposal <a href="#">⇒</a></li> <li>3. Art Exhibition Event Proposal <a href="#">⇒</a></li> </ol>

### Report Purpose

Council is required to consider the proposed Shire of Ashburton Event and Activities Plan 2023-2024 (Plan) (refer to Attachment 1) which has been prepared to provide direction for the delivery of Council events and provision of support to the community, including local clubs, groups and organisations.

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

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

### Background

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

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

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

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

The Shire's Communities Team provides and supports a large number of events held across all four towns. These events make our Shire a vibrant, social, and cultural place to live and enrich the lives of our residents, providing opportunities that are not readily available in remote areas.

Previously the Shire has delivered an extensive list of events and activities with no guidelines on strategy. Although a diverse range of events has been delivered, the endorsement of an annual plan will ensure an alignment with the Shire's strategic direction, budget and resourcing capabilities. The Plan can then be circulated and discussed with key stakeholders to identify collaboration opportunities and calendar confirmations to ensure there is minimal conflict with the wider community events being delivered by other organisations and groups.

This report seeks to confirm a coordinated and balanced calendar of events and activities that aim to increase the liveability and wellbeing of the communities within the Shire, whilst leveraging collaboration and capacity building opportunities.

## Comments

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

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

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

- Maximise opportunities for local community organisations and businesses,
- Attract regional tours and performances to the Shire against strong competition, placing the Shire on the WA touring map for entertainers,
- Balance the value of our funded events to enable support of our Shire funded community events
- Optimise existing community facility use when hosting events and activities to ensure positive activation of spaces,

- Proactively seek ongoing opportunities to leverage additional community, government and business involvement, support, and resources to enhance the wider community needs, and
- Support local clubs and groups to be successful and sustainable, with well-planned opportunities for capacity building and development.

The proposed 2023 – 2024 Event and Activities Plan (refer to Attachment 1) seeks to determine the key focus areas for delivery by the Communities Team over the next twelve months. The Plan also seeks to determine the proposed funding for events and activities and whether they are Shire funded or part of partnership funding.

The events and activities highlighted as part of the Working Together Onslow (WTO) are reflective of the approved three year Partnership Agreement with Chevron Australia as endorsed by Council at the 8 November 2022 Ordinary Council Meeting.

As the Australia Day celebration in Onslow is no longer included in the WTO agreement, the proposed adapted event that is anticipated to commemorate 100 years of Onslow becoming gazetted, will be applied for through grant funding from other sources. The proposed Inspire funded events and activities relate to the draft Inspire Agreement with Rio Tinto Iron Ore.

The Plan incorporates both general events that are expected to be delivered annually, and several events and activities which require a degree of flexibility regarding their timing and details, to allow for mitigating circumstances in their delivery.

The School Holiday Program concepts will incorporate the actions and objectives within the newly reviewed Youth Strategy and Access and Inclusion Plan to ensure the activities align to our focus areas and targeted outcomes within these informing strategies.

The Plan proposes a celebration of summer through live performance and entertainment in each town scheduled on the 26 January, with the inclusion of highlighting 100 years of being gazetted in Onslow.

The Plan incorporates a larger scale celebration of culture event in Paraburdoo, Tom Price and Pannawonica, to be funded through the proposed Inspire Agreement (refer to Attachment 2). It also proposes an art exhibition in collaboration with Nintirri (Attachment 3) in June 2024 to align with the implementation of the proposed Art Strategy.

The club development portfolio had stalled in the 2022/2023 year due to resourcing issues. Our aim for 2023/2024 is re-committing and re-connecting the Shire's support in the areas of governance, education, training and use of existing facilities. Initiatives that we have proposed to focus on to achieve this include –

- Establishment of an advisory sporting group that ensures a more collaborative and sustainable pathway between the Shire and local clubs that utilise existing facilities.
- Undertake a health check across all active clubs and groups to determine a needs analysis for education and governance requirements and resource the gaps.
- Explore innovative ways to boost volunteerism and enable increased parent/guardian involvement and interest in youth sport and activities.
- Enhance support in coaching/officiating/training development through online training opportunities at no cost.
- Capacity building and professional development opportunities including inclusive practices and targeted participation programs and accreditations.

It is important to note that the proposed Plan reflects a proposed service delivery of annual events and activities, this may change due to operational and resourcing matters that arise during the 12 month period.

### **Consultation**

Executive Leadership Team

Communities Team

Rio Tinto Iron Ore Communities Team

### **Strategic Community Plan**

Shire of Ashburton Strategic Community Plan 2022-2032

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

### **Council Policy**

Nil

### **Financial Implications**

#### Current Financial Year

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

#### Future Financial Year(s)

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

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

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

## Voting Requirements

Simple Majority

## Officer Recommendation

That with respect to the Shire of Ashburton Event and Activities Plan 2023 – 2024, Council, endorses the plan, as detailed in Attachment 1.

**Council Decision**                      **112/2023**

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

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

**That with respect to the Shire of Ashburton Event and Activities Plan 2023 – 2024, Council, endorses the plan, as detailed in Attachment 1.**

**Carried 5/0**

At 2:15 pm, Cr Audra Smith returned to the meeting.

At 2:15 pm, Cr Melanie Gallanagh returned to the meeting.

At 2:15 pm, Cr Linton Rumble JP returned to the meeting.

At 2:15 pm, Cr Alana Sullivan returned to the meeting.

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

Nil

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

**Council Decision** 113/2023

**Moved** Cr M Gallanagh

**Seconded** Cr M Lynch

That Council, at 2:16pm, pursuant to Clause 5.4 of the *Shire of Ashburton Standing Orders Local Law 2012*, introduced the following item as new business of an urgent nature,

**17.1 Provision of Banking Services**

**Carried 9/0**

### 17.1 Provision of Banking Services

<b>File Reference</b>	FM.36
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	D Kennedy, Director Corporate Services
<b>Authorising Officer</b>	D Kennedy, Director Corporate Services
<b>Previous Meeting Reference</b>	Ordinary Council Meeting 14 March 2023 - Item 12.3 – 037/2023
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	Nil

#### Report Purpose

The purpose of this report is for Council to consider utilising the State Government Common Use Agreement (CUA) for the provision of Banking Services.

Council is requested to approve this tender exempt approach.

#### Background

At the Ordinary Meeting of Council held on 14 March 2023, Council passed the following resolution:

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

Following further investigation, Officer’s became aware that the Commonwealth Bank of Australia (CBA) had recently won the tender for State Government Banking Services.



This contract runs until November 2025, with the contract having options for 2 x 2 year extensions.

### Comments

The Shire of Ashburton can accede to the Contract under the Local Government Authority classification as part of the CUA arrangement rather than undertake a separate tender as originally planned.

From a procurement perspective, this is totally compliant method and leverages off the tender that the State Government has completed.

This change in approach will not only provide significant administrative efficiency but more importantly it will enable the Shire's Municipal funds to immediately earn a competitive interest rate. Currently the Westpac does not pay any interest on funds in the Municipal account despite Officers making enquiries on a number of occasions.

### Consultation

CBA – Local Banking Group (CUA clarifications)

### 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	3 Plan effectively for financial sustainability.

### Council Policy

Investments – Council Policy that guides investment decisions and diversification requirements of investment portfolio.

### Financial Implications

#### Current Financial Year

Nil

#### Future Financial Year(s)

Under current banking arrangements the Shire is not paid any interest on funds held in the Municipal bank account. Through the CUA agreement, this will be addressed with the interest rate directly linked to the Reserve Bank of Australia (RBA) cash rate. This will generate significant additional risk-free income to the Shire. Based on current interest rates this could exceed \$1m per annum.

There will also be a reduction in bank fees, as the CUA offers a more competitive fee structure for all the common fees and charges that the Shire incurs as part of standard transactional banking.

## Legislative Implications

### *Local Government Act 1995*

Section 6.7 details the requirement for a local government to have a Municipal Fund.

### *Local Government (Financial Management) Regulations 1996*

Regulation 19 requires a local government to establish control procedures for investments and Regulation 19C outlines a number of restrictions that apply to investments. These are detailed in Councils – Investments Policy.

## Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Reputation (social/community)	Not achieving sufficient investment returns on public funds.	Possible (3)	Moderate (3)	Moderate (5-9)	Utilising the CUA agreement will generate return linked to the RBA cash rate.
Financial impact		Likely (4)	Moderate (3)	High (10-16)	Utilising the CUA agreement will generate return linked to the RBA cash rate.

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 Provision of Banking Services, Council,

1. Note the information provided in relation to the State Government Common Use Agreement with the Commonwealth Bank of Australia;
2. Approve the transfer of the Shire of Ashburton transactional banking facilities from Westpac Banking Corporation to Commonwealth Bank of Australia; and
3. Authorise the Chief Executive Officer in accordance with Section 9.49A(4) of the *Local Government Act 1995* to sign documents to facilitate the transfer.

**Council Decision            114/2023**

**Moved                        Cr L Rumble JP**

**Seconded                    Cr A Smith**

**That with respect to the Provision of Banking Services, Council,**

- 1.    Note the information provided in relation to the State Government Common Use Agreement with the Commonwealth Bank of Australia;**
- 2.    Approve the transfer of the Shire of Ashburton transactional banking facilities from Westpac Banking Corporation to Commonwealth Bank of Australia; and**
- 3.    Authorise the Chief Executive Officer in accordance with Section 9.49A(4) of the *Local Government Act 1995* to sign documents to facilitate the transfer.**

**Carried 9/0**

## 18 Confidential Matters

**Procedural Motion                      115/2023**

**Moved                                      Cr M Gallanagh**

**Seconded                                Cr R De Pledge**

**That Council move behind closed doors at 2:19 pm, pursuant to clause 6.2 of the *Shire of Ashburton Standing Orders Local Law 2012* to consider the following confidential items.**

**6.1        Chief Executive Officer's Annual Performance Review 2022/2023**

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

- (a)    a matter affecting an employee or employees**

**Carried 9/0**

At 2:19 pm, Shire officers left the meeting.

*Kenn Donohoe (Chief Executive Officer) disclosed a direct financial interest in Item 6.1 (detailed in Item 5.2).*

## **Chief Executive Officer's Performance Review Occasional Committee Meeting held on 13 June 2023**

### **6.1 Chief Executive Officer's Annual Performance Review 2022/2023**

<b>File Reference</b>	PE.1808
<b>Applicant or Proponent(s)</b>	Not Applicable
<b>Author</b>	A Heraty, Manager Organisational Development
<b>Authorising Officer</b>	A Heraty, Manager Organisational Development
<b>Previous Meeting Reference</b>	Nil
<b>Disclosure(s) of interest</b>	Author – Nil
	Authorising Officer – Nil
<b>Attachments</b>	1. Chief Executive Officer's Annual Performance Review Report

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

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

#### **Report Purpose**

The purpose of this report is for the Chief Executive Officer's Performance Review Occasional Committee (the Committee) to:

- Consider the consultant's report on the Chief Executive Officer's (CEO) performance for 2022/2023 as provided and detailed in Attachment 1, and
- Endorse Key Performance Indicators (KPI's) for 2023/2024 and any contract alterations, in line with the Salaries and Allowances Tribunal determination published on 6 May 2023.

**Council Decision                    115/2023**

**Moved                                    Cr T Mladenovic**

**Seconded                            Cr A Smith**

**That with respect to Chief Executive Officer's Annual Performance Review 2022/2023, the Chief Executive Officer's Performance Review Occasional Committee recommends that Council,**

- 1.    Accepts the Chief Executive Officer's Annual Performance Review report as detailed in Attachment 1,**
- 2.    Endorses the overall performance rating for the Chief Executive Officer, Mr Kenn Donohoe, for the review period May 2022 to May 2023 as 'Exceeds Performance Requirements,**
- 3.    Support the Chief Executive Officer's Key Performance Indicators for 2023/2024 being presented to a meeting of the Chief Executive Officer's Performance Review Occasional Committee in July 2023 for consideration, and**
- 4.    Endorses a revised contract of employment is issued to Mr Kenn Donohoe, aligned with the Model Chief Executive Officer Contract Template, to reflect an annual remuneration adjustment as detailed in this report.**

**Carried 9/0**

**Procedural Motion**

**Moved                                    Cr A Sullivan**

**Seconded                            Cr R De Pledge**

**That Council re-open the meeting to the public at 2:21 pm.**

**Carried 9/0**

At 2:21 pm, Shire officers returned to the meeting.

The Shire President read aloud the decision made behind closed doors.

## **19 Next Meeting**

The next Ordinary Council Meeting will be held at 1:00pm on Tuesday 11 July 2023 at Ashburton Hall, Ashburton Avenue, Paraburdoo.

## **20 Closure Of Meeting**

There being no further business, the Presiding Member closed the meeting at 2:23pm.