



Published Minutes

Ordinary Council Meeting

Tuesday, 11 July 2023

Date:	Tuesday 11 July 2023
Time:	1:00pm
Location:	Ashburton Hall, Ashburton Avenue, Paraboradoo
Distribution Date:	Friday 14 July 2023



**Shire of Ashburton
Ordinary Council Meeting**

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

K Donohoe
Chief Executive Officer
12 July 2023

These minutes were confirmed by Council as a true and accurate record of proceedings at the Ordinary Council Meeting held on Tuesday, 11 July 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.

Presiding Member Recommendation

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

Cr A Sullivan Declaration

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

1.1 Acknowledgement Of Country

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

2 Announcement Of Visitors

Nil

3 Attendance

3.1 Present

Elected Members:	Cr K White	Shire President (Presiding Member), Onslow Ward
	Cr M Lynch	Deputy Shire President, Tom Price Ward
	Cr R De Pledge	Ashburton Ward
	Cr M Gallanagh	Pannawonica Ward
	Cr L Rumble JP	Paraburdoo Ward
	Cr A Sullivan	Paraburdoo Ward (via electronic means)
	Cr A Smith	Tom Price Ward
	Cr T Mladenovic	Tom Price Ward

Employees:	K Donohoe C McGurk D Kennedy R Miller A Sheridan A Furfaro N Cochrane	Chief Executive Officer Director Community Development Director Corporate Services Director Infrastructure Services Project Manager Governance Officer Council Support Officer
Guests:	Nil	
Members of Public:	There were two members of the public in attendance at the commencement of the meeting.	
Members of media:	There were no members of the media in attendance at the commencement of the meeting.	

3.2 Apologies

Nil

3.3 Approved Leave Of Absence

Cr J Richardson Tableland Ward From 11 July 2023 to 8 August 2023

4 Question Time

4.1 Response To Previous Public Questions Taken On Notice

4.1.1 Response - Tom Price BMX Club

Melissa Wright

Ordinary Council Meeting – 13 June 2023 – Item 4.2.

Question 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.

Response 1

The Shire's understanding is there are already toilet amenities onsite at the Tom Price BMX Club. If the Club wishes to renew or refurbish the existing toilet amenities at the Club's cost, the Shire would support the Club, subject to relevant statutory approvals. It is recommended the Club explore grant opportunities.

Question 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.

Response 2

The Shire understands the Club has access to potable water as Rio Tinto has installed a new water meter.

Question 3

Would Council investigate the situation with water accounts for the property, as the Club receive three different accounts for the same site.

Response 3

The Shire is in communication with Rio Tinto utilities and is working through the accounts on the Club's behalf. Once Rio Tinto has responded the Shire will be able to advise the Club further.

Question 4

Would Council investigate the current situation with public road access to the Clubs leased site and formalise public road access.

Response 4

The Shire can advise that work is ongoing with Department Planning, Lands and Heritage on formalising public road access. Finalisation is imminent once formal approval has been received. This information when available, will be passed onto the Club.

4.2 Public Question Time

Douglas Ivan Dias

Question:

Will the council consider implementing a 'Good Neighbour Recognition Program' Similar to the City of Glen Eira in Victoria.

My understanding is this award is different to the volunteer of the month we presently have. Any resident can nominate a neighbour/friend for an act of kindness towards them which could simply doing their lawns or getting then their groceries while they are sick or helping them out in a time of need.

The Council can determine how often to have the Award and can determine the appropriate prize.

Response

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

Dalton Mclroy – Manger of Bedford, Paraburdoo

Question:

Hi, I am Dalton Mclroy, Manager of the Bedford Paraburdoo, I would like to put in a request for new chairs/seating areas to complement the new red dog plaque that has become a great tourist/public attraction at Paraburdoo.

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.



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

Our ref E23080025
Enquiries Kimberley Craik
Phone (08) 8552 1408
Email legislation@dlgsc.wa.gov.au

Mr Kenn Donohoe
Chief Executive Officer
Shire of Ashburton

Email: governance@ashburton.wa.gov.au

Dear Mr Donohoe

I refer to your correspondence dated 5 July 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 three members in order to achieve quorum. Accordingly, approval has been granted for three members, Cr Lynch, Cr Mladenovic and Cr Smith, 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 11 July 2023:

15.3 – ACCEPTANCE OF SIGNATURE EVENT AND ACTIVITY LATE APPLICATIONS 2023/2024

Conditions of approval:

- 1. The approval is only valid for the 11 July 2023 Ordinary Council Meeting when agenda item 15.3 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/Senior Legislation Officer, via the details provided above.

Yours sincerely

A handwritten signature in blue ink that reads 'Brajanovic'.

BANA BRAJANOVIC
A/EXECUTIVE DIRECTOR – LOCAL GOVERNMENT

6 July 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 –

15.3 Acceptance of Signature Event and Activity Late Applications 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	Deputy Shire President M Lynch
Nature of interest	Indirect Financial
Interest description	I am an employee and tenant of Rio Tinto. I am paid a salary by Pilbara Iron.
Name	Cr T Mladenovic
Nature of interest	Direct Financial
Interest description	My partner is employed by Rio Tinto and we live in subsidised housing provided as part of his employment. My partner has Rio Tinto shares under the prescribed amount.
Name	Cr L Rumble JP
Nature of interest	Direct Financial
Interest description	I hold Rio Tinto shares greater than the prescribed amount.
Name	Cr A Smith
Nature of interest	Direct Financial
Interest description	My husband is an employee of Rio Tinto, and owns shares over the prescribed amount of Rio Tinto shares. My husband employment with Rio Tinto provides him with subsidised housing and utilities in which I reside too.
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 Riotinto. I and my husband are employees of Riotinto.

7.1 Chief Executive Officer Key Performance Indicators	
Name	Kenn Donohoe
Nature of interest	Direct Financial
Interest description	CEO Performance Annual Review. Contract of employment.

6 Announcements By The Presiding Member And Councillors Without Discussion

Nil

7 Petitions / Deputations / Presentations

7.1 Petitions

Cr Audra Smith presented the following Petition received:

“Pool heating petition to the Shire of Ashburton on behalf of Tom Price Amateur Swimming Club, Desert Frogs Swim School, and Paraburdoo Amateur Swimming Club.

We, the undersigned are requesting the Shire of Ashburton upgrade the pool facilities at Tom Price and Paraburdoo with an adequate pool heating system to allow for maximum pool usage during the swim season.”

The Petition, will be forwarded to the appropriate department for consideration and the appropriate action.

7.2 Deputations

Nil

7.3 Presentations

Nil

8 Applications for Leave of Absence

Leave of Absence

Council Decision **116/2023**

Moved **Cr M Lynch**

Seconded **Cr A Smith**

That Council approve the request for Leave of Absence, for Cr Rory De Pledge of Ashburton Ward for the period from 8 August 2023 to 12 September 2023 inclusive.

For: **Crs K White, M Lynch, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, A Smith and T Mladenovic**

Against: **Nil**

Carried 8/0

9 En Bloc Council Resolutions

9.1 Agenda Items Adopted En Bloc

The following confirmation of minutes and receipt of minutes were adopted en bloc:

- 10.1.1 Minutes of the Ordinary Council Meeting Held on 13 June 2023
- 10.2.1 Minutes of The Chief Executive Officer's Performance Review Occasional Committee Meeting Held On 13 June 2023
- 10.2.2 Minutes Of The Ashburton Economic And Tourism Development Committee Meeting Held On 13 June 2023
- 10.2.3 Minutes Of The Annual General Electors Meeting Held On 13 June 2023
- 10.2.4 Minutes Of The Inland Local Emergency Management Committee Meeting Held on 15 June 2023
- 10.2.5 Minutes Of The Onslow Local Emergency Management Committee Meeting Held on 20 June 2023
- 10.2.6 Minutes Of The Pannawonica Local Emergency Management Committee Meeting Held on 21 June 2023

10 Confirmation Of Minutes

10.1 Confirmation Of Council Minutes

10.1.1 Minutes Of The Ordinary Council Meeting Held On 13 June 2023

Council Decision 117/2023

Moved Cr L Rumble JP

Seconded Cr M Gallanagh

That the Minutes of the Ordinary Council Meeting held 13 June 2023 (Item 10.1.1 Attachment 1) be confirmed as a true and accurate record.

For: Crs K White, M Lynch, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, A Smith and T Mladenovic

Against: Nil

Carried 8/0

10.2 Receipt Of Committee And Other Minutes

10.2.1 Minutes Of The Chief Executive Officer's Performance Review Occasional Committee Meeting Held On 13 June 2023

Council Decision 118/2023

Moved Cr L Rumble JP

Seconded Cr M Gallanagh

That the Minutes of the Chief Executive Officer's Performance Review Occasional Committee Meeting held 13 June 2023 (Item 10.2.1 Attachment 1) be received.

For: Crs K White, M Lynch, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, A Smith and T Mladenovic

Against: Nil

Carried 8/0

10.2.2 Minutes Of The Ashburton Economic And Tourism Development Committee Meeting Held On 13 June 2023

Council Decision 119/2023

Moved Cr L Rumble JP

Seconded Cr M Gallanagh

That the Minutes of the Ashburton Economic And Tourism Development Committee Meeting held 13 June 2023 (Item 10.2.2 Attachment 1) be received.

For: Crs K White, M Lynch, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, A Smith and T Mladenovic

Against: Nil

Carried 8/0

10.2.3 Minutes Of The Annual General Electors Meeting Held On 13 June 2023

Council Decision 120/2023

Moved Cr L Rumble JP

Seconded Cr M Gallanagh

That the Minutes of the Annual General Electors Meeting held 13 June 2023 (Item 10.2.3 Attachment 1) be received.

For: Crs K White, M Lynch, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, A Smith and T Mladenovic

Against: Nil

Carried 8/0

10.2.4 Minutes Of The Inland Local Emergency Management Committee Meeting Held On 15 June 2023

Council Decision **142/2023**

Moved **Cr L Rumble JP**

Seconded **Cr M Gallanagh**

That the Minutes of the Inland Local Emergency Management Committee Meeting held 15 June 2023 (Item 10.2.4 Attachment 1) be received.

For: **Crs K White, M Lynch, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, A Smith and T Mladenovic**

Against: **Nil**

Carried 8/0

Resolved en bloc

10.2.5 Minutes Of The Onslow Local Emergency Management Committee Meeting Held On 20 June 2023

Council Decision **121/2023**

Moved **Cr L Rumble JP**

Seconded **Cr M Gallanagh**

That the Minutes of the Onslow Local Emergency Management Committee Meeting held 20 June 2023 (Item 10.2.5 Attachment 1) be received.

For: **Crs K White, M Lynch, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, A Smith and T Mladenovic**

Against: **Nil**

Carried 8/0

Resolved en bloc

10.2.6 Minutes Of The Pannawonica Local Emergency Management Committee Meeting Held On 21 June 2023

Council Decision **122/2023**

Moved **Cr L Rumble JP**

Seconded **Cr M Gallanagh**

That the Minutes of the Pannawonica Local Emergency Management Committee Meeting held 21 June 2023 (Item 10.2.6 Attachment 1) be received.

For: **Crs K White, M Lynch, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, A Smith and T Mladenovic**

Against: **Nil**

Carried 8/0

Resolved en bloc

11 Recommendations From Committee

Nil

12 Office of the Chief Executive Officer Reports

12.1 Assignment of Retail Lease Paraburdoo

File Reference	ASH.0811
Applicant or Proponent(s)	Ms McManus – Scorched Retina Gallery
Author	N Niven, Lease and Accommodation Officer
Authorising Officer	K Donohoe, Chief Executive Officer
Previous Meeting Reference	Ordinary Council Meeting 14 June 2022 - Item 18.2 – 086/2022
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	Nil

Report Purpose

Council is required to consider the assignment of an existing lease for a retail tenancy at Lot 811 (84) Ashburton Court, Paraburdoo from Scorched Retina Galley to Hair by Liv for a remaining period of approximately four years (inclusive of options).

Background

Scorched Retina Gallery is located on a portion of Lot 811 (84) Ashburton Court, Paraburdoo. The subject Lease is located within the retail precinct of Paraburdoo comprising an area of approximately 105 metres squared as shown as Lease Area 'B' (refer to Figure 1).

Ms Leah McManus, the current owner of Scorched Retina Gallery notified the Shire of Ashburton (the Shire) in June 2023 that she intends to assign the lease and sell the internal fit out and assets (as required) from the Gallery to Ms Olivia Halliday.

Ms Halliday currently owns 'Hair By Liv', an already established hair salon situated in the same shopping precinct. It is the intention of Ms Halliday to relocate the existing salon into the assigned lease space. Ms Halliday also owns the successful café 'The Vault' which is shown in Lease Area 'A' (refer to Figure 1).

Ms McManus has elected to assign the lease in accordance with clause 15.1 of the Lease, which requires written consent of the lessor (Council) as follows:

“The rights in this lease are personal to the Lessee, and Lessee may not transfer, assign, sublet, or otherwise part with possession or any way dispose of any of its rights or obligations under this Lease without the written consent of the Lessor which consent of the Lessor shall not be unreasonably withheld, subject to the Lessee’s compliance with clause 15.3.”

The Lease has a further four years and two months remaining with the first term ending on 1 September 2023. The intended trading name would become 'Hair By Liv'.

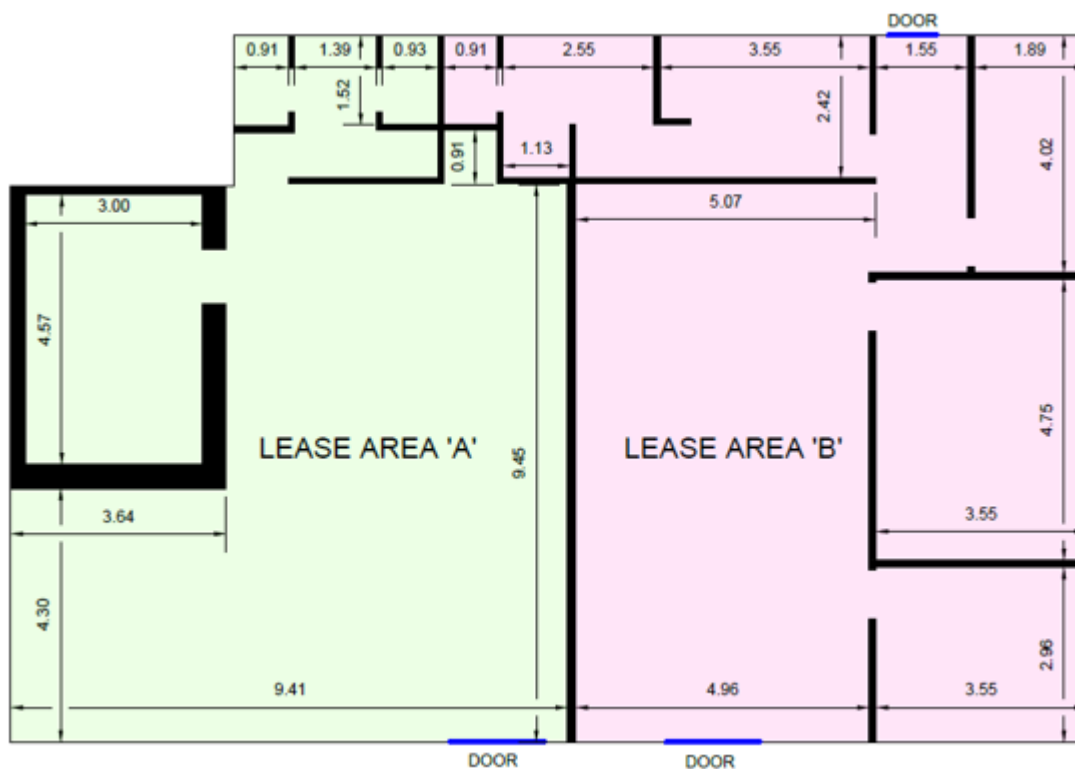


Figure 1: Leased Premises "Lease Area B"

Comments

Shire officers have been advised that Ms McManus is unable to fulfill the remainder of the first term of the Lease however, information provided indicates that Ms Halliday is willing to take on the current lease through assignment, noting the proposal will be subject to Council approval.

The remaining term is two months with four further terms being one year per term.

Shire officers support the proposal of assignment of lease to Ms Halliday for the remainder of the Lease based on her submission which advised the following:

- Proposed lease to be assigned to an overarching Hair and Beauty Salon, namely Hair By Liv. The hairdressing component will provide haircuts, colours and hair extensions.
- Ms Halliday has requested to sublease two of the existing gallery rooms to "Wildflower Beautique" who currently sublease from her in the current salon. They will provide beauty services including waxing, lashes, nail services, and massage.
- The intention is to "create a space to allow community members to relax, have time out and be pampered, continuing, and growing a much-needed business for Paraburdoo."
- Ms Halliday is the owner/operator of two successful businesses in Paraburdoo. Currently the owner of The Vault Café which is adjoining the proposed lease space, Lease Area 'A' (refer to Figure 1) also leased by the Shire.
- Hair By Liv is an already established business with 15 years hair dressing experience with an established and a regular, growing clientele base which requires a bigger space allowing for more services to be provided to the community of Paraburdoo.

- Ms Halliday has proposed longer trading hours, Monday to Saturday 8.30am – 6pm, and late-night trading available for shift workers (close by 9pm).
- The proposed fit out will include plumbing at a total cost of \$4,850, a quote has been provided and will be paid for at Ms Halliday's expense. All other salon equipment is movable in the space such as chairs, mirrors, benches etc and has been negotiated for purchase or otherwise between Ms McManus and Ms Halliday.
- Ms Halliday is further proposing increased social media presence.

Consultation

Ms Leah McManus

Ms Olivia Halliday

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	2.3 Attractive and sustainable townscapes offering opportunities for all communities
Strategy	3 Maintain town centres for the enjoyment of locals and visitors, which the community can take pride in.

Council Policy

Nil

Financial Implications

Current Financial Year

The current Rent under the existing lease is \$9,450 per annum.

Should the lease not be assigned it has become apparent that Ms McManus will not take up any further options on the existing lease. This will mean that the property will become vacant from September 2023 until another tenant is established. By agreeing to the lease assignment, the Shire will continue to derive a rental income from the space.

Future Financial Year(s)

The Rent will continue to be derived annually in accordance with the lease for the next four years.

Legislative Implications

Section 3.58 of the *Local Government Act 1995* (Disposing of Property) does not apply through assignment of lease as the previous lease allows for assignment and was previously advertised.

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	Lease not assigned to the new lessee, rent unpaid and space becomes vacant.	Unlikely (2)	Minor (2)	Low (1-4)	Enter into an assignment of lease with the new tenant at the proposed location.

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 Assignment of a Retail Lease in Paraburdoo, Council,

1. Authorises the assignment of lease of a portion of Lot 811 (84) Ashburton Court, Paraburdoo, from Ms McManus trading as Scorched Retina Gallery to Ms Olivia Halliday trading as Hair By Liv.
2. Authorises the sublease of two rooms to Wildflower Beautique in accordance with the lease agreement; and
3. Authorises the Chief Executive Officer to execute and engross all documentation as required to effect item 1. above.

Council Decision **123/2023**

Moved **Cr A Smith**

Seconded **Cr M Gallanagh**

That with respect to the Assignment of a Retail Lease in Paraburdoo, Council,

1. **Authorises the assignment of lease of a portion of Lot 811 (84) Ashburton Court, Paraburdoo, from Ms McManus trading as Scorched Retina Gallery to Ms Olivia Halliday trading as Hair By Liv.**
2. **Authorises the sublease of two rooms to Wildflower Beautique in accordance with the lease agreement; and**
3. **Authorises the Chief Executive Officer to execute and engross all documentation as required to effect item 1. above.**

For: **Crs K White, M Lynch, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, A Smith and T Mladenovic**

Against: **Nil**

Carried 8/0

12.2 Liquor Control Amendment (Banned Drinkers Register) Bill 2023

File Reference	PH23
Applicant or Proponent(s)	Not Applicable
Author	P Kuhne, Manager Regulatory Services
Authorising Officer	K Donohoe, Chief Executive Officer
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. Liquor Control Amendment (Banned Drinkers Register) Bill 2023 ⇒

Report Purpose

The purpose of this report is to inform Council about the *Liquor Control Amendment (Banned Drinkers Register) Bill 2023* which will amend the *Liquor Control Act 1988* received from the Department of Local Government, Sport, and Cultural Industries (DLGSCI).

Council is requested to consider the correspondence as it relates to the Bill and provide comment back to the DLGSCI.

Background

The Shire received correspondence from the DLGSCI on the proposed Liquor Control Amendment (Banned Drinkers Register) Bill 2023 (the Bill), requesting comment by 15 July 2023 (**Attachment 1** refers).

The Banned Drinkers Register (BDR) aims to reduce alcohol related harm and ill-health to individuals and communities within identified areas of Western Australia impacted by excessive alcohol consumption by restricting access to takeaway alcohol.

Legislation was introduced by the State government in 2013 and amended in 2022 with trials initiated in the Pilbara, Kimberley, Goldfields and Gascoyne Junction regions.

The correspondence from the DLGSCI advises the Shire that the Bill is passing through Parliament and as part of the consultation process, DLGSCI is seeking comment from all stakeholders.

The legislation will be in force from its proclamation date for two years and a review will be undertaken in late 2023 to inform the future of the program.

The Shire has been consulted in the past on related legislation and invited to comment.

Comments

The intent of the amended legislation is to further reduce unacceptable levels of liquor related harm by further restricting individuals on the BDR access to packaged liquor.

Additional measures in the Bill include:

1. Establishment of a Banned Drinkers Area (BDA).
2. Issuing of Banned Drinker Orders (BDO).
3. People issued with a BDO registered on the BDR.

4. Additional pathways included on the BDR.
5. A broader range of professionals who can seek to place someone on the BDR (e.g., medical practitioners, social workers).
6. Mandatory participation for licensees and staff in BDAs to ensure the identification system is used, and packaged liquor is not sold to anyone listed on the BDR.
7. Penalties included for breaches of the Bill.
8. Penalties for people who supply alcohol to people on the BDR, known as secondary supply (purchasing on their behalf).
9. Allowance to seize and dispose of liquor found in possession of a person listed on the BDR.
10. Consultation will occur with local government, WA Police, and other relevant people before BDAs are prescribed.

Consultation

Community Development

DLGSC is responsible to undertake consultation with all relevant stakeholders.

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	3 Lead, and partner with, other agencies on community safety and programs for community wellbeing.

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)	Risk that Council is not involved in discussion on social issues that impact the community.	Unlikely (2)	Minor (2)	Low (1-4)	Council to consider and comment on the Bill as requested.

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 *Liquor Control Amendment (Banned Drinkers Register) Bill 2023* correspondence, Council:

1. Note the correspondence received from the Department of Local Government, Sport and Cultural Industries; and
2. Support the *Liquor Control Amendment (Banned Drinkers Register) Bill 2023*.

Council Decision **124/2023**

Moved **Cr T Mladenovic**

Seconded **Cr L Rumble JP**

That with respect to the *Liquor Control Amendment (Banned Drinkers Register) Bill 2023* correspondence, Council:

- 1. Note the correspondence received from the Department of Local Government, Sport and Cultural Industries; and**
- 2. Support the *Liquor Control Amendment (Banned Drinkers Register) Bill 2023*.**

For: **Crs K White, M Lynch, R De Pledge, M Gallanagh, L Rumble JP, A Smith and T Mladenovic**

Against: **Cr A Sullivan**

Carried 7/1

13 Corporate Services Reports

13.1 Monthly Schedule of Accounts Paid - May 2023

File Reference	FM03
Applicant or Proponent(s)	Not Applicable
Author	T Dayman, Manager Finance
Authorising Officer	D Kennedy, Director Corporate Services
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. Schedule of Accounts Paid - May 2023 ⇒

Report Purpose

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

The purpose of this report is to present the:

- Schedule of Creditor Accounts Paid for May 2023,
- Trust Fund Payments for May 2023, and
- Corporate Credit Card Reconciliations for April 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	5,769,495.31
Superannuation / Payroll (Direct Debits)	220,759.75
Cheques	-
Credit Cards	13,312.68

Bank Fees and Charges	1,655.27
<u>Municipal Fund Total</u>	6,005,223.01
<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 May 2023, as included at Attachment 1.

Council Decision **125/2023**

Moved **Cr A Smith**

Seconded **Cr M Lynch**

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 May 2023, as included at Attachment 1.

For: **Crs K White, M Lynch, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, A Smith and T Mladenovic**

Against: **Nil**

Carried 8/0

13.2 Monthly Financial Statements - May 2023

File Reference	FM03
Applicant or Proponent(s)	Not Applicable
Author	T Dayman, Manager Finance
Authorising Officer	D Kennedy, Director Corporate Services
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. Monthly Financial Statements - May 2023 ⇒

Report Purpose

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

The purpose of this report is to present the Statement of Financial Activity for the month ended May 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).

There are no further 2022/2023 Budget amendments recommended.

Consultation

Executive Leadership Team

Middle Management Group

Finance Team

Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

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

Council Policy

Nil

Financial Implications

Current Financial Year

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

Future Financial Year(s)

Nil

Legislative Implications

Local Government Act 1995

Section 6.4 (Financial report)

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

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

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

Risk Management

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

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

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

Voting Requirements

Simple Majority

Officer Recommendation

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

Council Decision **126/2023**

Moved **Cr A Smith**

Seconded **Cr M Lynch**

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

For: **Crs K White, M Lynch, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, A Smith and T Mladenovic**

Against: **Nil**

Carried 8/0

13.3 Proposed Bush Fire Brigades Local Law 2023

File Reference	LE52
Applicant or Proponent(s)	Not Applicable
Author	J Bray, Manager Governance
Authorising Officer	D Kennedy, Director Corporate Services
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	<ol style="list-style-type: none"> 1. Proposed Bush Fire Brigades Local Law 2023 ⇒ 2. Shire of West Pilbara By-laws Relating to the Establishment, Maintenance and Equipment of Bush Fire Brigades ⇒

Report Purpose

Council is requested to consider the proposed Shire of Ashburton Bush Fire Brigades Local Law 2023 (refer to Attachment 1), which has been prepared following the recent local law review and enquiries by the Western Australian Local Government Association (WALGA).

The purpose of this report is to seek Council approval to commence the process to make this local law pursuant to the requirements of the *Local Government Act 1995* by commencing the statutory local public notice consultation requirements.

Background

The *Shire of West Pilbara By-laws Relating to the Establishment, Maintenance and Equipment of Bush Fire Brigades* (refer to Attachment 2) was published in the *Government Gazette* on 24 April 1981.

The Shire of Ashburton (Shire) has a bush fire brigade operating in its district, managed on behalf of the Shire through a Memorandum of Understanding with the Department of Fire and Emergency Services (DFES), which has recently been renewed.

Comments

Sometime ago the WALGA sought legal advice on the validity of Bush Fire Brigade Local Laws made prior to the commencement of the *Bush Fires Act 1954* and/or the *Local Government Act 1995*.

Based on the advice received from WALGA, it has been determined that the Shire's current local law, the *Shire of West Pilbara By-laws Relating to the Establishment, Maintenance and Equipment of Bush Fire Brigades* would not be fit for purpose and it would be timely to establish a new local law to ensure legal protection and good governance for the Shire and its bush fire brigade volunteers.

The proposed Shire of Ashburton Bush Fire Brigades Local Law 2023 will enhance and support the management and operation of its bush fire brigade/s.

Having a fit for purpose local law is essential to the Memorandum of Understanding (MoU) between the Shire and DFES for the overall management of the bush fire brigade and for operational responsibilities. The local law further supports bush fire brigade/s in the event the MoU is not in effect.

The proposed Shire of Ashburton Bush Fire Brigades Local Law 2023 has been prepared first based on the Shire of Serpentine-Jarrahdale’s local law, with additional amendments to deal with the local situation, where DFES generally administer and manage the local bush fire brigade on the Shire’s behalf.

The draft local law prepared has been reviewed by McLeods Lawyers to ensure a contemporary functional document.

The process to make the local law is set out in section 3.12 of the *Local Government Act 1995*.

The results of the public consultation and any feedback from the Minister for Local Government or Minister for Emergency Services will be presented to Council for its consideration before making the local law.

Consultation

Section 3.12(3) of the *Local Government Act 1995* requires a local government to give local public notice stating that it proposes to make a local law, the purpose and effect of which is summarised in the notice, for a period of not less than six weeks after it first appears. A copy of the proposed local law must be given to the Minister for Local Government and the Minister for Emergency Services.

The purpose and effect of the proposed local law is:

Purpose

The purpose of the local law is to make provisions about the organisation, establishment, maintenance and equipment of bush fire brigades.

Effect

The effect of the local law is to have clear guidance about the management of bush fire brigades within the Shire of Ashburton.

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 public notice requirements are provided within the Annual Budget.

Future Financial Year(s)

Nil

Legislative Implications

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

Section 62 of the *Bush Fires Act 1954* provides the power to local government to make a local law in relation to:

- the appointment, employment, payment, dismissal and duties of bush fire control officers;
- the organisation, establishment, maintenance and equipment with appliances and apparatus of bush fire brigades to be established and maintained by the local government; and
- any other matters affecting the exercise of any powers or authorities conferred and the performance of any duties imposed upon the local government by this Act.

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 the <i>Bush Fires Act 1954</i> , if the proposed local law is not enacted.	Unlikely (2)	Moderate (3)	Moderate (5-9)	Council commences the process to make the proposed Bush Fire Brigades Local Law 2023.

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

Voting Requirements

Simple Majority

Officer Recommendation

That with respect to the proposed Shire of Ashburton Bush Fire Brigades Local Law 2023, Council, instructs the Chief Executive Officer to,

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

Council Decision **127/2023**

Moved **Cr L Rumble JP**

Seconded **Cr A Smith**

That with respect to the proposed Shire of Ashburton Bush Fire Brigades Local Law 2023, Council, instructs the Chief Executive Officer to,

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

For: **Crs K White, M Lynch, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, A Smith and T Mladenovic**

Against: **Nil**

Carried 8/0

13.4 Proposed Cats Local Law 2023

File Reference	LE50
Applicant or Proponent(s)	Not Applicable
Author	R Marlborough, Senior Governance Officer
Authorising Officer	D Kennedy, Director Corporate Services
Previous Meeting Reference	Ordinary Council Meeting 11 October 2022 – Item 12.6 – 142/2022 Ordinary Council Meeting 13 December 2022 – Item 12.7 – 173/2022 Ordinary Council Meeting 9 May 2023 – Item 12.5 – 075/2023
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. Proposed Cats Local Law 2023 ⇒ 2. Local Law Relating to the Control of Cats 1998 ⇒

Report Purpose

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

The purpose of this report is to affirm the results of the public submissions invited during the initial consultation process, and formally consider making this local law.

Council is requested to formally make the Shire of Ashburton Cats Local Law 2023 as provided and detailed in Attachment 1 by absolute majority, and to give the necessary directions to complete the local law making process, pursuant to the Act.

Background

The current *Shire of Ashburton Local Law Relating to the Control of Cats* was published in the *Government Gazette* on 3 June 1998 (refer to Attachment 2).

This local law was reviewed in October 2022, and it was determined that many of the provisions within the local law are now dealt with or overridden by the *Cat Act 2011*, *Cat Regulations 2012* and *Cat (Uniform Local Provisions) Regulations 2013*.

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

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

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

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

Council was provided broad information and presented a draft of the proposed Shire of Ashburton Cats Local Law 2023 (that included boxed guidance notes that would not form part of the local law) for consideration. Council resolved as follows:

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

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

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

A copy of the proposed local law was sent to the Minister for Local Government on 18 January 2023. Submissions were invited on the first proposed local law until 4:30pm on 10 March 2023. No public submissions were received on the local law then proposed. However, the Department of Local Government, Sport and Cultural Industries (DLGSC) provided a formal response on the proposed local law on 23 March 2023, as follows:

“1. Lack of penalty

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

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

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

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

2. Minor edits

The following minor comments are suggested:

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

After taking into consideration the Department's comments, the proposed local law was reviewed and amended to address the concerns and comments expressed. However, the amendments recommended were considered major change, which meant that the process to make the local law had to be recommenced.

A further report about the proposed Cats Local Law 2023 was presented to the Ordinary Council Meeting on 9 May 2023. Council resolved to recommence the local law making process.

Following this Council decision, the proposed Shire of Ashburton Cats Local Law 2023 was advertised by way of local public notice in the Pilbara News on 17 May 2023, on the Shire's website, on various social media platforms, and on the Shire administration office and library noticeboards in order to comply with the requirements of section 3.12(3) of the Act. A copy of the proposed local law was sent to the Minister for Local Government on 18 May 2023. Submissions on the proposed local law were invited until 4.30 pm on 30 June 2023.

Comments

At the close of the public submission period on 30 June 2023, no public feedback was received on proposed local law. On 7 June 2023, the Department of Local Government provided very similar feedback to the comments provided on 23 March 2023, as follows:

"1. Note boxes

The draft local law contains grey boxes containing references to the Cat Act and Regulations. It is advisable to remove these boxes from the gazettal version of the local law, due to the fact that:

- They have no legal effect in themselves; and*
- They risk becoming misleading if this legislation is amended.*

2. Clause 3.1 – Cats causing nuisance

Clause 3.1 appears to prescribe an offence. However, unlike clause 2.7, it does not appear to contain a penalty clause.

The modified penalty for an offence is limited to 10% of the unmodified penalty for that offence. Accordingly, if clause 3.1 lacks an unmodified penalty, the modified penalty for that clause will be rendered invalid and the clause itself will be unenforceable.

3. Minor edits

The following minor edits are suggested:

- *Contents page: Remove the page numbers from the gazettal version as they are likely to clash with the Gazette's existing page system. The page numbers can be retained in any administrative versions kept by the Shire.*

- *Clause 2.10 appears to grant a right of review in relation to renewals, transfers and cancellations, but not in relation to initial approvals. The Shire should ensure this reflects the Shire’s intentions”.*

The comments made about clause 3.1 having no penalty/offence clause were previously actioned. There were no boxed notes in the local law sent to the DLGSC on 17 May 2023. The minor edits suggested to clause 2.10 have already been actioned.

On 21 June 2023, the DLGSC were invited to provide further feedback on the proposed local law. At the close of the submission period no further comment had been received.

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

Purpose

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

Effect

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

In support of the position that the Shire’s current cat local law adopted in 1998 is no longer consistent with the provisions of the *Cat Act 2011*, *Cat Regulations 2012* or the *Cat (Uniform Local Provisions) Regulations 2013*, it is recommended that Council supports the adoption of the proposed Shire of Ashburton Cats Local Law 2023, as provided at Attachment 1.

Consultation

The public consultation process on the proposed Shire of Ashburton Cats Local Law 2023 supported at the May 2023 Ordinary Council Meeting was advertised by way of local public notice in the Pilbara News on 17 May 2023, on the Shire’s website, on various social media platforms, and on the Shire administration office and library noticeboards in order to comply with the requirements of section 3.12(3) of the Act.

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

Submissions on the proposed local law were invited until 4.30 pm on 30 June 2023. At the close of the public consultation period, no submissions were received.

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 publishing the local law in the *Government Gazette* and the final local public notices are provided for in the Annual Budget. It is estimated that these final costs will be approximately \$1,900.

Future Financial Year(s)

Nil

Legislative Implications

The power to make local laws relating to cats is provided for in section 79 of the *Cat Act 2011*. Section 3.12 of the *Local Government Act 1995* sets out the process to be followed when making, amending, or repealing local laws.

Risk Management

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

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

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

Voting Requirements

Absolute Majority

Officer Recommendation

That with respect to the proposed Shire of Ashburton Cats 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 this local law in the *Government Gazette* in accordance with section 3.12(5) the *Local Government Act 1995*;
 - (b) provide a copy of this 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 this 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 this 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.

Alternate Recommendation

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

1. Makes the local law as tabled at the meeting, 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 this local law in the *Government Gazette* in accordance with section 3.12(5) the *Local Government Act 1995*;
 - (b) provide a copy of this 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 this 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 this 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 **128/2023**

Moved **Cr L Rumble JP**

Seconded **Cr T Mladenovic**

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

1. **Makes the local law, as tabled at the meeting, 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 this local law in the *Government Gazette* in accordance with section 3.12(5) the *Local Government Act 1995*;**
 - (b) **provide a copy of this 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 this 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 this 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**

Reason for Change. Late advice from the Department of Local Government on the proposed Cats Local Law 2023.

For: Crs K White, M Lynch, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, A Smith and T Mladenovic

Against: Nil

Carried By Absolute Majority 8/0

13.5 Undertaking and Proposed Public Places and Local Government Property Amendment Local Law 2023

File Reference	LE51
Applicant or Proponent(s)	Not Applicable
Author	R Marlborough, Senior Governance Officer
Authorising Officer	D Kennedy, Director Corporate Services
Previous Meeting Reference	Ordinary Council Meeting 4 April 2023 – Item 12.5 – (052/2023)
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	<ol style="list-style-type: none"> 1. Joint Standing Committee on Delegated Legislation correspondence - Confidential 2. Proposed Shire of Ashburton Public Places and Local Government Property Amendment Local Law 2023 ⇒ 3. Current - Public Places and Local Government Property Local Law 2023 ⇒

Report Purpose

Council is required to consider:

- the advice received from the Joint Standing Committee on Delegated Legislation (JSCDL) as detailed in Attachment 1 (under confidential cover) that seeks a formal undertaking to amend the *Shire of Ashburton Public Places and Local Government Property Local Law 2023*, which was adopted on 4 April 2023.
- commencing the process under the *Local Government Act 1995* to make a new local law titled the *Shire of Ashburton Public Places and Local Government Property Amendment Local Law 2023* (refer to Attachment 2) to address the concerns raised by the JSCDL on the *Shire of Ashburton Public Places and Local Government Property Local Law 2023*.

The purpose of this report is to provide all relevant information about the undertaking sought and present the proposed local law that has been drafted to address the concerns raised by the JSCDL, and to authorise the Shire President to provide a written response to the JSCDL by 19 July 2023, confirming the undertaking requested.

Council is requested to support the recommendation presented to approve the Shire President formally providing a written undertaking on behalf of Council to the JSCDL and to commence the process to make the proposed *Shire of Ashburton Public Places and Local Government Property Amendment Local Law 2023*, for the purpose of amending the *Shire of Ashburton Public Places and Local Government Property Local Law 2023* (Refer to Attachment 3).

Background

Following an external consultant preparing the *Shire of Ashburton Public Places and Local Government Property Local Law 2023*, Council adopted this local law on 4 April 2023. Part of the statutory local law making process is to provide the JSCDL prescribed information on local laws, after they are made.

In brief, the JSCDL's function is to generally scrutinise the content of local laws (subsidiary legislation) made to ensure the content is within power, that no unintended effect on any person's existing rights or interests are impacted, to ensure effective mechanisms for reviews of administrative decisions are provided, and to ensure only matters that are appropriate for subsidiary legislation are provided.

During the local law review process by the JSCDL, a number of minor and consequential concerns were identified. These matters are detailed in full in Attachment 1, which is provided under confidential cover at the direction of the JSCDL.

Comments

The concerns raised by the JSCDL and other minor inconsistencies subsequently identified can be effectively resolved by making the proposed *Shire of Ashburton Public Places and Local Government Property Amendment Local Law 2023*. It is recommended that Council commence the local making process required under the *Local Government Act 1995*.

It is good governance to ensure the districts local laws are well managed and compliant.

The results of the public consultation process and any feedback from the Minister for Local Government will be presented to Council for its consideration, prior to making this proposed amendment local law.

Consultation

Section 3.12(3) of the *Local Government Act 1995* requires a local government to give local public notice stating that it proposes to make a local law, the purpose and effect of which is summarised in the notice, for a period of not less than six weeks after it first appears. A copy of the proposed local law must be given to the Minister for Local Government.

The purpose and effect of the proposed local law is:

Purpose

To amend the *Shire of Ashburton Public Places and Local Government Property Local Law 2023* to correct minor grammatical and formatting errors, clause and schedule references, clarify the process to dispose of lost property, update inconsistencies in certain definitions, exclude cats from the application of clause 8.2 and for other minor consequential amendments.

Effect

The effect of amendments proposed will be to ensure that this local law is effective and functional, as first intended.

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 public notice requirements are provided in the Annual Budget.

Future Financial Year(s)

Nil

Legislative Implications

The functions of the JSCDL include the ability to present a Motion of Notice in the Legislative Council to disallow the Shire’s *Public Places and Local Government Property Local Law 2023*, should the undertaking requested to amend this local law not be supported or actioned within the timeframe requested (six months).

Section 3.5 of the *Local Government Act 1995* provides the head of power to make local laws. Section 3.12 of the *Local Government Act 1995* sets out the process to be followed when making, amending, or repealing local laws.

Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Compliance	Not actioning the local law amendments or the undertaking sought will result in the local law not being functional, statutorily compliant or potentially disallowed.	Possible (3)	Minor (2)	Low (1-4)	Formally acknowledging the undertaking sought and actioning the local law amendments will achieve compliance.

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 Undertaking and the proposed Shire of Ashburton Public Places and Local Government Property Amendment Local Law 2023, Council:

1. Resolves to authorise the Shire President to formally write to the Joint Standing Committee on Delegate Legislation and confirm agreement to complete the Undertaking sought in relation to the Shire of Ashburton Public Places and Local Government Property Local Law 2023 –
 - (a) Within 6 months, to –
 - delete clause 5.5.
 - amend clause 5.11 to ensure that any lost property covered by the regulatory gap is dealt with appropriately, such as being handed to WA Police.
 - exclude cats from the operation of clause 8.2.
 - amend the definition of 'Liquor Control Act' in clause 1.5 to italicise the word 'Act'.
 - delete the reference to clause 8.4(2) in the definition of 'permissible verge treatment' in clause 1.5 and replace it with clause 7.4(2).
 - delete the words 'Part 37' from clause 2.2(3)(b).
 - amend clause 4.1 so the definition of 'portable sign' is separated from the definition of 'portable direction sign'.
 - amend clause 7.4(5) to delete the reference to clause 8.5 and replace it with clause 7.5.
 - delete the full stop after the word 'disease' in clause 8.2(2)(b).
 - (b) Not enforce the local law to the contrary before it is amended in accordance with undertaking 1.
 - (c) Ensure all consequential amendments arising from the undertaking will be made.
 - (d) Where the local law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking.
2. Supports commencing the process to make the proposed Shire of Ashburton Public Places and Local Government Property Amendment Local Law 2023, as detailed in Attachment 2, and instructs the Chief Executive Officer to,
 - (a) In accordance with section 3.12(3)(a) of the *Local Government Act 1995*, give local public notice, stating that:
 - (i) it proposes to make Shire of Ashburton Public Places and Local Government Property Amendment Local Law 2023 which is to contain a summary of its purpose and effect;
 - (ii) copies of the proposed local law may be inspected at the Shire offices; and,
 - (iii) submissions about the proposed local law may be made to the Shire within a period of not less than six weeks, after the notice is given;

- (b) In accordance with section 3.12(3)(b) of the *Local Government Act 1995*, as soon as public notice is given send a copy of the proposed local law to the Minister for Local Government.
- (c) In accordance with section 3.12(3)(c) of the *Local Government Act 1995*, supply a copy of the proposed local law to any person requesting it.
- (d) Present the results of the public consultation process to Council to consider submissions received, prior to making the local law proposed.

Council Decision **129/2023**

Moved **Cr T Mladenovic**

Seconded **Cr L Rumble JP**

That with respect to the Undertaking and the proposed Shire of Ashburton Public Places and Local Government Property Amendment Local Law 2023, Council:

1. Resolves to authorise the Shire President to formally write to the Joint Standing Committee on Delegate Legislation and confirm agreement to complete the Undertaking sought in relation to the Shire of Ashburton Public Places and Local Government Property Local Law 2023 –

(a) Within 6 months, to –

- delete clause 5.5.
- amend clause 5.11 to ensure that any lost property covered by the regulatory gap is dealt with appropriately, such as being handed to WA Police.
- exclude cats from the operation of clause 8.2.
- amend the definition of 'Liquor Control Act' in clause 1.5 to italicise the word 'Act'.
- delete the reference to clause 8.4(2) in the definition of 'permissible verge treatment' in clause 1.5 and replace it with clause 7.4(2).
- delete the words 'Part 37' from clause 2.2(3)(b).
- amend clause 4.1 so the definition of 'portable sign' is separated from the definition of 'portable direction sign'.
- amend clause 7.4(5) to delete the reference to clause 8.5 and replace it with clause 7.5.
- delete the full stop after the word 'disease' in clause 8.2(2)(b).

(b) Not enforce the local law to the contrary before it is amended in accordance with undertaking 1.

(c) Ensure all consequential amendments arising from the undertaking will be made.

(d) Where the local law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking.

2. **Supports commencing the process to make the proposed Shire of Ashburton Public Places and Local Government Property Amendment Local Law 2023, as detailed in Attachment 2, and instructs the Chief Executive Officer to,**
- (a) **In accordance with section 3.12(3)(a) of the *Local Government Act 1995*, give local public notice, stating that:**
 - (i) **it proposes to make Shire of Ashburton Public Places and Local Government Property Amendment Local Law 2023 which is to contain a summary of its purpose and effect;**
 - (ii) **copies of the proposed local law may be inspected at the Shire offices; and,**
 - (iii) **submissions about the proposed local law may be made to the Shire within a period of not less than six weeks, after the notice is given;**
 - (b) **In accordance with section 3.12(3)(b) of the *Local Government Act 1995*, as soon as public notice is given send a copy of the proposed local law to the Minister for Local Government.**
 - (c) **In accordance with section 3.12(3)(c) of the *Local Government Act 1995*, supply a copy of the proposed local law to any person requesting it.**
 - (d) **Present the results of the public consultation process to Council to consider submissions received, prior to making the local law proposed.**

For: Crs K White, M Lynch, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, A Smith and T Mladenovic

Against: Nil

Carried 8/0

13.6 2023-2024 Annual Budget

File Reference	GV04
Applicant or Proponent(s)	Not Applicable
Author	T Dayman, Manager Finance
Authorising Officer	D Kennedy, Director Corporate Services
Previous Meeting Reference	Ordinary Council Meeting 9 May 2023 - Item 12.7 – 077/2023 Ordinary Council Meeting 13 June 2023 - Item 13.8 – 106/2023
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. 2023-2024 Annual Budget ↔

Report Purpose

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

The purpose of this report is to present the 2023-2024 Annual Budget for adoption, which includes information as workshopped by Council.

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

- The Municipal Fund Budget for 2023–2024;
- General differential rates, minimum payments, and instalment arrangements;
- Fees and Charges;
- Councillor payments; and

by Simple majority, the Material variance reporting parameters.

Background

The development of the 2023-2024 Annual Budget has been developed over several months, and has included –

- Workshops for Elected Members aimed at delivering information, exploring concepts and clarifying options,
- The approval by Council of a Statement of Objects and Reasons for Differential Rating for public advertising/ submission period,
- Endorsement to seek Ministerial approval for the UV Non-Pastoral Differential Rate category in accordance with section 6.33(3) of the Act,
- Endorsement to cease providing the UV Pastoral Differential Rate category with a concession under section 6.47 of the Act, and
- Referral to Council’s Integrated Planning framework.

The development and consideration of all budget documentation has had regard for the directions as provided in the Strategic Community Plan 2022 – 2032, Corporate Business Plan (2019 – 2023), Long-Term Financial Plan July 2022, Asset Management Plans and Workforce Requirements 2023-2024.

The proposed differential general rates were approved by Council on 9 May 2023 and advertised for public comment. One submission was received by 5 June 2023 when the public comment period closed which was considered by Council at the 13 June 2023, Ordinary Council Meeting.

Ministerial approval to impose differential rates/minimum payments for the UV – Non Pastoral category more than twice the lowest differential rate imposed is expected to be received prior to the meeting.

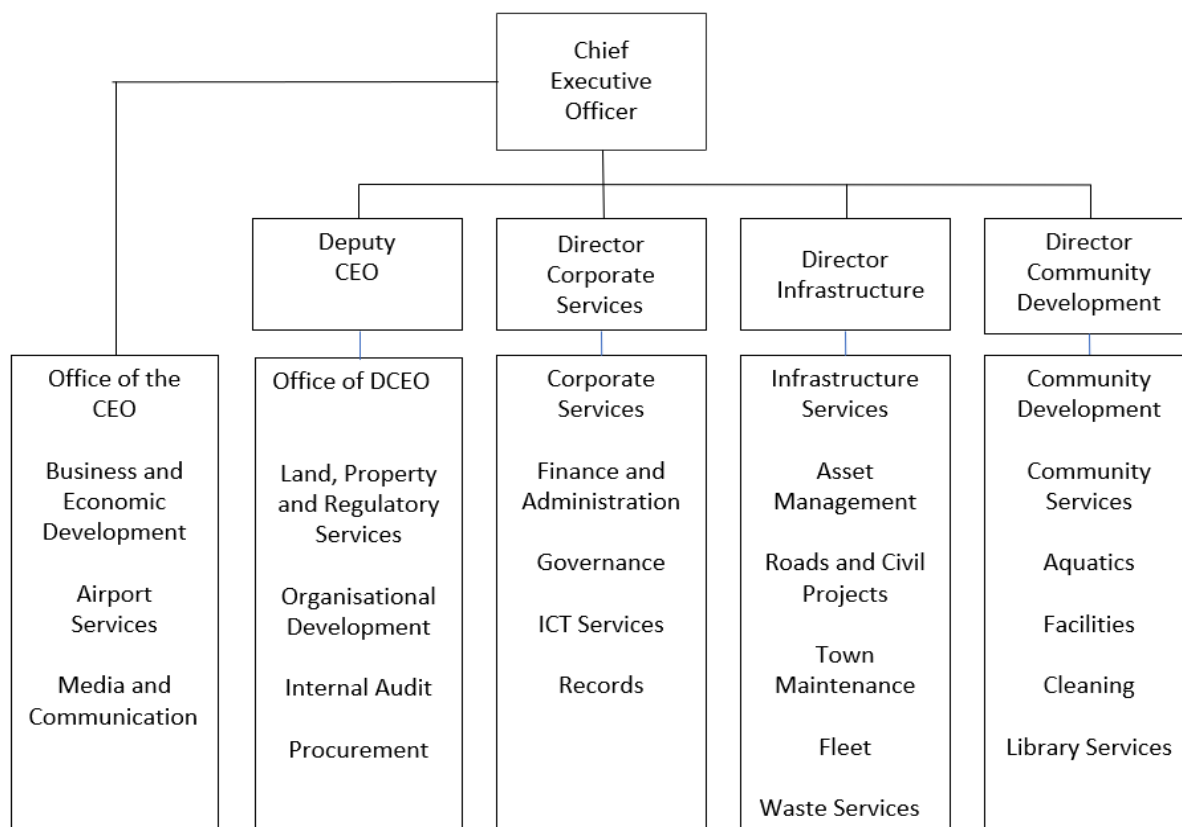
The 2023-2024 Annual Budget has been provided under separate cover. (Attachment 1)

Comments

Annual Budget

The 2023-2024 Annual Budget has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and the Australian Accounting Standards. The main features of the draft budget include:

- The budget has been prepared with a 3.95% rate increase. This aligns with the LTFP forecast rate of 3% and is well below current CPI. The average rate increase over the last 5 years is 1.3%;
- Total rate revenue estimated at \$55.2 million, with outlook positive for interim rate growth from new developments.
- Interest revenue up \$2 million on prior year due to higher investment interest rates and new banking arrangements.
- Fees and charges which account of 12% of revenue were approved by Council at the 13 June 2023 Ordinary Meeting of Council and came into effect on 1 July 2023.
- Total capital expenditure budget of \$82.3 million, representing \$67.5 million in new initiatives and \$14.8 million of projects funded and carried forward;
- Headline new projects being \$15 million for Minna Oval Sports Pavilion, \$15 million for Onslow Jetty, \$8 million for Ocean View Caravan Park Stage 3, \$7 million for Bike Tracks in Onslow, Pannawonica and Paraburdoo, \$5 million to extend the seawall in Onslow, \$5 million to commence Tom Price Administration Facility renewal and \$5 million to progress Council's accommodation strategy.
- Total operating expense estimated at \$72.6 million.
- No new loans are proposed.
- An estimated surplus of \$18.5 million is anticipated to be brought forward from 30 June 2023. This is an unaudited figure that includes the prepayment of the Shire's annual Financial Assistance Grants of \$3.6 million. The balance of the surplus is predominately the initial net estimate of committed capital projects that will run into 2023-2024. Any change will be brought back to Council as part of a future budget review.



Workforce Requirements

Council approved the above workforce structure at the 13 December 2023, Ordinary Meeting of Council.

This is the basis with which employment expenses have been forecast for 2023-2024. As full employment is not expected in the current climate the budget represents 85% of the total cost of the above structure.

Contained within the overall approved headcount and total salary budget are two new positions necessary to meet immediate operational needs.

1. Technical Officer - Infrastructure Directorate
Position will progress road projects and reduce reliance on external consultants.
2. Lands & Heritage Officer – Office of DCEO
Position will assist with risk management and due diligence assessment requirements of the new *Aboriginal Cultural Heritage Act 2021* that came into effect on the 1 July 2023.

Determination of material variance

Each year Council is required to adopt a percentage or value for the purposes of reporting material variances in the consolidated monthly Statement of Financial Activity.

This value or percentage is then used throughout the financial year to identify potential areas in Council’s actual revenue and expenses which may not be in keeping with Council’s budget.

The early identification of those potential issues can assist in better utilisation and allocation of Council funds and resources.

It is proposed to keep the material variance reporting limit at 10% or \$40,000 whichever is the greater. This is consistent with a review of other similar local governments.

It should be noted that internally, responsible officers are monitoring variances at a more granular general ledger or job level, and that Finance and Costing Reviews by Business Unit are conducted throughout the year.

Statement of calculation of the Annual Budget

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

- Identified and reviewed recurring operating revenue and expenditure,
- Prepared salary and wage schedules, including proposed new employees, employee increment changes, enterprise agreement increases, and the mandated increase from 10.5% to 11.0% for Superannuation Guarantee Scheme (SGC),
- Prepared water, power and other essential cost estimates and increase assumptions,
- Prepared capital expenditure forecast based where possible, on reasonably assumed estimates for construction and/or purchase, together with indicative timing taking into account resourcing requirements,
- Confirmed grants reasonably expected to be received for both operating and capital projects,
- Forecast the opening Net Current Assets position at 30 June 2023 based on the most currently available information,
- Identified committed carry forward projects from the previous financial year,
- Flagged committed funds (contract liabilities) and treated these in accordance with accounting standards,
- Obtained revenue estimates for the disposal of non-current assets,
- Obtained estimates from LGIS for insurance, including workers compensation,
- Reviewed Fees and Charges,
- Prepared the Statutory Budget document in accordance with the standard format recommended by the Department of Local Government.

Consultation

Community

Councillors

All Budget Responsible Officers

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	3 Plan effectively for financial sustainability.

Council Policy

Nil

Financial Implications

Current Financial Year

Carryover estimates from the 2022/23 Financial Year have been included in the draft budget presented for adoption. These estimates are subject to change pending outcomes from the final audit. Any required adjustments will be brought back to Council for endorsement.

Future Financial Year(s)

Specific financial implications are as outlined in the body of this report and as itemised in the draft 2023-2024 budget attached for adoption.

Legislative Implications

Local Government Act 1995

Section 6.2 requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

Divisions 5 and 6 of Part 6 of the Act refer to the setting of budgets and raising of rates and charges. The *Local Government (Financial Management) Regulations 1996* details the form and content of the budget. The draft 2023-2024 budget as presented is considered to meet statutory requirements. A copy of the Annual Budget is to be submitted to the Department responsible for Local Government within 30 days of adoption by Council.

Section 5.98 of the Act sets out fees etc payable to Council members.

Section 5.98A of the Act sets out allowance payable to the deputy President.

Regulations 30-34AD of the *Local Government (Administration) Regulations 1996* sets the limits, parameters and types of allowances that can be paid to elected members.

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires Council to adopt a percentage or value, calculated in accordance with the Australian Accounting Standard, to be used in monthly statements of financial activity for reporting material variances.

Section 67 of the *Waste Avoidance and Resource Recovery Act 2007* enables a local government to impose an annual charge in respect of premises provided with a waste service by the local government.

Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Financial impact	Potential cash flow issues may result if the Annual Budget is not adopted.	Unlikely (2)	Moderate (3)	Moderate (5-9)	Provide Councillors with sufficient information for decision making including budget workshops and community submission period for differential rates.
Reputation (social/community)	Potential reduction in service levels and assets provided to the community if the Annual Budget is not adopted	Unlikely (2)	Moderate (3)	Moderate (5-9)	Provide Councillors with sufficient information for decision making including budget workshops and community submission period for differential rates.
Compliance	Failing to adopt Annual Budget by 31 August is a compliance breach without Ministerial approval	Unlikely (2)	Moderate (3)	Moderate (5-9)	Provide Councillors with sufficient information for decision making including budget workshops and community submission period for differential rates.

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 adoption of the 2023-2024 Annual Budget, Council,

Recommendation 1 – Budget for 2023-2024

Pursuant to the provisions of Section 6.2 of the *Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996*, Council adopt the Budget as contained in Attachment 1 for the Shire of Ashburton for the 2023-2024 financial year which includes the following:

- Statement of Comprehensive Income by Nature and Type.
- Statement of Cashflows.
- Rating Setting Statement.
- Notes to and Forming Part of the Budget

Absolute Majority Required

Recommendation 2 – General and Minimum Rates, Instalment payment arrangements, and interest

1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Recommendation 1 above, Council pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* impose the following differential general rates and minimum payments on Gross Rental and Unimproved Values.

A. General Rates

- | | | |
|----------------------------------|-------|-------------------------------|
| • Residential and Community | (GRV) | \$0.09756 cents in the dollar |
| • Commercial and Industrial | (GRV) | \$0.08907 cents in the dollar |
| • Transient Worker Accommodation | (GRV) | \$0.17814 cents in the dollar |
| • Pastoral | (UV) | \$0.13529 cents in the dollar |
| • Non-Pastoral | (UV) | \$0.38568 cents in the dollar |

B. Minimum Payments

- | | | |
|----------------------------------|-------|---------|
| • Residential and Community | (GRV) | \$1,310 |
| • Commercial and Industrial | (GRV) | \$1,310 |
| • Transient Worker Accommodation | (GRV) | \$1,310 |
| • Pastoral | (UV) | \$1,310 |
| • Mining | (UV) | \$1,310 |

2. Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, Council nominates the following due dates for the payment in full by instalments:

Option 1 (Full Payment)

Full amount of rates and charges including arrears, to be paid on or before 8 September 2023 or 35 days after the date of issue appearing on the rates notice whichever is the later.

Option 2 (Two Instalments)

- First instalment to be made on or before 8 September 2023 or 35 days after the date of issue appearing on the rate notice whichever is later, including all arrears and half the current rates and service charges; and
- Second instalment to be made on or before 8 January 2024, or 2 months after the due date of the first instalment, whichever is later.

Option 3 (Four Instalments)

- First instalment to be made on or before 8 September 2023 or 35 days after the date of issue appearing on the rate notice, whichever is later, including all arrears and a quarter of the current rates and service charges;
- Second instalment to be made on or before 9 November 2023, or 2 months after the due date of the first instalment, whichever is later;
- Third instalment to be made on or before 8 January 2024, or 2 months after the due date of the second instalment, whichever is later; and
- Fourth instalment to be made on or before 7 March 2024, or 2 months after the due date of the third instalment, whichever is later.

3. Pursuant to Section 6.45 of the *Local Government Act 1995*, and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$16.50 for each instalment after the initial instalment is paid.
4. Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 68 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
5. Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the *Local Government Act 1995* and Regulation 70 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an interest rate of 11% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

Absolute Majority Required

Recommendation 3 – Fees and Charges for 2023-2024

Pursuant to Section 6.16 of the *Local Government Act 1995* and other relevant legislations, Council adopts the Fees and Charges included at pages 67 to 119 inclusive of the draft 2023 – 2024 budget included as Attachment 1.

Absolute Majority Required

Recommendation 4 – Elected Members’ Fees and Allowances for 2023-2024

In accordance with Section 5.98(1)(b) and Section 5.99 of the *Local Government Act 1995* and Regulation 30 of the *Local Government (Administration) Regulations 1996*, Council adopts the following annual meeting attendance fees for Councillors:

- i. Shire President \$32,410
- ii. Councillors \$24,170

In accordance with Section 5.98(1)(b) of the *Local Government Act 1995* the annual allowance for the Shire President be set at \$65,915.

In accordance with Section 5.98A(1) of the *Local Government Act 1995* the annual allowance for the Deputy Shire President be set at \$16,478.

In accordance with Section 5.99A of the *Local Government Act 1995* and Regulation 32 of the *Local Government (Administration) Regulations 1996* the annual allowance for ICT expenses for Councillors be set at \$3,000.

In accordance with Section 5.98(2)(a) of the *Local Government Act 1995* and Regulation 31 of the *Local Government (Administration) Regulations 1996* the childcare / child minding reimbursement rate be set at actual cost per hour or \$30 per hour, whichever is the lesser, for Councillors requiring childcare services whilst undertaking their role as a Councillor.

Absolute Majority Required

Recommendation 5 – Material Variance Reporting for 2023 - 2024

In accordance with Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, the level to be used in statements of financial activity in 2023-2024 for reporting material variances shall be 10% or \$40,000, whichever is the greater.

Simple Majority Required

Council Decision 130/2023

Moved Cr M Lynch

Seconded Cr R De Pledge

That with respect to the adoption of the 2023-2024 Annual Budget, Council, Recommendation 1 – Budget for 2023-2024

Pursuant to the provisions of Section 6.2 of the *Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996*, Council adopt the Budget as contained in Attachment 1 for the Shire of Ashburton for the 2023-2024 financial year which includes the following:

- **Statement of Comprehensive Income by Nature and Type.**
- **Statement of Cashflows.**
- **Rating Setting Statement.**
- **Notes to and Forming Part of the Budget**

Absolute Majority Required

For: Crs K White, M Lynch, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, A Smith and T Mladenovic

Against: Nil

Carried By Absolute Majority 8/0

Council Decision 131/2023

Moved Cr L Rumble JP

Seconded Cr A Smith

1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Recommendation 1 above, Council pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* impose the following differential general rates and minimum payments on Gross Rental and Unimproved Values.

A. General Rates

- **Residential and Community (GRV) \$0.09756 cents in the dollar**
- **Commercial and Industrial (GRV) \$0.08907 cents in the dollar**
- **Transient Worker Accommodation (GRV) \$0.17814 cents in the dollar**
- **Pastoral (UV) \$0.13529 cents in the dollar**
- **Non-Pastoral (UV) \$0.38568 cents in the dollar**

B. Minimum Payments

- **Residential and Community (GRV) \$1,310**
- **Commercial and Industrial (GRV) \$1,310**

- **Transient Worker Accommodation (GRV)** \$1,310
- **Pastoral (UV)** \$1,310
- **Mining (UV)** \$1,310

2. Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, Council nominates the following due dates for the payment in full by instalments:

Option 1 (Full Payment)

Full amount of rates and charges including arrears, to be paid on or before 8 September 2023 or 35 days after the date of issue appearing on the rates notice whichever is the later.

Option 2 (Two Instalments)

- First instalment to be made on or before 8 September 2023 or 35 days after the date of issue appearing on the rate notice whichever is later, including all arrears and half the current rates and service charges; and
- Second instalment to be made on or before 8 January 2024, or 2 months after the due date of the first instalment, whichever is later.

Option 3 (Four Instalments)

- First instalment to be made on or before 8 September 2023 or 35 days after the date of issue appearing on the rate notice, whichever is later, including all arrears and a quarter of the current rates and service charges;
- Second instalment to be made on or before 9 November 2023, or 2 months after the due date of the first instalment, whichever is later;
- Third instalment to be made on or before 8 January 2024, or 2 months after the due date of the second instalment, whichever is later; and
- Fourth instalment to be made on or before 7 March 2024, or 2 months after the due date of the third instalment, whichever is later.

3. Pursuant to Section 6.45 of the *Local Government Act 1995*, and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$16.50 for each instalment after the initial instalment is paid.
4. Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 68 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
5. Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the *Local Government Act 1995* and Regulation 70 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an interest rate of 11% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

Absolute Majority Required

For: Crs K White, M Lynch, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, A Smith and T Mladenovic

Against: Nil

Carried By Absolute Majority 8/0

Council Decision 132/2023

Moved Cr T Mladenovic

Seconded Cr M Lynch

Pursuant to Section 6.16 of the *Local Government Act 1995* and other relevant legislations, Council adopts the Fees and Charges included at pages 67 to 119 inclusive of the draft 2023 – 2024 budget included as Attachment 1.

Absolute Majority Required

For: Crs K White, M Lynch, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, A Smith and T Mladenovic

Against: Nil

Carried By Absolute Majority 8/0

Council Decision 133/2023

Moved Cr L Rumble JP

Seconded Cr A Smith

In accordance with Section 5.98(1)(b) and Section 5.99 of the *Local Government Act 1995* and Regulation 30 of the *Local Government (Administration) Regulations 1996*, Council adopts the following annual meeting attendance fees for Councillors:

- i. Shire President \$32,410
- ii. Councillors \$24,170

In accordance with Section 5.98(1)(b) of the *Local Government Act 1995* the annual allowance for the Shire President be set at \$65,915.

In accordance with Section 5.98A(1) of the *Local Government Act 1995* the annual allowance for the Deputy Shire President be set at \$16,478.

In accordance with Section 5.99A of the *Local Government Act 1995* and Regulation 32 of the *Local Government (Administration) Regulations 1996* the annual allowance for ICT expenses for Councillors be set at \$3,000.

In accordance with Section 5.98(2)(a) of the *Local Government Act 1995* and Regulation 31 of the *Local Government (Administration) Regulations 1996* the childcare / child minding reimbursement rate be set at actual cost per hour or \$30 per hour, whichever is the lesser, for Councillors requiring childcare services whilst undertaking their role as a Councillor.

Absolute Majority Required

For: Crs K White, M Lynch, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, A Smith and T Mladenovic

Against: Nil

Carried By Absolute Majority 8/0

Council Decision 134/2023

Moved Cr T Mladenovic

Seconded Cr L Rumble JP

In accordance with Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, the level to be used in statements of financial activity in 2023-2024 for reporting material variances shall be 10% or \$40,000, whichever is the greater.

Simple Majority Required

For: Crs K White, M Lynch, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, A Smith and T Mladenovic

Against: Nil

Carried By Simple Majority 8/0

14 Infrastructure Services Reports

14.1 Pilbara Regional Waste Management Facility - Contract Letter of Intent Extension and Status Update

File Reference	CM23.20
Applicant or Proponent(s)	Not Applicable
Author	R Miller, Director Infrastructure Services
Authorising Officer	R Miller, Director Infrastructure Services
Previous Meeting Reference	Ordinary Council Meeting 13/12/22 - Item 13.1– 75/2022 Ordinary Council Meeting 13/04/21 - Item 7.1 – 67/2021 Ordinary Council Meeting 13/10/19 - Item 15.1 – 175/2019
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. Draft Letter of Intent extension to 30 September 2023 - Confidential

Report Purpose

Council is required to note the status update provided in this report and the letter of intent for signing with Pilbara Environmental Services, as provided at Attachment 1.

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

Council is requested to note and accept the Pilbara Regional Waste Management Facility status update provided and authorise the CEO to engross the extension to letter of intent with Pilbara Environmental Services for the period to 30 September 2023.

Background

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

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

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

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

In June 2022, Council amended the Alliance Board structure to include the Shire President as the Chair of the Board. In December 2022 Council through resolution 175/2022 the CEO was directed to negotiate to amend the Letter of Intent to include Marcus Geisler as the nominated independent representative. This has been actioned.

Comments

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

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

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

The draft contract refers to the following Alliance Board members:

Chair: Shire of Ashburton President.

Shire: Chief Executive Officer, Director Infrastructure Services, Director Corporate Services, Manager Waste Services.

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

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

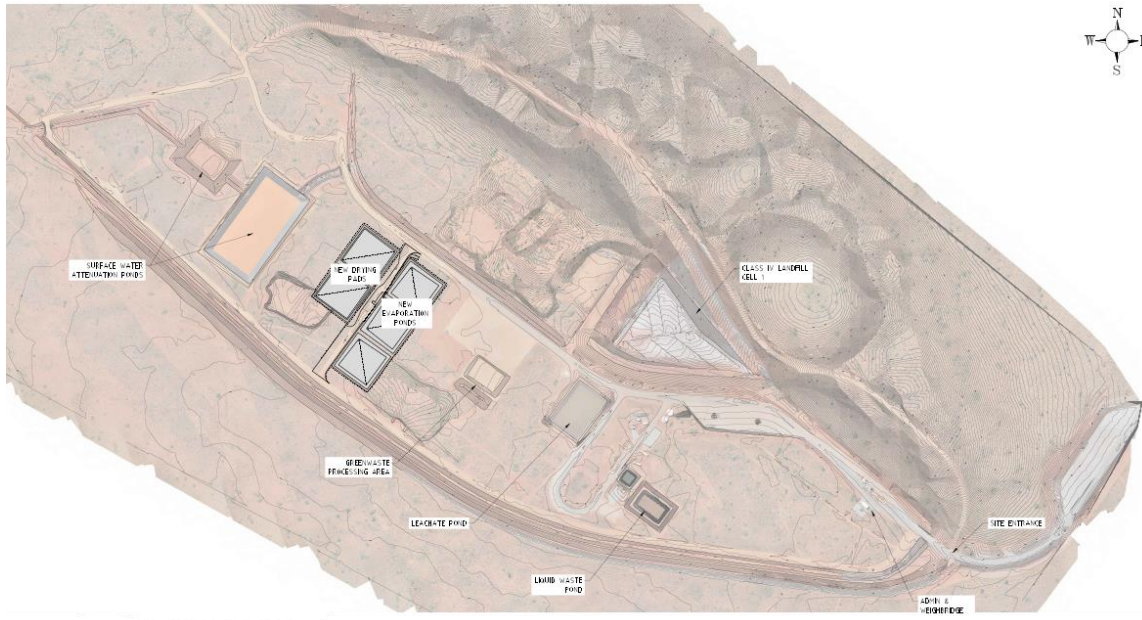
The current LOI expired on the 30 June 2023 but, there are still matters to be worked through in regards to the agreement and to ensure the facility operates effectively.

The signing of a LOI extension, engages PES to supply specific waste management services (early works and limited operations) subject to the draft Waste Services Agreement and further terms as set out in the LOI (which would prevail in the event of conflict between the two). The LOI extension will allow projects in the pipeline to achieve increased revenue, to be implemented and to continue to explore the opportunities of the partnership. It acknowledges PES as the preferred tenderer but does not bind either party to proceed with a long term supply of waste management services if good faith discussions to finalise the contract don't materialise. With recent works completed it has allowed with the main cell to receive class IV waste with the first delivery received on the 26 June 2023.

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

- RFT 23.22 for the high flow pumping system - contract awarded with project delivery expected by December 2023. Interim measures in place to reduce risk of leachate overflow to acceptable level while waiting for pump delivery.
- RFT 01.23 Intra cell (between cell1 and proposed cell 2) bund wall construction contract awarded with project built and delivered 30 June 2023.

- RFT 30.22 Waste Cell 2 detailed design quotation submissions received and declined. Review and reissue as a Tender in July 2023.
- Works Approval for Evaporation Ponds and Drying Bed being assessed by Department of Water and Environmental Regulation. Advertising for submissions closed end of June 2023 and waiting on further advice on approval for construction. Project is listed for consideration in 2023/24 budget. Site plan showing some proposed projects (below)



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

Consultation

Executive Leadership Team
 Pilbara Environmental Services

Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	2. Place - We will provide sustainable, purposeful, and valued built and natural environment opportunities for the community.
Strategic Outcome	2.1 Coordinated delivery of natural and built environment services and projects for the community
Strategy	1 Develop and maintain key natural and built environment services partnerships, both internally and externally, to support Council’s vision.

Council Policy

Nil

Financial Implications

Current Financial Year

Commits Council to funding of operations until LOI expires or changes through signing of waste agreement.

Future Financial Year(s)

Agreement with infrastructure improvements will facilitate increased revenue.

Legislative Implications

Nil

Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Interruption to service	The operator, PES, does not agree to LOI extension	Unlikely (2)	Major (4)	Moderate (5-9)	Engage in early discussions with the operator to agree on the benefits to both parties.

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

Voting Requirements

Simple Majority

Officer Recommendation

That with respect to Pilbara Regional Waste Management Facility, Council

- Notes the status update provide within this report, and
- Supports the Chief Executive Officer’s engrossing the Extension to the Letter of Intent with Pilbara Environmental Services Pty Ltd for the period to 30 September 2023, as provided at Attachment 1.

Council Decision **135/2023**

Moved **Cr R De Pledge**

Seconded **Cr M Lynch**

That with respect to Pilbara Regional Waste Management Facility, Council

- 1. Notes the status update provide within this report, and**
- 2. Supports the Chief Executive Officer's engrossing the Extension to the Letter of Intent with Pilbara Environmental Services Pty Ltd for the period to 30 September 2023, as provided at Attachment 1.**

For: **Crs K White, M Lynch, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, A Smith and T Mladenovic**

Against: **Nil**

Carried 8/0

14.2 Onslow Flood Studies

File Reference	SD01
Applicant or Proponent(s)	Not Applicable
Author	A Sheridan, Project Manager
Authorising Officer	R Miller, Director Infrastructure Services
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	<ol style="list-style-type: none"> 1. Onslow Flood Study Report ⇨ 2. Technical Memorandum - Pumping Options ⇨ 3. Stormwater CCTV and Condition Assessment Report ⇨

Report Purpose

Council is required to consider the outcome of recent flood modelling within the town of Onslow as detailed in this report and the supporting attachments.

The purpose of this report is to identify those issues which require addressing in order to provide for an acceptable level of flood immunity within the town.

Council is requested to endorse the key findings contained within this report and to direct the Chief Executive Officer to proceed with further investigations and technical work with a view to presenting a program of upgrade works to Council for endorsement.

Background

Given the history of severe storm events in and around Onslow over the past 140 years, including major cyclones in 1918, 1926, 1934, 1953, 1961, 1962, 1963, 1975, 1995 and 1999, it is no surprise that there have been a number of studies relating to the impact of cyclone activity and flooding in the town. One of the earlier plans on record is the 1994 Onslow Coastal Plan, prepared by the State Department of Planning and Urban Development. More recently there have been flood studies and drainage plans from 2010, 2014, 2017 and 2019.

The most recent of those, the 2019 Onslow Drainage Assessment Report, prepared by consultants Cardno, made recommendations regarding improvements to the gravity based detention and drainage system at the southern end of the town (refer to Figure 1B). The report recommended a series of incremental improvements in order to improve the functioning of the detention basin and ocean outfall system.

The proposed improvements from that report included regrading of the existing basins, installation of a box culvert stormwater pipe between Basins 2 and 3 and the possibility of a new stormwater pipe linking Third Avenue direct to Basin 3 (along Cameron Avenue). While those works, had they been designed and implemented, would have improved the performance of the system during moderate rainfall events, they would have had no impact on flooding during extreme weather events (as explained later in this report).

The same report included a stormwater jetting and CCTV inspection report detailing the condition of the existing stormwater network. Unfortunately, the pipe identification and classification system used by the contractor at the time, made it difficult to develop a schedule of upgrade works based on the inspection results. Over time, the value of that work has diminished, conditions change, and constant updates and inspections are necessary on an ongoing basis. Importantly however, the stormwater tidal flaps at the major ocean outfalls have been upgraded since 2019.

In January 2023, the Shire commissioned Stantec (formerly Cardno) to undertake updated stormwater modelling using current LiDAR survey data and to identify flooding issues and potential flood mitigation options for the town of Onslow. In part, this work was commissioned as the Shire is about to embark on a number of significant projects within the town and a better understanding of flooding issues is necessary to support both those projects and the future development of the town. In particular, this information is necessary for the proposed Staircase to the Moon Project and the proposed Streetscape Project (refer separate report in this Agenda).

Specifically, the following key areas of focus were identified:

- Assess the existing stormwater infrastructure in the northern part of Second Avenue in preparation for a proposed streetscape project.
- Assess the impact of a proposed artistic installation (Staircase to the Moon) in terms of its effect on stormwater/flood management.
- Assess existing issues associated with stormwater drainage in Third Avenue.
- Assess the performance of the three detention basins at the southern end of Second Avenue.

The findings of the Stage 1 study are provided in the Executive Summary (refer to Attachment 1). A copy of the full report is available on request.

In summary, the Stage 1 work involves a comprehensive review of existing data and the development of a hydraulic model using the latest available LiDAR (drone survey) data. The outputs of stormwater flow and flooding throughout the town have been presented in a series of maps ranging from 1% Annual Exceedance Probability (AEP) - typically referred to as a 1 in 100 year storm; through to a 63.2% AEP (which would occur annually).

The assessment of flood impacts was based on surface water level, velocity of flow and hazard classification as per the recognised standard (Australian Rainfall and Runoff 2019). A model run was also produced that encompassed the Staircase to the Moon footprint.

As the study has progressed, it has been necessary to undertake further assessments to determine the condition of the stormwater pipe network (via CCTV pipe inspections). For example, it would not be practical to construct a streetscape project only to find that the pipe network required replacing soon after the project was complete.

As a consequence, a full CCTV inspection of the entire stormwater network in the main part of the town and a full feature survey of the town streets (including Second and Third Avenue) was completed in May 2023.

It is also necessary to have accurate survey data (commissioned in May 2023) for both the Streetscape Project and for accurate stormwater modelling purposes. LiDAR survey data has been useful but is simply not accurate enough and cannot pick up information on the invert level of underground pipes or precise pit levels for example. Accurate survey data is also necessary for detailed design purposes.

Further modelling work has also been necessary to determine options for dealing with network deficiencies. One possible solution is a proposed pump based system to discharge stormwater direct to the ocean. This aspect of the work will be discussed further in the comments section of the report.

The following location maps (Figures 1A and 1B) show the areas as referenced in the discussion below.



Figure 1A – Location Map / Direction of Stormwater Flows – Northern Precinct



Figure 1B – Location Map/Direction of Stormwater Flows – Southern Precinct

Comments

Existing Flood Conditions

In summary:

Stormwater along the northern part of Second Avenue – from the caravan park down to the Onslow Beach Resort (refer to Figure 1A) – discharges through twin 600 mm diameter pipes via an ocean outlet at the end of Simpson Street (near the Beadon Bay Hotel). A number of smaller ocean outlets exist near the caravan park to drain those areas.

To mitigate flooding in the town, a series of three interconnected detention basins have been constructed at the southern end of the town (refer to Figure 1B). The first basin flows into the second, which is then linked to the third via a stormwater pipe. Finally, the water is able to discharge into the ocean from the third basin.

Stormwater from the southern part of Second Avenue and from Third Avenue – generally from the Onslow Beach Resort south (refer to Figure 1B) – discharges to the detention basins and then to the ocean.

Due to the town's low-lying geography, the basin network can only drain when downstream water levels are not elevated. During extreme rainfall events like a cyclone, coastal storm surge often coincides with heavy rain, preventing the basins from effectively draining excess water. As an example of the flood modelling outputs, the 1% AEP depth results from the flood model/simulation are shown in Figure 2 below.



Figure 2 – Peak Flows / Depths for the 1% AEP Event

The flood simulation shows that:

Ponding occurs within the low lying residential areas and the existing Police Precinct at the northern end of Second Avenue.

Slow moving flows occupy a large portion of Third Avenue (south from the intersection with Third Street near the Onslow Beach Resort). The detention basins fill up from a combination of overland flow and stormwater flows at the start of the simulation. In all events, the detention basins are full at the start of the simulation.

The last of the detention basins (Basin 3) does not drain to the ocean due to the configuration of the sand dunes (which create a natural barrier) and the ocean water level – which effectively block stormwater from discharging to the ocean.

A cross section through the detention basins shows the relative height of the basins compared to ocean levels (refer to Figure 3). Water only drains to the ocean when the ocean level goes down enough for that to occur. During storm events, ocean water levels can remain elevated for extended periods of time.

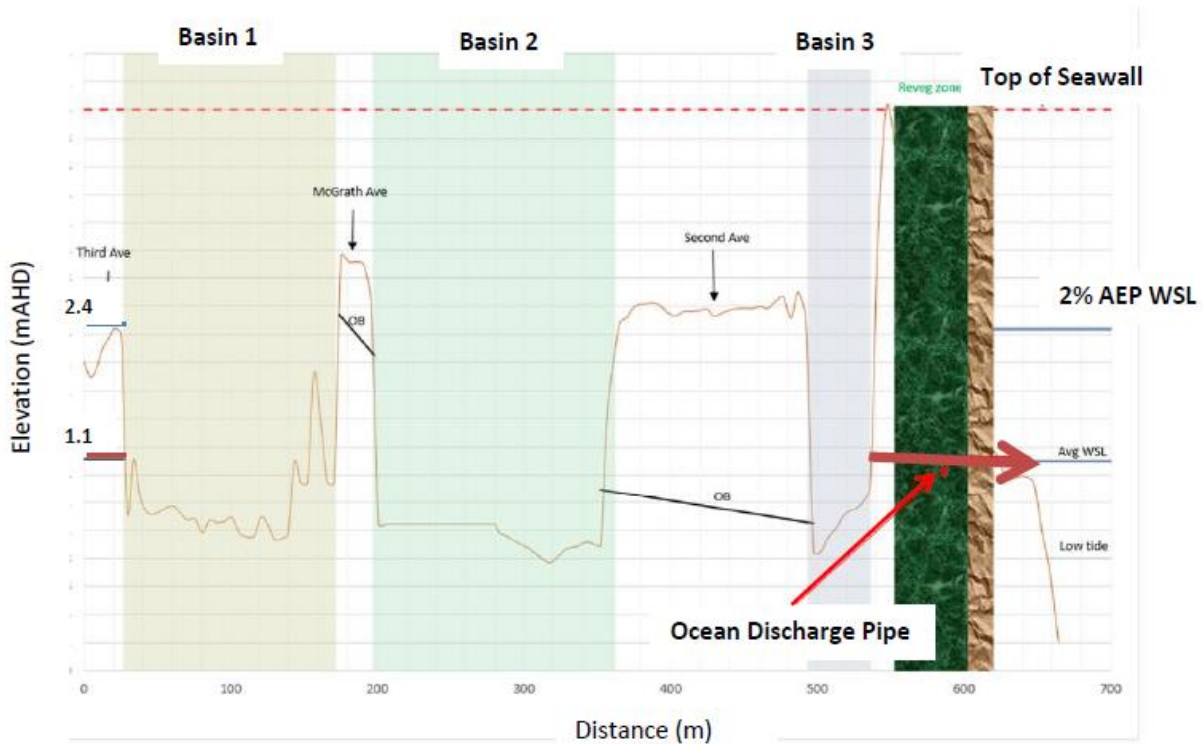


Figure 3 – Cross Section through Detention Basin

Critical Storm Event

In the majority of cases, the critical stormwater (flooding) event is based on the 30 minute storm event; an event where there is a higher intensity but shorter duration of heavy rainfall. Stage 1 of the study (refer to Attachment 1) assumed that the 30 minute storm event reflected the critical stormwater event for Onslow.

However, considering the location and minimal elevation change of the Onslow townsite, it was considered possible that a low intensity but constant rainfall event could have a greater impact in terms of flooding. As part of Stage 2 of the study (refer to Attachment 2), it has been found that the 18-hour storm event (less heavy rainfall but over an extended period of time) produces the highest flood level for Onslow township.

A comparison of flood heights based on the 30 minute storm event and the 18 hour storm event is shown in Figure 4:

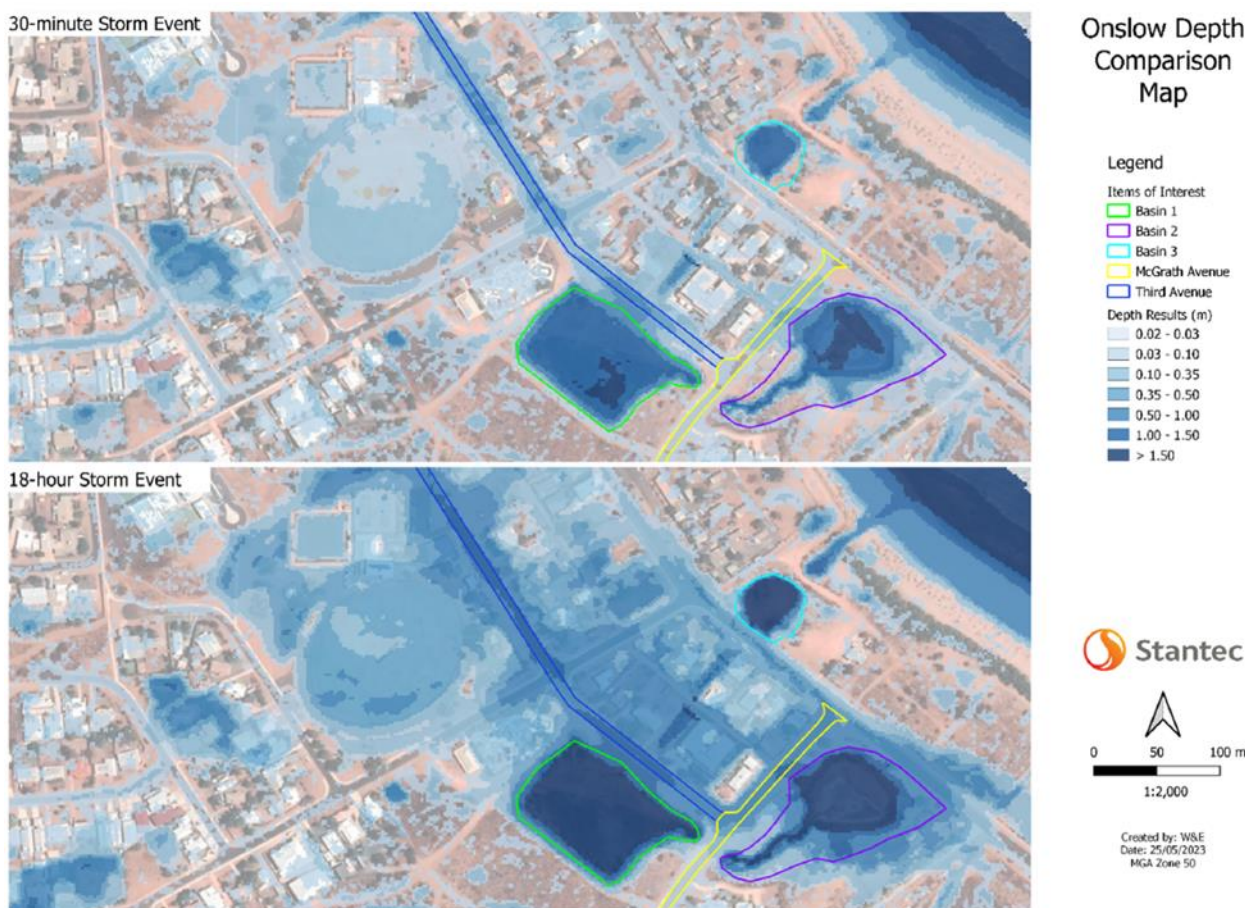


Figure 4 – Critical Duration Comparison

The 18 hour storm event was therefore used as a basis for considering pumping design options. The proportion of the 18 hour storms that will completely overlap with the storm surge is unknown at this point of time as it is unique to the location. In reality however, the critical storm event for Onslow would most likely lie somewhere between the 30 minute storm event and the 18 hour storm event.

The 18 hour storm surge heights are shown in Figure 5, together with the level of the ocean outlet. As can be seen, for a period of 18 hours there is only a period of approximately 3-4 hours where some water can discharge to the ocean. For the remainder of that time, water is effectively blocked from discharging and is retained in the system, leading to flooding in and around Third Avenue.

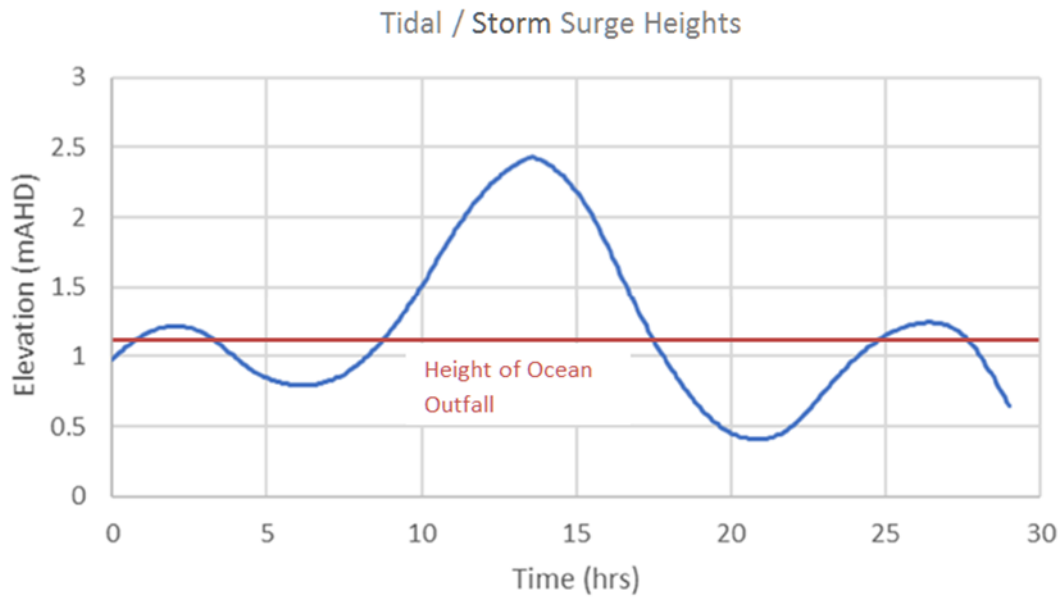


Figure 5 – Storm Surge Heights compared to Ocean Outfall

Performance of the Existing Stormwater Pipe System

Second Avenue Stormwater Pipes

The modelling indicates that the configuration and size of the stormwater pipes in the northern part of Second Avenue perform adequately and as would be expected for a typical urban street. Based on the modelling, upgrading the pipe sizes to cater for higher flows is not warranted. Second Avenue experiences up to 0.3m of ponding in the 1% AEP event and clears the majority of ponding in the 20% AEP event.

Ponding currently occurs at road intersections and at locations along the street due to the uneven nature of the pavement. It is proposed to rectify these issues as part of the streetscape project. In particular, the intersections will be reconfigured and graded so that water flows to stormwater pits rather than collecting in the middle of the intersections.

Third Avenue Stormwater Pipes

In the 1% AEP event, up to 0.6m of ponding and 0.5 m/s of moving water enters Third Avenue from the north-west. Due to the flat terrain, runoff from Third Avenue also tends to move over to Second Avenue. The model shows that the system from the sports club to the intersection with Third Street is at full capacity in all events, but also displays consistent surcharging. Note in particular that Third Avenue in this location is very flat and is not particularly conducive to the effective dissipation of stormwater.

Detention Basin Performance

Due to the town's low-lying geography, the basin network can only drain when downstream water levels are not elevated. Ocean water levels are elevated during storm events and stormwater flowing into the system is effectively blocked from discharging to the ocean.

Based on the modelling results, the elevation of the town and the ocean levels make gravity driven mitigation options largely ineffective.

In addition, to reduce the occurrence of mosquito breeding, it would be preferable if the basins did not retain water (which they do at present).

One possible option is to pump the water from the basin system direct to the ocean, allowing for a free-flowing condition at the outfall and reducing water levels in the basins.

Staircase to the Moon

Designed in 2022, this installation is intended to beautify the area within Basin 2 by reshaping the detention basin and installing an artistic oval shaped feature with footpaths encircling the basin and extended carparks with a viewing area overlooking the installation. The footprint of the proposed installation is shown in Figure 6.

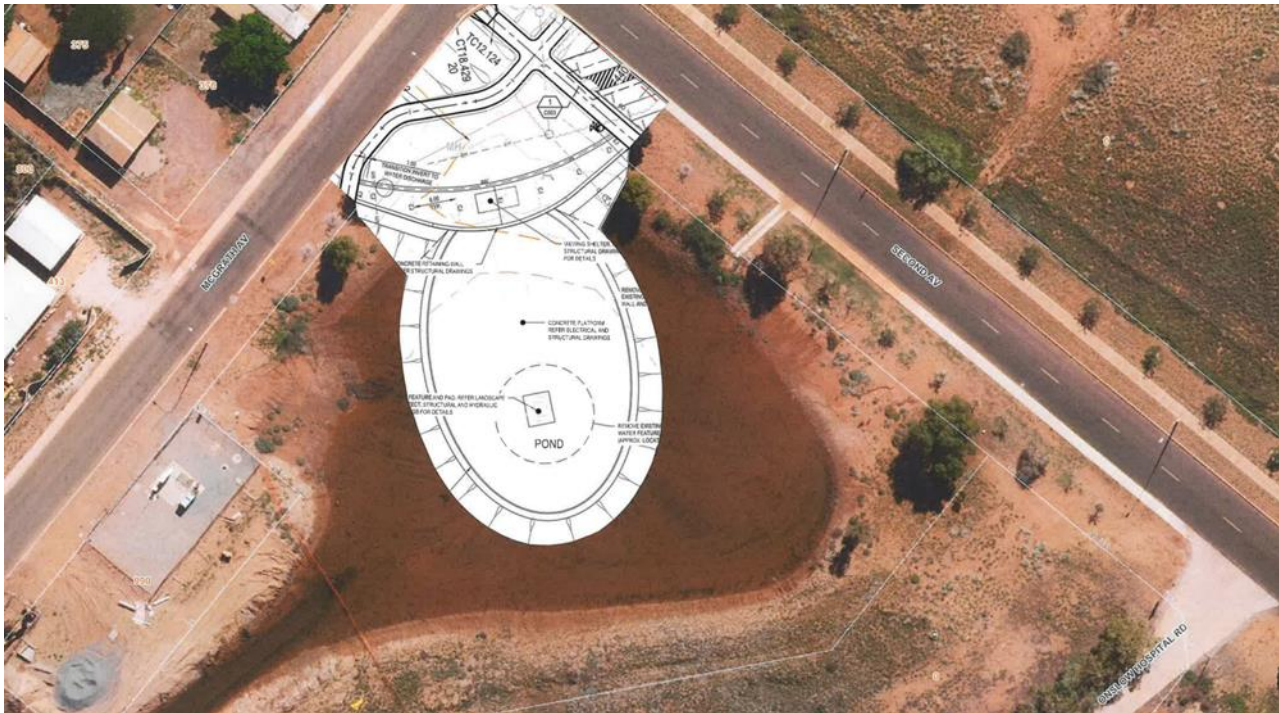


Figure 6 – Footprint of the Staircase to the Moon Structure in Basin 2

The simulation indicates that for the 20% AEP event (1 in 5 years) flows are relatively contained within the Basin 1 and Basin 2, whereas in the 10% AEP event (1 in 10 years), the basins overflow. The results also indicate a relative increase in flood level associated with the Staircase to the Moon structure by up to 0.1m. Any increase in flood levels is highly undesirable and should be avoided.

The report states that the placement of the Staircase to the Moon structure in Basin 2 is not recommended as it would remove flood storage from the system and cause an increase in flood levels in that area.

Should Council agree, it is also proposed to simplify the installation so that it is more cost effective to both construct and maintain by reducing the size of the water feature and using paving features and lighting which simulate the “staircase” effect.

There would of course be a number of potential locations within the town, but it is suggested to combine the Staircase to the Moon with other planned or existing parkland areas.

In lieu of the Staircase to the Moon structure in Basin 2, it is proposed to install dense screening planting and landscaping around Basin 2 along Second Avenue and near the intersection with McGrath Avenue in order to minimise the visual impact of the detention basin. It is also proposed to decommission the existing pump, leave the existing rock in place and remove the metal sculpture from the centre of Basin 2.

CCTV Inspection Report

In terms of pipe condition, an extract from the recent CCTV inspection report is attached with a sample drainage line 29 information reported. Refer Attachment 3.

The CCTV inspection report indicates the existing stormwater pipe network is generally in good condition. However:

- 10 individual stormwater pipe runs have a structural rating of 4 or 5 (fair or poor).
- 27 individual pipe runs have a service rating of 4 or 5 (fair or poor).

A structural defect is one which has an impact on the structural integrity of the pipe itself. Commonly recognised structural defects include cracking, breaking, or surface damage. Over time, structural defects may worsen significantly to the point that the pipe requires significant repair work, or even replacement.

Service defects are those that have an impact on the operational capacity of a pipe, impairing the pipes effectiveness to convey wastewater through the pipe network. Commonly recognised service defects include displaced joints, debris or root intrusions.

It is likely that all pipes with a 4 or 5 structural rating will need relining; which is significantly more cost effective than replacement. Pipes with a low service rating will most likely require specialist cleaning (water jetting).

However, the full extent of work required will need to be reviewed in detail and a schedule of works developed based on the detailed inspection reports. The works can then be costed and programmed as necessary.

In addition, a number of the existing ocean outfalls require work due to erosion and deterioration over time. The ocean outfall at the end of Simpson Street in particular, requires an outlet structure which can be easily cleaned and maintained on a regular basis. That outlet is critical to the drainage in that area and must be properly maintained so that is kept operational and free from sand build up at all times.

Feature Survey of Pits and Pipes

At the time of writing this report, information was not and will be tabled if received and reviewed. The primary aim of the survey was two-fold:

- Provide more accurate data for entering into the flood model
- Provide accurate data for detailed design of the streetscape project.

Further review of the survey data is required to confirm that the invert level of pipes is such that water is able to flow constantly in a downstream direction, without any anomalies such as incorrect pipe levels or unintended jump-ups.

Mitigation Options

Ponding in northern part of the Precinct

At the intersection with First Street and Second Avenue, where ponding runoff is observed near the Police Precinct, a bund could prevent overland ingress from the northern precinct onto the service road parallel to First Street. Runoff could potentially be redirected directly to a new ocean outfall through a proposed pit and associated underground pipe. Figure 6 shows the approximate location of the proposed bund and stormwater drain on a 1% AEP flood map.

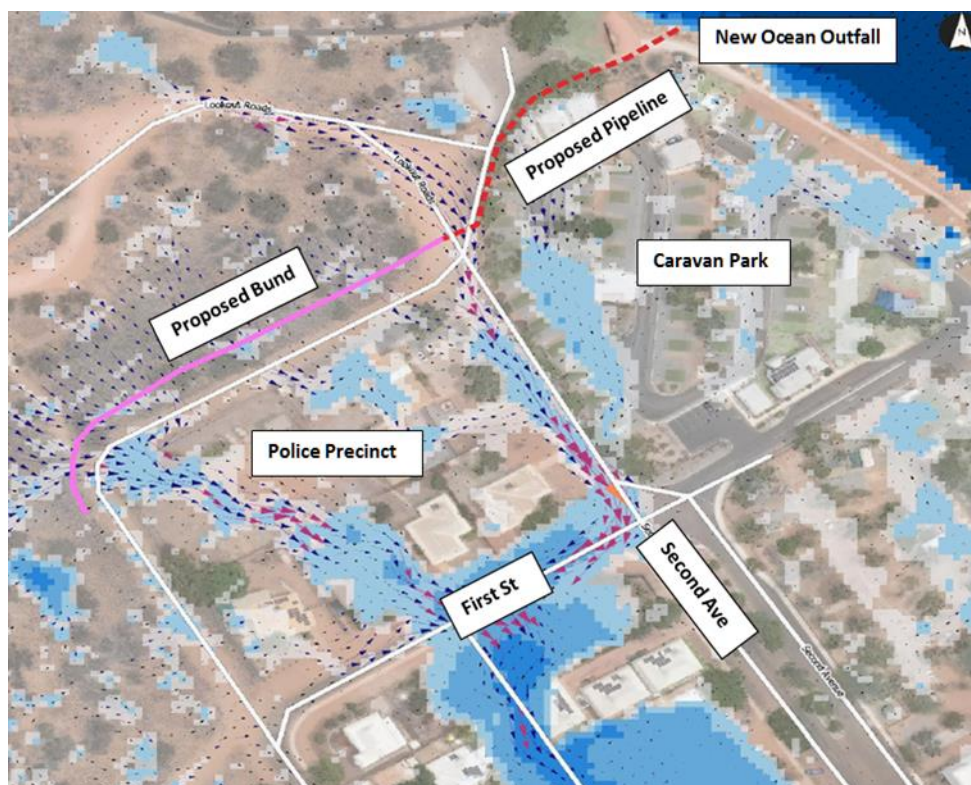


Figure 6 – Location of Proposed Bund and New Ocean Outfall

Detention Basins

The detention basin system at the bottom end of Second Avenue sits below the high tide and storm surge water levels and does not work effectively in severe weather events. The detention basins are significantly lower than the 1% AEP ocean surface level. As a result, stormwater is effectively blocked from discharging to the ocean by high tides and storm surges. The basins are all linked and once they fill to overflowing, the water has nowhere to go until the ocean water level recedes.

The detention basins are also believed to have been constructed with the intention of infiltrating stormwater into the water table, as would be the case in Perth for example. However, in recent years, groundwater levels have risen to the point where the water table is effectively at ground level. As a result, the ability of the basins to infiltrate stormwater is very low - effectively zero.

A pumped system or a combined system (pump ocean discharge and gravity-based ocean discharge) presents a possible solution. The Flood Study Report (refer to Attachment 1) refers to the intention to run an order of magnitude model of these options as a variation to the existing commission. The result of that work (refer to Attachment 2) is summarised below under the heading “Order of Magnitude – Pumping”.

Upgrades to Existing Pipe Systems

The CCTV inspection recommends that the Shire prioritises stormwater relining work to limit future impacts on the upgraded streetscape. It is proposed to develop a program of future works based on the detailed inspection reports.

Additionally, a number of the existing ocean outfalls require work due to erosion and deterioration over time. The ocean outfall at the end of Simpson Street in particular, requires an outlet structure which can be easily cleaned and maintained on a regular basis.

Order of Magnitude Model - Pumping

A separate technical memorandum from the consultants (refer to Attachment 2) presents the findings of a stormwater pumping assessment, which is intended to mitigate flooding in the town of Onslow.

The consultants were instructed to model two separate pumping scenarios as depicted in Figures 7A and 7B. These options were selected as representing a logical and common-sense outcome to provide for a pump based system, rather than starting with a blank sheet of paper. The proposed location of the pump is at the lowest point in the system and the primary variation between the two options is that one is based on a pumped system with a gravity back-up and the other involves the removal and filling of Basin 3, thereby relying totally on a pump based ocean outfall.

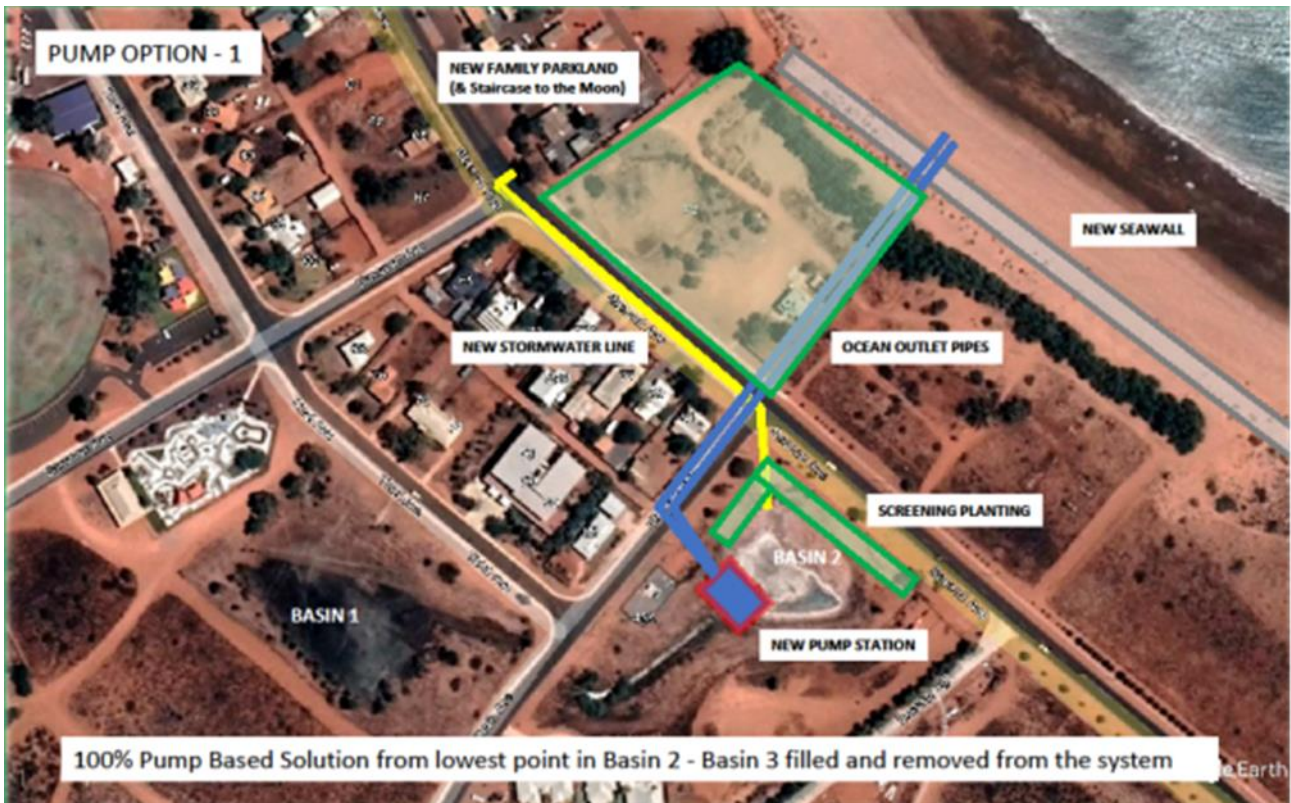


Figure 7A - Pump Option 1

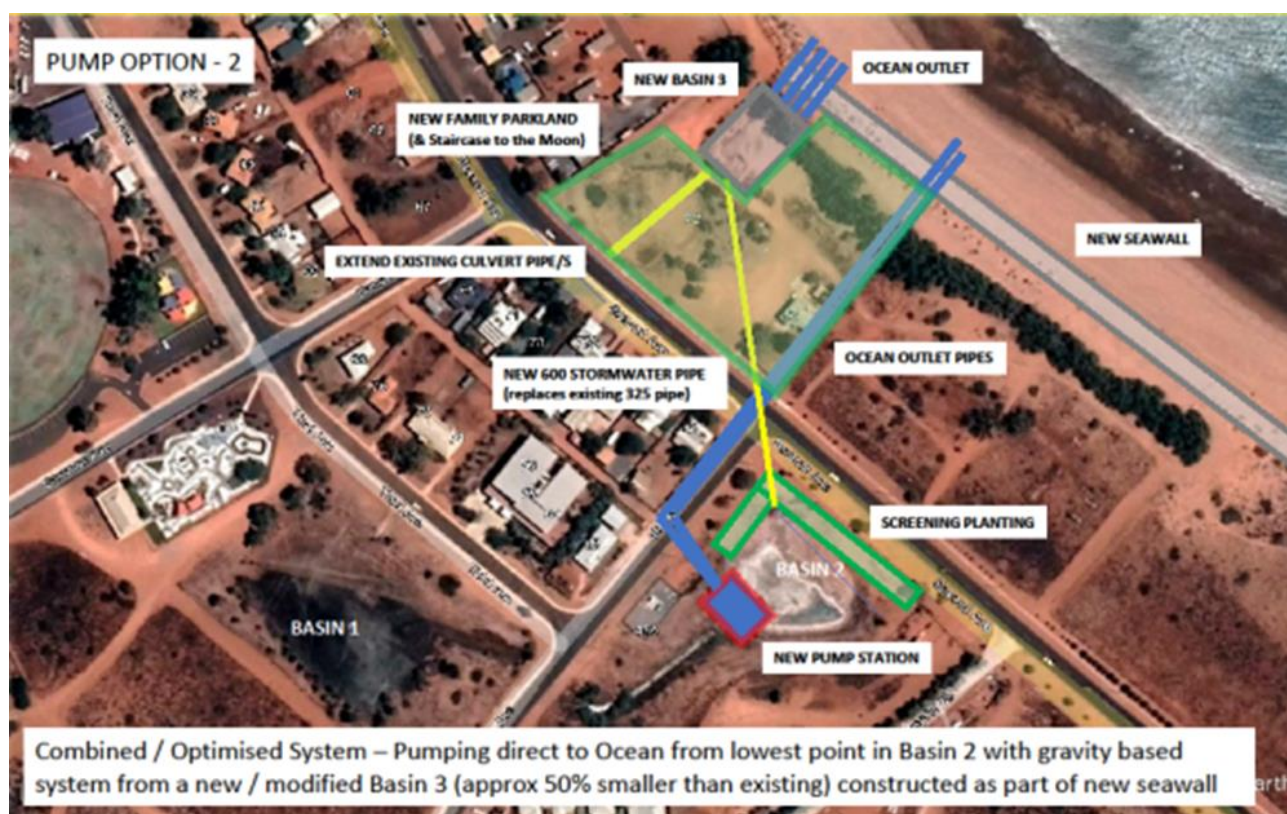


Figure 7B – Pump Option 2

Technical Analysis

A review of various pump flowrates was carried out and a peak flow of 7,000 litres/second has been selected as the optimum pump rate; additional pumping capacity produces negligible or no additional benefits to the flood hazard. Both Options 1 and 2 decrease the flood levels for the 1% AEP 18-hour event by approximately 0.5m, thereby reducing the majority of the flooding to public open spaces and road reserves and also minimising the flooding within private residences.

The proposed pump system would involve a wet pump well (4.5m deep) with four submersible pumps (225 kW each) operating in parallel and discharging to a submerged ocean outfall via a single 1800mm diameter Mild Steel Cement Lined (MSCL) discharge pipeline. As the pumps would also be required to operate at lower flow rates, a Variable Speed Drive pump motor control would be installed at the pump station. The pumps have been selected based on cost effectiveness, availability and efficiency of operation.

A high-level concept assessment was carried out for the pumped systems to provide order of magnitude estimates and to identify any fatal flaws in these options. The cost estimate (with 50% contingency) for the proposed options are as follows; Option 1 \$7,300,000, Option 2 \$8,700,000.

However, the estimates make no allowance for the discharge pipe and diffuser array which is complex infrastructure requiring significant environmental approvals and costing many millions of dollars. The consultant has been requested to provide further information regarding this matter.

The main differentiating element between the two options is the additional (new) ocean outfalls at Basin 3 – as proposed in Option 2. To install the four new outfall pipes as indicated in the concept sketch (refer to Figure 7), approximately 480m of pipework would be required as well as valving to prevent backflow from the ocean during storm surges.

The report also indicates that locating the pumps within Basin 1 may also reduce the flood hazard without increasing the pump capacity. This was an additional option that was assessed at a high-level and which should now be reviewed in further detail as part of follow up work.

Practicality of the Proposed Pump Based Ocean Discharge System

The consultant has been asked to provide further information regarding the proposed pumping solution in terms of order of cost and practicality. At the time of writing this report, that information was not available and if received in time it will be tabled at Council Meeting.

The infrastructure as mentioned above, while it may be technically feasible, may not be particularly practical. The Shire may have difficulty planning, delivering and operating infrastructure of this scale and complexity. The environmental approvals for the ocean outfall (1.8m diameter MSCL pipe discharging into the ocean at a rate of 7,000 litres/second) would be complex and could well take up to two years at considerable cost. Design costs for this type of infrastructure would also be significant.

There would be a significant lead time in obtaining environmental approvals, ordering pipes and arranging for construction (up to five years). The discharge pipe, at 1.8m in diameter, would probably need to be laid beneath the ocean floor and connected to an extensive diffuser array at the ocean outlet; to dissipate flows and eliminate any adverse environmental impact. The infrastructure would also be subject to ongoing maintenance and environmental compliance monitoring and reporting.

At this stage a pumped based solution of this scale, while technically feasible, may not be practical. However, further technical assessment is necessary as pumping may well be one of the few options for dealing with flooding in low lying areas of the town.

Summary of Key Outcomes

The key outcomes are summarised as follows:

- The drainage basin system at the southern end of the town is largely ineffective in discharging stormwater to the ocean during a significant storm event. Ocean water levels are elevated during storm events and stormwater flowing into the system is effectively blocked from discharging to the ocean. One possible option is a pump based solution which discharges stormwater directly to the ocean; however such a system must be practical as well as technically feasible.
- The placement of the Staircase to the Moon structure in Basin 2 is not recommended as it would remove flood storage from the system and cause an increase in flood levels in that area. In addition, the current design is costly and would be difficult to maintain. An alternative location is recommended together with a review of the existing design.
- The configuration and size of the stormwater pipes in the northern part of Second Avenue perform adequately and as would be expected for a typical urban street. Based on the modelling, upgrading the pipe sizes to cater for higher flows is not warranted.
- Third Avenue experiences significant flooding in the 1% AEP event. For most of its length, Third Avenue is very flat and the ability of stormwater to flow through the system relies on the stormwater pipe network in that area. However, the controlling factor is likely to be the detention basin system, which does not have the ability to effectively discharge water in a major event.

- Flooding occurs in low lying residential areas at the northern end of the town (near the Police Precinct). A bund in that location could prevent overland ingress from the northern precinct into that area and runoff could potentially be redirected directly to a new ocean outfall through a proposed pit and associated underground pipe. Further investigations would be necessary to confirm that this is a viable option.
- A number of the existing ocean outfalls require work due to corrosion and deterioration over time. The ocean outfall at the end of Simpson Street requires an outlet structure which can be easily cleaned and maintained on a regular basis.
- Further assessment of the CCTV inspection report is necessary to determine remedial actions required to either reline, repair or clean and maintain existing stormwater pipes.

Consultation

Director Infrastructure Services

Director Community Development

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	3 Develop and deliver a fit-for-purpose asset maintenance management strategy and systems solution.

Council Policy

Nil

Financial Implications

Current Financial Year

Further technical investigations, concept designs and costings are required over the next 12 months. A specific allocation of \$500,000 (based on 5% of \$10m) has been included in the draft 2023/2024 Annual Budget to progress the necessary technical work and design studies. It is also intended to explore grant funding options to assist with this work.

Future Financial Year(s)

It is recommended that major works be incorporated into future budget considerations. It is proposed to develop a longer term stormwater investment program for Onslow (5-10 years), to present that plan to Council for endorsement and to commence implementation of that program in the 2024/2025 Financial Year.

Legislative Implications

Nil

Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Property (plant, equipment, buildings)	Significant damage requiring internal and external resources to rectify.	Possible (3)	Catastrophic (5)	High (10-16)	Plan, fund and implement significant improvements and upgrades to the stormwater systems in Onslow on an ongoing basis over a period of 5 – 10 years. It should also be noted that through the additional flood modelling that it has identified that retaining the Moon project in its current scope and location will elevate the risk of flooding with the townsite alternative locations and scope to be investigated.
Reputation (social/community)	Substantiated public embarrassment, widespread high impact on community trust, high media profile, third party actions.	Possible (3)	Major (4)	High (10-16)	As above. The Stairway to the Moon project has been a high profile project and any change of scope and location will need to include clear reasons and justification.

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 Onslow Flood Study Report, Council:

1. Directs the Chief Executive Officer to further investigate technical design studies, preliminary design work and costings for:
 - (a) A proposed pump based ocean discharge system to be incorporated as part of the detention basin system at the southern end of Second Avenue near the intersection with McGrath Avenue;
 - (b) A proposed diversion bund and ocean outfall at the northern end of Second Avenue as outlined in this report;
 - (c) New outlet structures and discharge pipes for existing ocean outfalls north of Simpson Street;
 - (d) Other alternatives or variations to the proposed pump based system referred to in 1(a) above;
 - (e) Develop a pipe asset improvement and renewal program supported by the Stormwater Closed Circuit Television inspection and condition assessment report (June 2023).
2. Agrees that the proposed Staircase to the Moon structure, is not to be constructed in Detention Basin 2.
3. Requests the Chief Executive Officer to:
 - (a) Develop an alternative concept for the Staircase to the Moon art installation at a different location and provide a further report to Council on the outcome of those investigations.
 - (b) Decommission the pump in Basin 2 and remove the existing artwork/sculpture.
 - (c) Develop a strategic asset improvement and renewal plan (5-10 years) for upgrade works associated with the Onslow stormwater network and present to Council for consideration and inclusion in the Councils Long Term Financial Plan and future budgets before 30 June 2024.

Council Decision **136/2023**

Moved **Cr L Rumble JP**

Seconded **Cr T Mladenovic**

That with respect to the Onslow Flood Study Report, Council:

- 1. Directs the Chief Executive Officer to further investigate technical design studies, preliminary design work and costings for:**
 - (a) A proposed pump based ocean discharge system to be incorporated as part of the detention basin system at the southern end of Second Avenue near the intersection with McGrath Avenue;**
 - (b) A proposed diversion bund and ocean outfall at the northern end of Second Avenue as outlined in this report;**
 - (c) New outlet structures and discharge pipes for existing ocean outfalls north of Simpson Street;**
 - (d) Other alternatives or variations to the proposed pump based system referred to in 1(a) above;**
 - (e) Develop a pipe asset improvement and renewal program supported by the Stormwater Closed Circuit Television inspection and condition assessment report (June 2023).**
- 2. Agrees that the proposed Staircase to the Moon structure, is not to be constructed in Detention Basin 2.**
- 3. Requests the Chief Executive Officer to:**
 - (a) Develop an alternative concept for the Staircase to the Moon art installation at a different location and provide a further report to Council on the outcome of those investigations.**
 - (b) Decommission the pump in Basin 2 and remove the existing artwork/sculpture.**
 - (c) Develop a strategic asset improvement and renewal plan (5-10 years) for upgrade works associated with the Onslow stormwater network and present to Council for consideration and inclusion in the Councils Long Term Financial Plan and future budgets before 30 June 2024.**

For: **Crs K White, M Lynch, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, A Smith and T Mladenovic**

Against: **Nil**

Carried 8/0

15 Community Development Reports

15.1 Endorsement of the proposed Community Access and Inclusion Plan 2023-2027

File Reference	CS08
Applicant or Proponent(s)	Not Applicable
Author	C Galliers, Manager Community Services
Authorising Officer	C McGurk, Director Community Development
Previous Meeting Reference	Ordinary Council Meeting 21 November 2017 - Item 12.1 262/2017
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. Draft Community Access and Inclusion Plan 2023-2027 ⇒

Report Purpose

Council is required to review the draft Community Access and Inclusion Plan 2023-2027.

The purpose of this report is to present the draft Community Access and Inclusion Plan (the Plan), composed by Wicked Strategies, for Council review.

Council is requested to endorse the document as the Shire of Ashburton's (the Shire) Community Access and Inclusion Plan 2023-2027.

Background

At the Ordinary Meeting of Council held on 21 November 2017, Council endorsed the Disability Access and Inclusion Plan 2018-2022 which is now due for review.

Under the *Disability Services Act 1993*, local governments are required to develop a Disability Access and Inclusion Plan to ensure that people with disability can access services provided by public authorities in Western Australia.

The 2021 Census conducted by the Australian Bureau of Statistics (ABS), collected information from people in the Shire and their need for assistance in these categories:

- Self-care
- Communication
- Mobility due to disability
- Long-term health conditions
- The effects of old age.

The ABS notes a person is considered to be living with disability if they have at least one limitation, restriction or impairment, which will last for at least six months and restricts everyday activities.

The groups of disability defined in the ABS are -

1. Sensory: vision, hearing, speech, touch.
2. Intellectual.
3. Physical: breathing difficulties, blackouts/seizures, chronic pain, incomplete use of limbs, difficulty gripping, restriction in physical activities, disfigurement or deformity.
4. Psychosocial: nervous or emotional, mental illness, memory, social or behavioural.
5. Head injury, stroke or acquired brain injury.
6. Other: conditions or ailments restricting everyday activities.

According to the 2021 Census, 1.2% or 89 people in the Shire reported needing help in their day-to-day lives due to disability, which was very similar to 2016.

The Census also looked for the first time at the level of incidence of selected long-term health conditions. Almost 9% or 869 in the Shire noted one or more long-term condition. The most prevalent were Asthma 426 (5.8%), Mental Health 341 (4.6%), Arthritis 207 (2.8%), Diabetes 198 (2.7%), Heart Disease 113 (1.5%) and Cancer 91 (1.2%).

However, the community consultation revealed a significantly greater number of people across the Shire with a high need for assistance, particularly children. While the Census identified 30% or 27 of those living with disability are young people, with 10 under the age of 9 and 17 aged 10-19, educators across each of the six Primary and Secondary schools in the Shire tell a different story. The numbers of children reported by schools to have psychosocial disorders totals approximately 120, indicating the Census data is grossly under reported, and could be up to three times higher.

In November 2022, the Shire engaged Wicked Strategies to connect with our internal and external stakeholders to review and develop a draft Disability Access and Inclusion Plan that spans over a five-year period. Based on the data relating to disability and feedback from the community, the Plan has been titled as a Community Access and Inclusion Plan to more accurately reflect its vision for our communities it includes.

Comments

The Shire plays an important role in relation to access and inclusion as it undertakes an array of responsibilities which impact on the quality of life of people with disability, their families and carers. These include infrastructure provision, facilities management and the delivery of a wide range of services and programs. People with disability have the same rights as other community members to access the Shire's services and participate fully in community life.

The purpose of the proposed Plan is to develop and enrich outcomes that create vibrancy in the places we live, work, and visit. To aim to build a stronger social wellbeing, promote greater access and inclusion, foster creative cultures and increase economic impact.

The proposed Plan's key theme is "small changes make a big difference" with a practice of starting small, including everyday people with a goal of community wide benefits.

The proposed Plan is based on a five-year plan, with some actions more likely to be achieved in shorter timeframes. The draft document includes the seven outcome areas as prescribed in the *Disability Services Act 1993*:

1. People with disability have the same opportunities as other people to access the services of, and any events organised by, a public authority.
2. People with disability have the same opportunities as other people to access the buildings and other facilities of a public authority.
3. People with disability receive information from the relevant public authority in a format that will enable them to access the information as readily as other people are able to access it.
4. People with disability receive the same level and quality of service from the staff of a public authority as other people receive from staff of that public authority.
5. People with disability have the same opportunities as other people to make complaints to a public authority.
6. People with disability have the same opportunities as other people to participate in any public consultation by a public authority.
7. People with disability can obtain and maintain employment with a public authority.

Following the proposed Plan being presented to Council at the June Briefing Session, the Plan was advertised for public comment for a period of 14 days.

Consultation

From late 2022 to mid-2023, the Shire sought feedback across the community to identify areas for improvement and guide the development of the new Community Access Inclusion Plan (CAIP). Consultation included people with disability, families and carers, medical and allied health providers, educators, residents, key stakeholders and Shire employees.

The process included a series of activities to better understand current levels of accessibility and inclusion in the Shire. A total of 145 people including 26 Shire staff and 119 community members participated in the following ways:

- Community Survey, printed and online
- Community Pop ups in all four towns
- Stakeholder Interviews
- Community group meetings
- Shire staff workshops and focus groups.

The activities were promoted in the following ways:

- Shire website
- Shire Facebook
- Posters at community hub locations
- Stakeholder email
- Media release
- Newsletter.

The Shire's intention to develop the Community Access and Inclusion Plan 2023-2027 was also formally advertised in the Pilbara News, the Notice of Public Advertisement was published on the 25 January 2023 for a period of 21 days.

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

\$29,700 (ex GST) expended in consultancy costs for the development of the draft Community Access and Inclusion Plan.

Future Financial Year(s)

Once formalised, the funds required to implement the actions and outcomes outlined in the Plan will be presented to Council through the Annual Budget process, for the five-year duration.

Legislative Implications

Disability Services Act 1993 – mandates that all local governments are required to develop a Disability Access and Inclusion Plan.

Disability Discrimination Act 1992 - makes it unlawful to discriminate against a person, in many areas of public life, including employment, education, getting or using services, renting or buying a house or unit, and accessing public places, because of their disability.

The Equal Opportunities Act (WA) 1984 - to promote equality of opportunity between the citizens of this State; to prevent certain kinds of discrimination based on sex, race, disability, age or various other grounds; to facilitate the participation of citizens in the economic and social life of the community.

Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
People	Complaints from community relating to inability to access services.	Possible (3)	Minor (2)	Moderate (5-9)	Active engagement with key stakeholders that relate to access and inclusion, to ensure community needs are being met.

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 proposed Community Access and Inclusion Plan 2023-2027, Council,

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

Council Decision **137/2023**

Moved **Cr A Smith**

Seconded **Cr M Lynch**

That with respect to the proposed Community Access and Inclusion Plan 2023-2027, Council,

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

For: **Crs K White, M Lynch, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, A Smith and T Mladenovic**

Against: **Nil**

Carried 8/0

15.2 Onslow Streetscape Project - Preliminary Concept

File Reference	LP45
Applicant or Proponent(s)	Not Applicable
Author	A Sheridan, Project Manager
Authorising Officer	C McGurk, Director Community Development
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	<ol style="list-style-type: none"> 1. Civil Design Concept ⇒ 2. Landscape Concept ⇒ 3. Pre-Tender Estimate ⇒ 4. Project Timeline ⇒

Report Purpose

Council is required to consider the Concept Design, as presented in this report for the proposed Streetscape Project in Onslow.

The purpose of this report is to present concepts and cost estimates for the proposed Onslow Streetscape Project prior to seeking community input into the design of the project.

Council is requested to endorse the proposed concept as a basis for proceeding to public consultation.

Background

A number of significant developments are to occur in and around Onslow over the next few years. In addition, the popularity of Onslow as a tourist destination has increased significantly in recent years with caravan parks filled to overflowing during peak holiday periods. It is expected that the provision of new tourist infrastructure will continue to deliver an increase in tourist numbers. However, the town's main street, which has some major features that set it apart from other locations, is showing its age and is in need of a significant makeover.

The purpose of streetscape projects is to not only renew and enhance the existing features of the street, but to provide a range of amenity improvements which create a vibrant and pedestrian friendly environment which caters to the needs of both residents and visitors. As has been proven with similar projects around the country, streetscape renewal projects of this kind provide for multiple benefits, but in particular, they stimulate new opportunities for private investment within the town; creating a better mix of businesses which cater to the growing population and growing popularity of the town.

In January 2023, consultants were engaged to develop civil and landscape concepts for the main part of the town; essentially Second Avenue from Anzac Memorial down to the Onslow Sun Chalets. That work has been underway for the last four months and has included a number of related bodies of work:

- A CCTV inspection of the stormwater pipe network within the subject area to determine its condition and structural rating.
- A flood modelling exercise to determine if the configuration and capacity of the pipe network is adequate (as reported in a separate report in this Agenda).

- A detailed feature survey of the subject area (pipes, pits, kerb lines, services infrastructure etc) which will be necessary for detailed design purposes.
- A Safety Audit of the proposed road layout.

The Civil and Landscape Concept Designs are provided at Attachments 1 and 2 to this report.

For the purpose of design, cost estimating and sequencing of works, the streetscape has been broken into three distinct Stages as follows (and as depicted in Figure 1):

- Northern Precinct – north from the existing caravan park entrance.
- Stage 1 – from the Caravan Park to the Onslow Beach Resort.
- Stage 2 – from the Onslow Beach Resort south to Cameron Avenue.



Figure 1 – Proposed Staging/Onslow Streetscape Works

Comments

Overall Design Objectives

The Design Objectives for the Streetscape are summarised as follows:

- Reinforce the major avenue of tree plantings along the street (refer to Figure 2).
- Create a pedestrian friendly and low speed traffic environment.
- Provision of shade, seating and gathering spaces along the street.
- Provide for convenient and accessible parking.
- Create a sense of place through landscape planting and public art.
- Create an environment that will assist in stimulating private investment.
- Affordability and ease of maintenance.



Figure 2 – Existing Mature Trees (Red River Gums) along Second Avenue

Specific Design Principles

Note that the following Design Principles were developed prior to, and concept work being undertaken.

General Principles

- Existing Horizon Power street lighting is in good condition and is considered adequate for the new streetscape project.
- Generally, retain all existing street trees and vegetation.
- Extend and enhance the tree planting theme along Second Avenue south of Third Street.

- Install new garden beds/plantings within available spaces (refer below).
- Retain existing kerb lines and street levels where possible (except at intersections).
- Road surface to be AC – pothole patching and corrector course followed by AC overlay.
- Carpark at intersection of Third Street and Second Avenue to be delivered as part of Stage 1 works (25 car bays and eight caravan/boat bays).
- Install small roundabouts at key intersections (First, Simpson and Third).
- Footpaths (existing - generally 1.2m) to be widened to a minimum of 2.5m for entire length of streetscape – on both sides of road.
- Create an enhanced “public plaza/gathering space” (seating, vegetation, public art etc) outside the supermarket – which is a key gathering/meeting point in the town.
- Enhance the existing public space outside the Council Administration Centre with more soft landscaping.

Road Layout

Road widths are generous and provide scope for extending footpaths or median garden beds.

- Lane widths are 6m plus for most of the street. Aim for a minimum lane width of 4m (which is still wider than an average lane width of 3.5 metres).
- Carpark parallel parking bays:
 - North of Third Street– generally retain existing bays (width 2.6m, length 6.6m)
 - South of Third Street – remove every third bay (depending on crossovers) and replace with a tree planting bed containing a white stem gum tree.
- Retain angle parking bays on western side of street and allow sufficient road width for vehicles to manoeuvre.
- Roundabouts:
 - Design generally as per examples from Bunbury streetscape (small/semi mountable with central artwork installation). Roundabouts to be checked for caravan turning movements.
 - Roundabout at First Street requires lane re-orientation heading south from the new Ocean View Caravan Park – so that traffic is diverted onto the southbound lane.
 - Possible art options include (note that the Shire is also working on a Shire Arts Strategy which may have some bearing on this):
 - engage with local community for an indigenous artwork/sculpture at the main entrance to the town on Simpson Street.
 - relocate existing artwork from median (between First and Simpson) and place in the new roundabout at First Street.
 - nautical/fishing/fish theme for the Third Street roundabout.
- Pedestrian crossing points to be provided – offset from roundabouts at each intersection (on each leg) and one mid-block crossing on each block of Second Avenue.

- Demolish and replace all kerbing with new.

Detailed set of line-marking drawings required as part of 15% design.

Footpaths

- Widen on both sides of road to minimum of 2.5m.
- Preference is for concrete (easy to maintain and repair) with Ochre colouring – reflecting the Pilbara landscape.
- New footpaths to be either created against the property boundary or out from the kerb (as suited to the particular area).
- Install new garden beds/irrigation to complement the new footpaths.
- Install new footpath heading south from Third Street on eastern side of road – past the Museum and Sun Chalets.

Stormwater

- Existing stormwater pipes in Stage 1 (north of Third Street) have been assessed as adequate in terms of capacity although there is still a question mark over serviceability/condition (this is being assessed further).
- Existing stormwater pipes in Stage 2 (south of Third Street) will likely require work (to be confirmed following stormwater modelling and CCTV inspection).
- Asset system indicates there are a few Asbestos pipe runs in Stage 1 which may need to be replaced prior to the streetscape project commencing.
- If pipe condition is poor, then intention is to reline using “Interflow” or similar product rather than replacing.
- It is noted that some of the grated pits become heavily blocked with leaves from street trees in Second Avenue (refer to figure 2).
- Wherever possible, convert existing pits to combination side entry and grated configuration (to improve water flow into the pipe system).

Street Trees/Vegetation

- Some street trees are already contained within a kerbed border. Intention is to expand the existing median planting beds where possible (to provide growing space for tree roots).
- All trees to have a kerbed garden bed border to improve infiltration and enhance volume of growing media. Install root barriers to existing trees where possible.
- New tree planting to be provided with designed planting median beds and root barriers as opposed to simply putting the trees into a hole.
- Install more “Tropical” type trees along the street if possible (introducing heavy green foliage and shade).
- Relocate existing (hidden) public artwork from median between Simpson Street and First Street and put it somewhere where it can be seen (perhaps at the proposed roundabout on First Street).
- Enhance the existing tree plantings on the eastern side of the road south from Third Street past the Museum and Sun Chalets

- Install irrigated garden beds/plantings between property boundaries and footpath or between footpath and kerb (as per individual circumstances).

Maintenance

Note that when all of this is in place, it will warrant an extra full time employee in the Town Maintenance area to specifically maintain the street/streetscape and to ensure that the garden beds and trees grow and are maintained.

Concept Designs

Civil Concept Design drawings based on LiDAR survey imaging are provided at Attachment 1. Note that the drawing base will be updated with detailed feature survey data for the next iteration. The text boxes have been included to indicate key elements of the Concept Design.

Landscape Concept drawings are provided at Attachment 2. Note that these are concept drawings only, sufficient for the purpose of identifying the scope of works and producing a cost estimate. More detailed landscape drawings will be developed during the next phase of the design.

A 3D Model of the proposed streetscape has been developed (but was not available at the time of writing this report) to show how the street will look and feel following the implementation of the proposed works. The 3D Model will include a fly-through simulation of the street, together with a number of still images at various locations along the street. 3D modelling is an essential component of almost every modern streetscape project. Many people have difficulty reading and interpreting 2D plans, so 3D visualisations are an essential tool for conveying the intended outcome of the proposed works.

Car parking

An audit of existing and proposed car parking bays is as follows:

- Existing bays along the street: 85
- New bays along street: 101
- New bays in Chemist car park: 25 cars and eight caravan bays
- Oversize vehicle bays adjacent to Visitor Information Centre: four bays.

Based on the above, the proposed scheme increases the number of car parking bays by 41 bays, which represents a 48% increase over the existing. It should, however, be noted that many of the existing bays in the street are poorly marked or not marked at all. Taking this into account, the increase in car parking bays is probably closer to 30%, which is nevertheless, significant.

In addition, eight new caravan bays have been provided in the proposed new carpark near the Chemist and a further four bays adjacent to the Visitor Information Centre. Also, there is nothing to stop caravans parking in the parallel car parking bays south of the Onslow Beach Resort. The bays will of course be marked for cars and that may deter some from using them, but it won't stop them from being used by larger vehicles.

In addition, there is a proposed area of Shire owned land on the way into town which has been suggested as a possible Visitor Information Bay and overflow carpark (refer to Figure 2). That area of land would be sufficient for up to 60 large parking bays, should that be required in the future. That facility is not part of the streetscape at this time.



Figure 2 – Location of Future Visitor Information Bay and Overflow Carparking

Cost Estimate

A pre-tender estimate of the 15% concept design for both the civil works and landscape works has been developed. A copy of that costing is provided at Attachment 3. The cost of major items such as concrete and asphalt have been checked with local suppliers and rates are generally taken from recent tenders – so they reflect the current market and Pilbara prices (which are considerably in excess of Perth prices).

In summary, the three components of the Concept Design have been estimated as follows (refer to Figure 1 for general location):

- Northern Precinct Works - \$4.8m (excl GST)
- Stage 1 Streetscape Works - \$10.8m (excl GST)
- Stage 2 Streetscape Works - \$6.0m (excl GST).

Stormwater Works

The condition of the existing stormwater system has been addressed as part of a separate Onslow Flood Studies report (refer to report in this Agenda).

Stormwater modelling indicates that the configuration and size of the stormwater pipes in the northern part of Second Avenue perform adequately and as would be expected for a typical urban street. Based on the modelling, upgrading the pipe sizes to cater for higher flows is not warranted.

However, ponding also occurs at road intersections and at locations along the street due to the uneven nature of the pavement. It is proposed to rectify these issues as part of the streetscape project. In particular, the intersections will be reconfigured and graded so that water flows to stormwater pits rather than collecting in the middle of the intersections. It is also proposed to upgrade stormwater pits to incorporate both a grated and side entry configuration – so that they more efficiently capture stormwater along the street.

A recent CCTV inspection (refer to Onslow Flood Studies report in this Agenda) has revealed that the stormwater pipes are generally in good condition, however some of the pipes have been rated as poor in terms of both condition and structural rating. Those pipes will need either maintenance works (cleaning) or renewal works (possibly relining) prior to the streetscape works progressing.

In addition, a number of the existing ocean outfalls require work due to erosion and deterioration over time. The ocean outfall at the end of Simpson Street in particular, requires an outlet structure which can be easily cleaned and maintained on a regular basis – preferably by machine. That outlet is critical to the drainage in that area and must be properly maintained so that is kept operational and free from sand build up at all times.

The works as outlined above are considered as maintenance and asset renewal works and should form part of the Infrastructure Services budget for those assets. The CCTV report will need to be reviewed in detail and a schedule of works developed based on the inspection reports. The works can then be costed and programmed as necessary.

A new stormwater ocean outlet and associated works is also proposed for the northern end of Second Avenue to mitigate the effect of flooding in low lying areas in that part of the town. Further details are contained in the Onslow Flood Studies report with a recommendation that Council make provision for further technical investigations and design work as part of the 2024/2025 Annual Budget.

Project Timeline

An updated Project Timeline for the proposed streetscape project is provided at Attachment 4. The project timeline is based on the current budget allocation and phasing of the project over the following three financial years.

Consultation

Chief Executive Officer
 Director Community Development

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	2.3 Attractive and sustainable townscapes offering opportunities for all communities
Strategy	1 Provide attractive, well-maintained streetscapes, verges, parks, and reserves.

Council Policy

Nil

Financial Implications

Current Financial Year

Design costs for the current financial year have been met from existing allocations.

Future Financial Year(s)

An allocation of \$1.5m has been included for consideration in the draft 2024/2025 Annual Budget. This will be sufficient for limited preliminary works (approx. \$1m) with the balance being for detailed design and community consultation. The scope of the preliminary works is to be confirmed.

The following future budget allocations are proposed:

- Financial Year 2025/2026 – Stage 1 - \$10.8m
- Financial Year 2026/2027 – Stage 2 - \$6.0m
- Financial Year 2027/2028 – Northern Precinct - \$4.8m.

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)	Substantiated public embarrassment, moderate impact on community trust or moderate public media profile	Possible (3)	Moderate (3)	Moderate (5-9)	Detailed project planning and ongoing project management during the delivery phase of the works.
Financial impact	Exceeds deadline by 15% or exceeds project budget by 25%.	Possible (3)	Moderate (3)	Moderate (5-9)	Continual refining of cost estimates, comprehensive and detailed project planning and engagement of a capable and experienced contractor.

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 Onslow Streetscape Preliminary Design Concept, Council,

1. Endorses the Concept Design as presented in this report, as a basis for proceeding to public consultation.
2. Requests the Chief Executive Officer to provide a further report to Council following the public consultation process.
3. Notes that an amount of \$1.5m for the project has been included in the draft 2023/2024 Annual Budget and that this amount will only be sufficient for preliminary works (the scope of which is to be further defined) and ongoing design/community consultation
4. Notes that the majority of construction works are proposed to be delivered in stages commencing in the 2024/2025 financial year.

Council Decision **138/2023**

Moved **Cr L Rumble JP**

Seconded **Cr M Lynch**

That with respect to the Onslow Streetscape Preliminary Design Concept, Council,

- 1. Endorses the Concept Design as presented in this report, as a basis for proceeding to public consultation.**
- 2. Requests the Chief Executive Officer to provide a further report to Council following the public consultation process.**
- 3. Notes that an amount of \$1.5m for the project has been included in the draft 2023/2024 Annual Budget and that this amount will only be sufficient for preliminary works (the scope of which is to be further defined) and ongoing design/community consultation**
- 4. Notes that the majority of construction works are proposed to be delivered in stages commencing in the 2024/2025 financial year.**

For: **Crs K White, M Lynch, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, A Smith and T Mladenovic**

Against: **Nil**

Carried 8/0

At 1:27 pm, Cr Linton Rumble JP left the meeting.
 At 1:28 pm, Cr Melanie Gallanagh left the meeting.
 At 1:28 pm, Cr Alana Sullivan left the meeting.

Cr M Gallanagh disclosed a direct financial interest in Item 15.3 (detailed in Item 5.2).

Deputy Shire President Cr M Lynch disclosed an indirect financial interest in Item 15.3 (detailed in Item 5.2).

Cr T Mladenovic disclosed a direct financial interest in Item 15.3 (detailed in Item 5.2).

Cr L Rumble JP disclosed a direct financial interest in Item 15.3 (detailed in Item 5.2).

Cr A Smith disclosed a direct financial interest in Item 15.3 (detailed in Item 5.2).

Cr A Sullivan disclosed a direct financial interest in Item 15.3 (detailed in Item 5.2).

15.3 Acceptance of Signature Event and Activity Late Applications 2023/2024

File Reference	GS01
Applicant or Proponent(s)	Not Applicable
Author	T Staley, Grants and Communities Administrator
Authorising Officer	C McGurk, Director Community Development
Previous Meeting Reference	Ordinary Council Meeting 9 May 2023 - Item 14.2 - (082/2023)
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	<ol style="list-style-type: none"> 1. North West Tee Ball 2023 ⇒ 2. Nameless Festival Event Summary 2024 ⇒

Report Purpose

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

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

Council is requested to receive and approve the late applications submitted from the Tom Price Tee Ball Association (refer to Attachment 1) and the Nameless Jarndunmunha Festival Committee (refer to Attachment 2).

Background

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

Signature Events and Activities Grant (SEA)

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

The closing date for applications was the 28 March 2023, nine applications were received for Signature Events and Activities during this application period. An additional two applications have since been received as follows:

- Tom Price Tee Ball Association (received 1 June 2023) for the North West Tee Ball Tournament 2023.
- Nameless Jarndunmunha Festival Committee (received 21 June 2023) for the proposed Nameless Jarndunmunha Festival 2024.

At its meeting held 9 May 2023, Council approved eight applications to the value of \$69,000 as follows –

- (a) Pannawonica Gala Association - \$10,000
- (b) Ashburton Anglers Inc - \$10,000 for three years
- (c) Tom Price Campdraft Inc - \$10,000
- (d) Paraburdoo Red Dirt Rocks - \$10,000 for three years
- (e) Tom Price Baptist Church - \$5,000 for three years
- (f) Onslow Rodeo Association - \$10,000 for three years
- (g) Karingal Neighbourhood Centre - \$4,000
- (h) Pannawonica Rodeo Association - \$10,000 for three years.

Council declined the Yinhawangka Aboriginal Corporation application for \$13,000.

The Nameless Jarndunmunha Festival Committee had submitted and withdrew an application for the proposed 2023 Nameless Jarndunmunha Festival, requesting \$85,000 from the Shire of Ashburton, with \$5,000 in kind support, and a matching \$85,000 from Partnership funding.

The Committee were asked to review the details and associated funding request given the details presented in their original submission. The Committee then reduced their funding request to \$65,000 from the Shire of Ashburton and a matching \$65,000 from Partnership funding. Due to the committee's capacity and resourcing at the time, they withdrew their application for the proposed 2023 event prior to it being received by Council at the 9 May 2023 Council meeting.

On 18 April 2023, the Committee requested an extension to provide an application for a proposed 2024 Nameless Jarndunmunha Festival to be presented to Council at the June 2023 Council meeting, to allow more time to provide relevant details for Council's review.

Following multiple follow-ups via email to receive this information, the late application was received on the 21 June 2023 (refer to Attachment 2).

Comments

The two late applications have been assessed on the:

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

The table below provides a summary of the applications received.

Town:	Tom Price	Tom Price
Club/Organisation:	Tom Price Tee Ball Association	Nameless Jarndunmunha Festival Committee
Project:	Northwest Tee Ball Tournament, Regional Event 2023	Nameless Jarndunmunha Festival 2024
Funding Sought:	\$11,083.50 financial donation to cover the costs of Shire facilities hire, extra bins and accommodation for six umpire officials for three nights.	\$65,000.00 financial donation towards The Nameless Festival four-day event comprising of the Nameless Ball and a full festival weekend with twilight markets and entertainment. \$5,000.00 in-kind donation for costs of Community Hall hire and waste management.
Is this Compliant?	Yes	Yes
Suggested Action:	Approve application.	Approve application.

North West Tee Ball Tournament Regional Event 2023 (refer to Attachment 1)

Tom Price Tee Ball Association (the Association) are requesting a total of \$11,083.50 financial donation to cover the costs of Shire facilities hire, extra bins over the weekend and accommodation for umpire officials. Extra bins are requested for Clem Thompson Memorial Pavilion and Tjiluna Softball Oval to ensure the area remains tidy and clean with the expected number of patrons. Accommodation in the transit house is requested for six umpire officials for three nights to allow for appropriate and professional officiation of the weekend’s tournament.

In total, the Association expect between 150 to 250 competitors from juniors through to seniors, as well as six officials from Tee Ball WA travelling from Perth to officiate the event. They also expect to have approximately 400 spectators from competitor towns including those participating from Tom Price.

The Association are also seeking alternative corporate sponsorship and planning fundraising events to help with the costs of hosting the weekend’s regional tournament. Extra costs include – travel for their officials, accommodation and meals for team players, player trophies and perpetual trophy engraving. The Association are also securing service providers to accommodate meals for all participants over the weekend.

Nameless Jarndunmunha Festival 2024 (refer to Attachment 2)

The proposed 2024 Nameless Jarndunmunha Festival follows the absence of this signature event in 2022 and 2023 due to the capacity and resourcing of the committee. This has resulted in the proposed 2024 Festival being the first four-day event since 2021. At present the current committee are recruiting new committee members, seeking corporate sponsorship and grants in the hope this historical event can be delivered to the community in the coming year.

The late application submitted by the Nameless Jarndunmunha Festival Committee requests \$65,000 from the Shire of Ashburton, with \$5,000 in-kind. The proposed Festival encompasses a four-day event comprising of the Nameless Ball and a full festival weekend with twilight markets and entertainment.

The \$5,000 in-kind donation is to cover the costs of the Community Hall hire and additional waste management requirements. The application also requests a matching amount of \$65,000 from Rio Tinto Partnership funding, with an additional cost towards prizes that the committee are sourcing funding elsewhere.

The total cost to deliver the proposed 2024 Nameless Jarndunmunha Festival four-day event equates to \$154,496.

Consultation

Executive Leadership Team

North West Tee Ball Association

Nameless Jarndunmunha Festival Committee

Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

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

Council Policy

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

Financial Implications

Current Financial Year

Nil

Future Financial Year(s)

If the above recommendations for the two late applications are adopted by Council, there would be an additional \$81,083.50 allocated to the 2023/2024 Financial Year for the already approved Signature Events and Activities budget for Council adoption in July 2023.

Legislative Implications

Section 6.7 of *Local Government Act 1995*

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

Risk Management

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

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

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

Voting Requirements

Simple Majority

Officer Recommendation

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

1. Tom Price Tee Ball Association - \$11,083.50, and
2. Nameless Jarndunmunha Festival Committee - \$65,000 financial assistance, \$5,000 in-kind donation, \$65,000 Rio Tinto Partnership funding.

Council Decision **139/2023**

Moved **Cr R De Pledge**

Seconded **Cr A Smith**

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

1. Tom Price Tee Ball Association - \$11,083.50, and
2. Nameless Jarndunmunha Festival Committee - \$65,000 financial assistance, \$5,000 in-kind donation, \$65,000 Rio Tinto Partnership funding.

For: **Crs K White, M Lynch, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, A Smith and T Mladenovic**

Against: **Nil**

Carried 8/0

At 1:31 pm, Cr Linton Rumble JP returned to the meeting.

At 1:31 pm, Cr Melanie Gallanagh returned to the meeting.

At 1:31 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

Nil

18 Confidential Matters

Procedural Motion

Moved Cr A Smith

Seconded Cr T Mladenovic

That Council move behind closed doors at 1:32pm, pursuant to clause 6.2 of the *Shire of Ashburton Standing Orders Local Law 2012* to consider the following confidential items.

18.1 Appointment of Deputy Chief Executive Officer

7.1 Chief Executive Officer Key Performance Indicators 2023/2024

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

(a) a matter affecting an employee or employees

For: Crs K White, M Lynch, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, A Smith and T Mladenovic

Against: Nil

Carried 8/0

18.1 Appointment of Deputy Chief Executive Officer

File Reference	PE.CEO01
Applicant or Proponent(s)	Not Applicable
Author	A Heraty, Manager Organisational Development
Authorising Officer	K Donohoe, Chief Executive Officer
Previous Meeting Reference	Ordinary Council Meeting 13 December 2022 – Item 19.3 – 188/2022
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. Summary Report to Council - Deputy Chief Executive Officer

Reason for Confidentiality

Section under the Act	<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>
Sub-clause and Reason:	<i>“s.5.23(2)(a) a matter affecting an employee or employees.”</i>

Report Purpose

The purpose of this report is to recommend the appointment of the identified preferred candidate for the Senior Designated position of Deputy Chief Executive Officer (DCEO) for a contract term of five years.

Council is requested to accept the Chief Executive Officer’s (CEO) recommendation.

Voting Requirements

Simple Majority

Council Decision	140/2023
Moved	Cr A Smith
Seconded	Cr T Mladenovic
That with respect to the Appointment of Deputy Chief Executive Officer, Council, accepts the Chief Executive Officer’s recommendation to, subject to the successful completion of due diligence checks, appoint the preferred candidate (as outlined in the report) to the position of Deputy Chief Executive Officer for a contract term of five years as a Senior Designated Employee	
For:	Crs K White, M Lynch, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, A Smith and T Mladenovic
Against:	Nil
Carried 8/0	

At 1:37pm, Shire Officers staff left the meeting.

Chief Executive Officer's Performance Review Occasional Committee Meeting held on 11 July 2023

7.1 Chief Executive Officer Key Performance Indicators 2023/2024

File Reference	PE.1808
Applicant or Proponent(s)	Not Applicable
Author	A Heraty, Manager Organisational Development
Authorising Officer	A Heraty, Manager Organisational Development
Previous Meeting Reference	Chief Executive Officer's Performance Review Occasional Committee 13 June 2023 – Item 6.1 Ordinary Council Meeting 13 June 2023 - Item 6.1 – 115/2023
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. CEO Review 2023 Consultant Report to Council - Confidential

Reason for Confidentiality

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

Report Purpose

Council is requested to adopt the amended Key Performance Indicators (refer to Attachment 1), as measurement criteria for the Chief Executive Officer (CEO) to complete during the 2023/2024 financial year.

Council Decision **141/2023**

Moved **Cr M Lynch**

Seconded **Cr L Rumble JP**

That with respect to the Chief Executive Officer's Key Performance Indicators 2023/2024, the Chief Executive Officer's Performance Review Occasional Committee recommends that Council, adopts the amended Chief Executive Officer Key Performance Indicators as detailed in Attachment 1, as the measurement criteria for the 2023/2024 financial year.

For: **Crs K White, M Lynch, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, A Smith and T Mladenovic**

Against: **Nil**

Carried 8/0

Procedural Motion

Moved **Cr M Lynch**

Seconded **Cr M Gallanagh**

That Council re-open the meeting to the public at 1:38pm.

For: **Crs K White, M Lynch, R De Pledge, M Gallanagh, L Rumble JP, A Sullivan, A Smith and T Mladenovic**

Against: **Nil**

Carried 8/0

At 1:38pm, Shire Officers return to the meeting.

Shire President read aloud decision made behind closed doors.

19 Next Meeting

The next Ordinary Council Meeting will be held at 1:00pm on Tuesday 8 August 2023 at Council Chambers, Onslow Shire Complex, Second Avenue, Onslow.

20 Closure Of Meeting

There being no further business, the Presiding Member closed the meeting at 1:39pm.