

Council Policy – Industry Contribution to Social and Community Infrastructure

Responsible Directorate	Office of the Chief Executive Officer
Responsible Business Unit/s	Office of the Chief Executive Officer
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	All

Objective

The objectives of this policy are to:

1. provide a governance framework that can guide any discussion which:
 - a. is between the Shire of Ashburton (the Shire) and a project proponent;
 - b. involves a proposal for a contribution to be made by the proponent towards social and community infrastructure;
 - c. occurs during the pre-planning, planning, construction and commissioning phases of a major resource sector project; and
2. establish business rules that quarantine the discussion from the assessment of any development application or the imposition of any condition for the provision of infrastructure that is considered to satisfy the ‘need and nexus’ principles of State Planning Policy 3.6 - Infrastructure Provisions.

Scope


This policy applies to all employees of the Shire.

Policy Statement

Context

The economy of the Shire is inextricably tied to mining and resources historically driven by Rio Tinto iron ore mining activities. More recently the Wheatstone and Gorgon oil and gas developments have added diversity to mining and resource activities. Major mining and resource development creates a need for social and community infrastructure. This is so, irrespective of the nature of the workforce being resident, fly in fly out, or a mixture of both.

Social and community infrastructure generally sits outside of the locus of “need and nexus” infrastructure identified and provided as part of normal planning assessment and approval processes pursuant to the Shire’s Local Planning Scheme or under Agreement Acts negotiated between a proponent and the State.



Mining and resource sector companies have historically entered into voluntary funding agreements with the Shire, providing grants or sponsorships for the purpose of funding social and community infrastructure. Significant sums of money can be involved.

A governance framework is desirable to ensure that any discussion and decision with respect to a voluntary grant or sponsorship has no influence on any process occurring pursuant to the *Planning and Development Act 2005* or as part of the establishment of an Agreement Act, or vice versa.

The Ethical Wall

An ethical wall is a process within an organisation that limits disclosure and discussion between parties with conflicted interests. Essentially, it is a metaphorical barrier between colleagues who hold information or represent interests or hold opinions that may conflict.

The Chief Executive Officer (CEO) and the Council recognise this potential conflict of interest when dealing with voluntary funding agreements and planning matters from the same proponent.

The CEO is to ensure that administrative policies and procedures are put in place to establish an ethical wall with the intent that:

1. any employee who deals with a proposal pursuant to the Planning and Development Act 2005 or as part of the establishment of an Agreement Act (a “planning matter”) deal with the planning matter:
 - a. on its planning merit;
 - b. in line with the principles of sound and orderly planning; and
 - c. without influence from, or interaction with, any other employee who deals with a voluntary funding agreement from the same proponent; and
2. any employee who deals with the establishment of a voluntary funding agreement, is to do so without influence from, or interaction with, any other employee who deals with a planning matter from the same proponent.

Voluntary Funding Agreements

A voluntary funding agreement is to be adopted by the Council and contain the following information:

- the roles and responsibilities of project proponents and the Shire;
- the underlying principles and objectives of the partnership;
- how projects will be led, managed and delivered;
- how funds will be disbursed, applied and acquitted; and
- any other matters relevant to the rights and interests of the parties.

Strategic Guidance

The Council has adopted a range of strategies and plans that identify the social and community infrastructure needs of the Shire in line with the vision, objectives and aspirations of the Strategic Community Plan.

The CEO is to ensure that the social and community infrastructure programmes and projects identified and prioritised in these strategies and plans guides the establishment of any voluntary funding agreement.

These strategies and plans are contained in Appendix A.

Record Keeping

The CEO is to ensure that all meetings with proponents are recorded either by way of a detailed file note or wherever practical, by minutes of the meeting taken by an accompanying staff member.

Definitions

Nil

Relevant policies/documents

Directive – Industry Contribution to Social and Community Infrastructure
State Planning Policy 3.6 – Infrastructure Provisions

Relevant legislation/local laws

Local Government Act 1995

Planning and Development Act 2005

Office use only

Office use only			
Relevant delegations			
Council adoption	Date	9 May 2023	Resolution # 0742023
Reviewed/modified	Date		Resolution #
Next review due	Date	2025	Resolution #

Annexure 1

STRATEGY	ADOPTED BY COUNCIL
Corporate Business Plan 2019-2023	28 July 2022
Disability Access and Inclusion Plan 2018-2022	21 November 2017
Economic and Tourism Development Strategy 2019	13 August 2019
Long-Term Financial Plan	28 July 2022
Onslow – Towards a Visitor Economy	12 July 2022
Staff Accommodation Strategy 2020-2023	18 May 2021
Strategic Community Plan 2022-2032	8 March 2022
Youth Strategy 2023-2025	12 April 2023
Local Planning Strategy	10 November 2020 (WA Planning Commission approved 21 June 2021)