

## Council Policy – Industry Contribution to Social and Community Infrastructure

|                                    |                                       |
|------------------------------------|---------------------------------------|
| <b>Responsible Directorate</b>     | Office of the Chief Executive Officer |
| <b>Responsible Business Unit/s</b> | Office of the Chief Executive Officer |
| <b>Responsible Officer</b>         | Chief Executive Officer               |
| <b>Affected Business Unit/s</b>    | 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*

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|-----------------------------|-------------|------------|---------------------|---------|
| <b>Relevant delegations</b> |             |            |                     |         |
| <b>Council adoption</b>     | <b>Date</b> | 9 May 2023 | <b>Resolution #</b> | 0742023 |
| <b>Reviewed/modified</b>    | <b>Date</b> |            | <b>Resolution #</b> |         |
| <b>Next review due</b>      | <b>Date</b> | 2025       | <b>Resolution #</b> |         |

## Annexure 1

| <b>STRATEGY</b>                                | <b>ADOPTED BY COUNCIL</b>  |
|--|--|
| Corporate Business Plan 2023-2027              | 8 August 2023  |
| Community Access and Inclusion Plan 2023-2027  | 11 July 2023   |
| 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<br>(WA Planning Commission approved 21 June 2021) |
| Strategic Asset Management Plan 2023-2028      | 13 June 2023   |