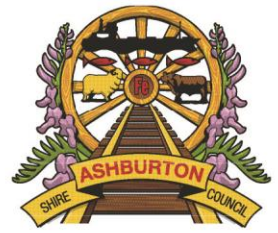


Ordinary Meeting of Council

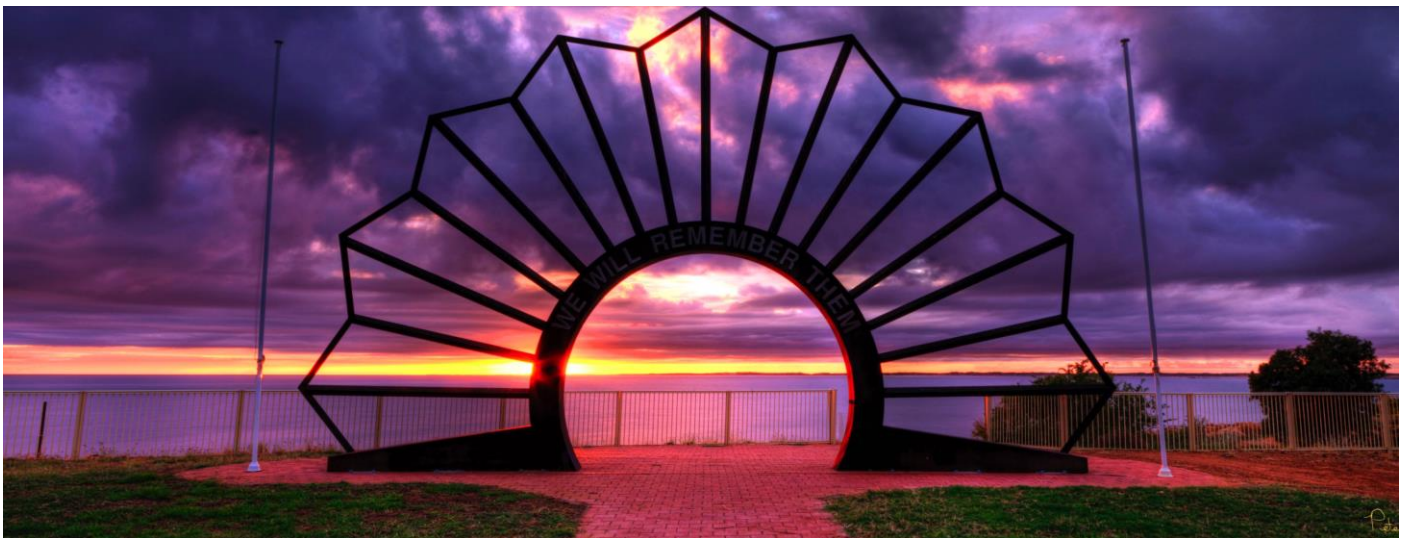
Onslow



Agenda – Public Document

24 May 2016

Onslow Multi-Purpose Centre
Cnr McGrath Rd & Hooley Ave
Onslow
1.00pm



The Shire of Ashburton 10 year Community Strategic Plan (2012-2022) provides focus, direction and represents the hopes and aspirations of the Shire.

Our Vision

The Shire of Ashburton will be a vibrant and prosperous place for work, leisure and living



Our Mission

Working together, enhancing lifestyle and economic vitality



Community Goals

- Vibrant and Active Communities
- Economic Prosperity
- Unique Heritage and Environment
- Distinctive and Well-services Places
- Inspiring Governance

Future Focus

The next four years will see a strong focus on:

1. Community inclusion and participation
2. Provision of infrastructure that enables economic strength
3. Economic strength
4. Organisation stability
5. Staying ahead of the game
6. Development of our governance



**SHIRE OF ASHBURTON
ORDINARY MEETING OF COUNCIL**

**AGENDA
(Public Document)**

**Onslow Multi-Purpose Centre, Cnr
McGrath Rd and Hooley Ave, Onslow
24 May 2016
1.00 pm**

AGENDA - ORDINARY MEETING OF COUNCIL 24 MAY 2016

SHIRE OF ASHBURTON ORDINARY MEETING OF COUNCIL

Dear Councillor

Notice is hereby given that an Ordinary Meeting of Council of the Shire of Ashburton will be held on 24 May 2016 at Onslow Multi-Purpose Centre, Cnr McGrath Rd and Hooley Ave, Onslow commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.

Neil Hartley
CHIEF EXECUTIVE OFFICER

DISCLAIMER

The recommendations contained in the Agenda are subject to confirmation by Council. The Shire of Ashburton warns that anyone who has any 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 the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Ashburton for any act, omission or statement or intimation occurring during a Council meeting.

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21. CLOSURE OF MEETING 68

AGENDA - ORDINARY MEETING OF COUNCIL 24 MAY 2016

1. DECLARATION OF OPENING

1.1 ACKNOWLEDGEMENT OF COUNTRY

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

2. ANNOUNCEMENT OF VISITORS

3. ATTENDANCE

3.1 PRESENT

3.2 APOLOGIES

3.3 APPROVED LEAVE OF ABSENCE

AGENDA - ORDINARY MEETING OF COUNCIL 24 MAY 2016

4. QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 26 April 2016 the following public questions were tabled.

4.1.1 Can Council provide Wakathuni assistance in removing waste as it is a health hazard for our children and families? We have the trained officers but we require the machinery.

Our Manager for Environmental Health (EH), Tim Brokenshire has been conversing with the Department of Health over the last few weeks regarding the potential for additional funding to deal with a number of issues at our Aboriginal communities. The Shire, however is working through what kind of programs would provide the most benefit to the communities and would not have a negative impact on the Shire's ability to carry out its 'day-to-day' statutory environmental health activities required under the Health Act.

One of the major concerns that the Environmental Health team has expressed over the last 12 months, for Wakathuni in particular, is the poor utilisation of the free bin collection service that the Shire provides and the dumping of rubbish, car bodies, old furniture etc in the bush around the community. As advised above however, we are in the process of determining exactly how any such program might work prior to a request for funding so that we can be sure that we have the ability to manage the work effectively and to ensure that the maximum long-term benefit can be gained from any such program. The Shire will participate and assist in a partnered approach to address Health related issues in the Aboriginal communities, however the communities themselves need to play a major part and take responsibility if the health issues mentioned above are to be managed appropriately into the future.

4.2 PUBLIC QUESTION TIME

AGENDA - ORDINARY MEETING OF COUNCIL 24 MAY 2016

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. DECLARATION BY MEMBERS

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

That Councillors have given due consideration to all matters contained in the Agenda presently before the meeting.

6.2 DECLARATIONS OF INTEREST

Councillors to Note

A member who has a Financial Interest in any matter to be discussed at a Council or Committee Meeting, that will be attended by the member, must disclose the nature of the interest:

(a) In a written notice given to the Chief Executive Officer before the Meeting

or;

(b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

(c) Preside at the part of the Meeting, relating to the matter or;

(d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have a Financial Interest in a matter.

I intend to include these notes in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.

AGENDA - ORDINARY MEETING OF COUNCIL 24 MAY 2016

5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

8. PETITIONS / DEPUTATIONS / PRESENTATIONS

8.1 PETITIONS

8.2 DEPUTATIONS

8.3 PRESENTATIONS

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING OF COUNCIL HELD ON 26 APRIL 2016

Officer's Recommendation

That the Minutes of the Ordinary Meeting of Council held on 26 April 2016, as previously circulated on 4 May 2016, be confirmed as a true and accurate record.

AGENDA - ORDINARY MEETING OF COUNCIL 24 MAY 2016

10. AGENDA ITEMS ADOPTED "EN BLOC"

10.1 MOVE AGENDA ITEMS 'EN BLOC'

The following information is provided to Councillors for guidance on the use of En Bloc voting as is permissible under the Shire of Ashburton Standing Orders Local Law 2012:

"Part 5 – Business of a meeting

Clause 5.6 Adoption by exception resolution:

- (1) In this clause 'adoption by exception resolution' means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the officer recommendation as the Council resolution.*
- (2) Subject to subclause (3), the Local Government may pass an adoption by exception resolution.*
- (3) An adoption by exception resolution may not be used for a matter;*
 - (a) that requires a 75% majority or a special majority;*
 - (b) in which an interest has been disclosed;*
 - (c) that has been the subject of a petition or deputation;*
 - (d) that is a matter on which a Member wishes to make a statement; or*
 - (e) that is a matter on which a Member wishes to move a motion that is different to the recommendation."*

AGENDA - ORDINARY MEETING OF COUNCIL 24 MAY 2016

11. GOVERNANCE & EXECUTIVE SERVICE REPORTS

11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS APRIL 2016

FILE REFERENCE:	GV04
AUTHOR'S NAME AND POSITION:	Jasmin Forward CEO & Councillor Support Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	4 May 2016
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 10.1 (Minute: 11477) - Ordinary Meeting of Council 10 April 2013

Summary

The purpose of this agenda item is to report back to Council on the progress of the implementation of Council decisions.

Background

The purpose of this agenda item is to report back to Council on the progress of the implementation of Council decisions.

Comment

Wherever possible, Council decisions are implemented as soon as practicable after a Council meeting. However there are projects or circumstances that mean some decisions take longer to action than others.

This report presents a summary of the "Decision Status Reports" for Office of the CEO, Corporate Services, Infrastructure Services, Strategic & Economic Development, Community Development and Development & Regulatory Services.

ATTACHMENT 11.1

Consultation

Chief Executive Officer
Executive Management Team

Statutory Environment

Not Applicable

Financial Implications

Not Applicable

AGENDA - ORDINARY MEETING OF COUNCIL 24 MAY 2016

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Low" risk and can be managed by routine procedures, and is unlikely to need specific application of resources.

Policy Implications

Not Applicable

Voting Requirement

Simple Majority Required

Recommendation

That Council receives the "Decision Status Reports" as per **ATTACHMENT 11.1**.

Author: Jasmin Forward	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 24 MAY 2016

11.2 USE OF COMMON SEAL AND ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF APRIL 2016

FILE REFERENCE:	GV21 IT03 CM02 LP10.7.0
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Officer Sheree Selton Administration Assistant Planning
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	4 May 2016
DISCLOSURE OF FINANCIAL INTEREST:	The authors have no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The purpose of this agenda item is to report to Council for information, Use of the Common Seal and actions performed under delegated authority requiring referral to Council, for the month of April 2016.

Background

Council has historically sought a monthly update of the more significant activities for the organisation relative to (1) Use of the Common Seal, and (2) actions performed under delegated authority requiring referral to Council as per the Shire of Ashburton Delegated Authority Register 2016.

Comment

A report on Use of the Common Seal and relevant actions performed under delegated authority has been prepared for Council.

ATTACHMENT 11.2

Consultation

Relevant officers as listed in the Attachment.

Statutory Environment

Local Government Act 1995

Clause 9.3 of the Shire of Ashburton Town Planning Scheme No. 7

Financial Implications

As outlined in Attachment 11.2.

AGENDA - ORDINARY MEETING OF COUNCIL 24 MAY 2016

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Low" in light of the report being for information purposes only and the risk can be managed by routine procedures, and is unlikely to need specific application of resources.

Policy Implications

ELM 13 – Affixing the Shire of Ashburton Common Seal.

FIN12 – Purchasing and Tendering Policy.

Voting Requirement

Simple Majority Required

Recommendation

That Council accept the report "*11.2 Use of Common Seal and Actions Performed Under Delegated Authority for the Month of April 2015*".

Author: Janyce Smith	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 24 MAY 2016

11.3 ABORIGINAL REFERENCE COMMITTEE MEETING - 26 APRIL 2016

FILE REFERENCE:	GV04
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	2 May 2015
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 12.1 (Minute No. 12046) – Ordinary Meeting of Council 19 January 2016 Agenda Item 11.4 (Minute No. 11978) – Ordinary Meeting of Council 15 July 2015 Agenda Item 17.2 (Minute No. 11973) – Notice of Motion - Ordinary Meeting of Council 17 June 2015

Summary

At the Ordinary Meeting of Council held on 19 January 2016 it was resolved to establish an Aboriginal Reference Committee. The purpose of the Committee is to be a conduit and provide a forum for Aboriginal people and their communities living within the Shire of Ashburton to raise issues on the Shire's business and affairs that relate to them, and to advise Council on suggested actions it should consider.

The Committee met on 26 April 2016 and a copy of the minutes and its recommendations from the meeting are presented for Council's consideration.

Background

At the Ordinary Meeting of Council held on 17 June 2015 Cr Thomas tabled the following Notice of Motion in regard to forming a committee for the Aboriginal Communities:

"Request Council to form an Aboriginal Community Committee, to liaise with Aboriginal Communities on how best to formalize communications between the local aboriginal communities and the Council, and develop recommendation relevant to local aboriginal issues."

A further agenda item was presented to Council at the Ordinary Meeting of Council held on 15 July 2015 which it was resolved that:

"That Council appoint a Working Group of Councillors Thomas, Foster and Fernandez to develop a proposal for Council's later consideration, including the suggested role and purpose, membership, meeting frequency and locations, and likely resourcing costs of operating and Aboriginal Community Committee and any possible long term budget expectations."

A workshop was subsequently held on 19 August 2015 to further discuss how best to

AGENDA - ORDINARY MEETING OF COUNCIL 24 MAY 2016

progress such a proposal. At the Ordinary Meeting of Council held on 19 January 2016 it was resolved that:

“That Council:

- 1. Establish an Aboriginal Reference Committee and adopt the Terms of the Reference; and*
- 2. Select Councillors Thomas, Fernandez and Foster as members.”*

The Terms of Reference clearly sets out the Objectives, Roles and Responsibilities, Membership, Authority, Budget and Operational Support.

The Committee has no delegated powers and its role is to consider issues and make recommendations to Council. The attached Minutes of the Committee outline its deliberations and recommendations.

Comment

The recommendation of the committee is that the Shire seek funding for resources to enable the actions suggested by the Committee, to be undertaken by an Aboriginal Engagement Officer.

If approved by Council, officers will then seek out funding opportunities from the various sources, to achieve that goal. It is not known if 100% funding can be secured for the salary and the other operational costs (e.g. transport, office costs, housing etc) of the position. If not, a provision will be required for any Shire contribution as part of the 2016/17 budget.

ATTACHMENT 11.3

Consultation

Chief Executive Officer

Statutory Environment

Part 5 (Administration) Division 2 (Council meetings, committees and their meetings and electors' meetings) devotes numerous sections to the establishment, type and processes for Committees.

The Shire of Ashburton Standing Orders also addresses such matters as the appointment and management of Committees.

Financial Implications

Any financial implication will depend on the level of involvement that Council is required to contribute for the Aboriginal Liaison Officer's position, with any contributory allocation to be considered as a component of the 2016/17 budgets. A preference would be to secure 100% funding, but that may not be achievable.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 1 – Vibrant and Active Communities

Objective 1 – Connected, Caring and Engaged Communities

Goal 5 - Inspiring Governance

Objective 3 - Council Leadership

AGENDA - ORDINARY MEETING OF COUNCIL 24 MAY 2016

Risk Management

This Committee Recommendations have been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Low" and can be managed by normal operational procedures.

Policy Implications

There are two relevant policies in the main: ADM08 Community Engagement, and HTH02 Indigenous Environmental Health Strategy.

Voting Requirement

Simple Majority Required

Recommendation

That Council endorse the recommendation of the Aboriginal Reference Committee held on 26 April 2016 as per ATTACHMENT 11.3, namely, that Council:

1. Seek funding for an Aboriginal Engagement Officer and other resources to enable these actions (listed below) to be undertaken -

Short Term Actions

- Seek funding for an Aboriginal Engagement Officer and other resources to enable these actions to be undertaken.
- Better understanding of the Aboriginal Communities within the Shire (Contact persons, Housing numbers, population and location).
- Better understanding of the Service Providers and Corporations that assists our Aboriginal Communities by identifying their roles and key contacts that they represent.
- Develop an engagement strategy with our Aboriginal Communities.

Medium Term Actions

- Identify means to promote effective coordination of education, employment services, healthcare, childcare, aged care and youth services in Aboriginal Communities.
- Identify assets or skills in our Aboriginal Communities that enhance tourism opportunities.
- Identify opportunities for Aboriginal participation in the management of natural assets.
- Develop a Shire Cultural Policy.
- Identify opportunities to attract funding to become involved in the celebration of the Aboriginal history and heritage of the Shire.
- Encourage and provide opportunities for diverse participation decision making in local towns and remote Aboriginal Communities.

Long Term Actions

- Identify opportunities for Aboriginal Enterprises.
- Encourage Aboriginal people to apply for positions that are made available by the Shire.

Author: Janyce Smith	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 24 MAY 2016

11.4 NOTICE OF MOTION - LOCAL CONTRACTORS AND TENDER PROCESS

FILE REFERENCE:	CM01
AUTHOR'S NAME AND POSITION:	Maurice Ferialdi General Manager
NAME OF APPLICANT/RESPONDENT:	Cr Linton Rumble
DATE REPORT WRITTEN:	5 May 2016
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest.
PREVIOUS MEETING REFERENCE:	Agenda Item 17.1 Ordinary Meeting of Council 26 April 2016 Agenda Item 13.1 (minute No. 11875) Ordinary Meeting of Council 19 November 2014 Agenda Item 12.1 (minute No. 11605) Ordinary Meeting of Council 21 August 2013 Agenda Item 11.5 (minute No. 11546) Ordinary Meeting of Council 5 June 2013 Agenda Item 17.1 (minute No. 11533) Ordinary Meeting of Council 8 May 2013 Agenda Item 17.1 (minute No. 11510) Ordinary Meeting of Council 10 April 2013 Agenda Item 17.2 (minute No. 11472) Ordinary Meeting of Council 13 March 2013 Agenda Item 17.2 (minute No. 11446) Ordinary Meeting of Council 13 February 2013

Summary

At the Ordinary Council Meeting held on 26 April 2016, Cr Linton Rumble tabled the following Notice of Motion in regard to Local Contractors and Tenders.

“Request to hold a half hour session at a workshop on the day of the May Council meeting to discuss what can be implemented to better provide for local contractors and the community as a whole when it comes to obtaining Tenders or quoting on Shire works.”

Background

At the Ordinary Council Meeting held on 26 April 2016, Cr Linton Rumble tabled the following Notice of Motion in regard to Local Contractors and Tenders.

“Request to hold a half hour session at a workshop on the day of the May Council meeting to discuss what can be implemented to better provide for local contractors and the community as a whole when it comes to obtaining Tenders or quoting on Shire works.”

AGENDA - ORDINARY MEETING OF COUNCIL 24 MAY 2016

Comment

Currently the Shire of Ashburton has a Procurement Policy, FIN 12, and a Buy Local-Regional Price Preference Policy, FIN04, both attached.

ATTACHMENT 11.4A
ATTACHMENT 11.4B

The Procurement policy was last reviewed and adopted by Council at its Ordinary Meeting held on 16 September 2015. The report presented at that time advised of impending amendments to the Local Government (Functions and General) Regulations and the need to increase opportunities for local businesses to engage with the Shire on a supply level. Report attached.

ATTACHMENT 11.4C

There was to be a roll out to local businesses, via the distribution of a guiding document and workshops, advising them on how to do business with the Shire. This process was to provide the relevant information which would make the local businesses more competitive by making them more aware of the requirements of the process.

This roll out has not been carried out due to the Procurement Officers position having been vacated and has only recently been filled.

The following is the relevant Part of the Local Government (Functions and General) Regulations which provides the parameters in which Council can operate.

Part 4A — Regional price preference

24A. Application of this Part

The provisions of Part 4 may be varied in accordance with this Part, if the local government is located outside the metropolitan area and intends to give a regional price preference in accordance with this Part.

24B. Terms used

(1) In this Part —

regional price preference, in relation to a tender submitted by a regional tenderer, involves assessing the tender as if the proposed tender price were discounted in accordance with regulation 24D;

regional tenderer means a supplier of goods or services who satisfies the criteria in subregulation (2).

(2) A supplier of goods or services who submits a tender is regarded as being a regional tenderer for the purposes of this Part if —

(a) that supplier has been operating a business continuously out of premises in the appropriate region for at least 6 months before the time after which further tenders cannot be submitted; or

(b) some or all of the goods or services are to be supplied from regional sources.

24C. Regional price preference may be given

A local government located outside the metropolitan area may give a regional price preference to a regional tenderer in accordance with this Part.

24D. Discounts permitted for regional price preferences

AGENDA - ORDINARY MEETING OF COUNCIL 24 MAY 2016

(1)A preference may be given to a regional tenderer by assessing the tender from that regional tenderer as if the price bids were reduced by —

(a)up to 10% — where the contract is for goods or services, up to a maximum price reduction of \$50 000; or

(b)up to 5% — where the contract is for construction (building) services, up to a maximum price reduction of \$50 000; or

(c)up to 10% — where the contract is for goods or services (including construction (building) services), up to a maximum price reduction of \$500 000, if the local government is seeking tenders for the provision of those goods or services for the first time, due to those goods or services having been, until then, undertaken by the local government.

(2)Although goods or services that form a part of a tender submitted by a tenderer (who is a regional tenderer by virtue of regulation 24B(2)(b)) may be —

(a)wholly supplied from regional sources; or

(b)partly supplied from regional sources, and partly supplied from nonregional sources,

only those goods or services identified in the tender as being from regional sources may be included in the discounted calculations that form a part of the assessments of a tender when a regional price preference policy is in operation.

(3)Despite subregulation (1), price is only one of the factors to be assessed when the local government is to decide which of the tenders it thinks would be most advantageous to that local government to accept under regulation 18(4).

24E.Regional price preference policies for local governments

(1)Where a local government intends to give a regional price preference in relation to a process, the local government is to —

(a)prepare a proposed regional price preference policy (if no policy has yet been adopted for that kind of contract); and

(b)give Statewide public notice of the intention to have a regional price preference policy and include in that notice —

(i)the region to which the policy is to relate; and

(ii)details of where a complete copy of the proposed policy may be obtained; and

(iii)a statement inviting submissions commenting on the proposed policy, together with a closing date of not less than 4 weeks for those submissions;

and

(c)make a copy of the proposed regional price preference policy available for public inspection in accordance with the notice.

(2)A regional price preference policy may be expressed to be —

(a)for different regions in respect of different parts of the contract, or the various contracts, comprising the basis of the tender;

(b)for different goods or services within a single contract or various contracts;

(c)for different price preferences in respect of the different goods or services, or the different regions, that are the subject of a tender or tenders (subject to the limits imposed by regulation 24D),

or for any combination of those factors.

AGENDA - ORDINARY MEETING OF COUNCIL 24 MAY 2016

(3) *A region specified under this Part —*

- (a) must be (or include) the entire district of the local government; and*
- (b) cannot include a part of the metropolitan area.*

(4) *A policy cannot be adopted by a local government until the local government has considered all submissions that are received in relation to the proposed policy and, if that consideration results in significant changes to the proposed policy, then the local government must again give Statewide public notice of the altered proposed regional price preference policy.*

24F. Adoption and notice of regional price preference policy

(1) *A policy cannot be adopted by a local government until at least 4 weeks after the publication of the Statewide notice of the proposed policy.*

(2) *An adopted policy must state —*

- (a) the region or regions within which each aspect of it is to be applied; and*
- (b) the types and nature of businesses that may be considered for each type of preference; and*
- (c) whether the policy applies to —*
 - (i) different regions in respect of different parts of the contract, or the various contracts, comprising the basis of the tender;*
 - (ii) different goods or services within a single contract or various contracts;*
 - (iii) different price preferences in respect of the different goods or services, or the different regions, that are the subject of a tender or tenders,**or to any combination of those factors.*

(3) *An adopted policy cannot be applied until the local government gives Statewide notice that it has adopted that policy.*

(4) *The local government is to ensure that a copy of an adopted regional price preference policy is —*

- (a) included with any specifications for tenders to which the policy applies; and*
- (b) made available in accordance with regulation 29 of the Local Government (Administration) Regulations 1996.*

24G. Adopted regional price preference policy, effect of

A local government that has adopted a regional price preference policy in relation to a certain type of contract may choose not to apply that policy to a particular tender in the future for a contract of that type but, unless it does so, the policy is to apply to all like tenders.

Consultation

Chief Executive Officer
Executive Manager Corporate Services
General Manager

Statutory Environment

Local Government Act 1995 Section 2.7(2)(a) & (b) and Section 6.5(a)
Part 4A of the Local Government (Functions and General) Regulations 1996.
Local Government Act (Financial Management) Regulations

Financial Implications

The financial implications will be determined at the time of considering whether there is a need to amend Policy FIN04 Buy Local – Regional Price reference.

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2020

Goal2 – Enduring Partnerships

Objective 01 – Strong Local Economies

Objective 02 – Enduring Partnerships with Industry and Government

Goal 5 – Inspiring Governance

Objective 03 – Exemplary Team and Work Environment

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be a "Low" (ie to host a workshop) and can be managed by routine procedures.

Policy Implications

Policy amendment may be proposed.

Voting Requirement

Simple Majority Required

Recommendation

That Council hold a half hour workshop session following the 24 May 2016 Council meeting to discuss what can be implemented to better provide for local contractors and the community as a whole when it comes to Tendering or Quoting on Shire works.

Author: Maurice Ferialdi	Signature:
Manager: Neil Hartley	Signature:

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11.5 NOTICE OF MOTION – PROPOSAL FOR COMMUNITY GROWTH POLICY

FILE REFERENCE:	GV21
AUTHOR'S NAME AND POSITION:	Maurice Ferialdi General Manager
NAME OF APPLICANT/RESPONDENT:	Cr Peter Foster
DATE REPORT WRITTEN:	5 May 2016
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

At the Ordinary Council Meeting held on 26 April 2016, Cr Peter Foster tabled the following Notice of Motion in regard to the formulation of a Community Growth Policy.

“Request the CEO write a report on the formulation of a policy which looks at Shire wide Housing and occupancy rates, and what strategies the Shire can enact to encourage resource companies and other local businesses, to use available housing stock, live in our Shire with their families to help grow and diversify our towns and move towards less reliance on a FIFO workforce.”

Background

At the Ordinary Council Meeting held on 26 April 2016, Cr Peter Foster tabled the following Notice of Motion in regard to the formulation of a Community Growth Policy.

“Request the CEO write a report on the formulation of a policy which looks at Shire wide Housing and occupancy rates, and what strategies the Shire can enact to encourage resource companies and other local businesses, to use available housing stock, live in our Shire with their families to help grow and diversify our towns and move towards less reliance on a FIFO workforce.”

Comment

The Shire of Ashburton does not currently have a Policy on this issue.

This item requires a good deal of groundwork to understand exactly what the current influencing factors and the future projections are, both at a Local Government level and at an industry/mining level. Having an understanding of these influences will provide for a more targeted program/strategy/policy that can address the immediate as well as the long term issues.

It is always prudent to “start with the end in mind”, but the difficulty with investing in this proposal is that no-one knows whether the eventual promotions of the Shire will have any chance of success. Private businesses will presumably only move their workforces to

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Ashburton if it suits their business model, so whilst investing some Councillor/officer time and energy in meeting with likely businesses might be justifiable, investing tens of thousands of dollars might not. Based on history, there would seem to be a great deal of potential for nothing to change, so it is therefore suggested that we “stage” the process and collect enough information to enable Council to decide if a strategy should be progressed.

In order to gain the critical information it is recommended that a strategic advisory service be commissioned to engage with the Shire and the several major local mining companies and other businesses to understand their respective positions on local employment/housing and to then advise Council of the options available.

Options are for example:

1. Do nothing;
2. Developing a plausible and convincing Business Case that convinces local mining and business operators to utilise existing local townsite housing and land for their staff; and
3. In addition to #2, outlining a suggested Engagement Strategy to promote the Business Case, perhaps including advice on any necessary added presentation materials (and costs).

Contact with a possible consultant has indicated that the cost of researching and preparing and engagement strategy would be in the order of \$40,000. Some additional accounting expertise would also likely be required to prepare a Business Case, say \$10,000.

If Council resolves to progress this recommendation, the initial consultancy funds required could be sourced from the Office of the CEO Consultant/Project Costs Budget – GL 040056 with any balance of the consultancy costs and any added presentation materials and travel expenses etc allocated in the 2016/17 budget. It is suggested though, that in light of the funds required and the fact that the 2016/17 budget is imminent, that the matter be deferred for consideration as part of that budget process.

Consultation

Chief Executive Officer
General Manager

Statutory Environment

Local Government Act S3.1. (General function) outlines at subsection (1) the general function of a local government is to provide for the good government of persons in its district and at subsection (3) that a liberal approach is to be taken to the construction of the scope of the general function of a local government.

Financial Implications

If Council agrees to commission a strategic advisory service, funds can initially be sourced from the Office of the CEO Consultant/Project Costs Budget – GL 040056, with any further resources necessary being considered as part of the 2016/17 budget. Costs for 2015/16 are likely to be in the order of \$10,000 with the remaining \$40,000 (or thereabouts) being required through the 2016/17 budget.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2020
Goal 01 - Vibrant and Active Communities
Objective 01 – Connected, Caring and Engaged Communities
Goal 02 – Enduring Partnerships

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Objective 02 – Enduring Partnerships with Industry and Government
Goal 04 – Distinctive and Well Serviced Places
Objective 03 – Well Planned Towns

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk in commissioning a consultant to develop an engagement strategy is considered to be "Low" for the first stage, but could rise to "Medium/High" (essentially resultant from the costs of the study, the need for partnership management, and the likelihood of success being uncertain) for "Stage 2". These risks are considered to be manageable by routine procedures and monitoring by the CEO.

Policy Implications

No policy implications are associated with the commissioning of a consultant to develop an engagement strategy.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Support the principle of resource companies and other local businesses being encouraged to reduce reliance on a FIFO workforce and to use available land/housing stock, and for their staff to live in our Shire with their families to help grow and diversify our towns; and
2. Consider as part of the 2016/17 budget, the calling of Requests for Quotation for the collection of relevant information (to secure the outcome outlined in #1 above).

Author: Maurice Ferialdi	Signature:
Manager: Neil Hartley	Signature:

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12. COMMUNITY DEVELOPMENT REPORTS

12.1 APPLICATION ACCEPTANCE OF COMMUNITY SUPPORT GRANT ALLOCATIONS - ROUND 2, 2015/16 ANNUAL FINANCIAL YEAR

FILE REFERENCE:	GS01
AUTHOR'S NAME AND POSITION:	Dee Walkington Executive Assistant Community Development
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	28 April 2016
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 12.1 (Minute No 12011) - Ordinary Meeting of Council 21 October 2015

Summary

Thirty one applications were received for funding in response to the Shire's invitation for grants under its REC08 Policy (Community Donations, Grants and Funding). The submissions were specifically for Community Support Grants and applications closed on the 31st March 2016.

These grants are to assist groups with in-kind and financial assistance to deliver high quality programs, community events and services run by community groups. The recommendations from the review panel are now presented to Council for consideration.

Background

The Community Support Grant funding round was advertised on the Shire of Ashburton website and other media with incorporated groups being invited to apply. There are two funding rounds each year, one opening in July closing August and one opening in February closing March. At the close of applications on the 31st March, 2016 thirty one applications were received.

A panel consisting of Councillors representing five wards (Councillor White, Onslow Ward, Councillor Bloem, Councillor Foster and Councillor Fernandez, Tom Price Ward, Councillor Rumble and Councillor Diaz, Paraburdoo Ward, Councillor Thomas, Tableland Ward and Councillor Dellar, Ashburton Ward) along with the Acting Chief Executive Officer, Acting Executive Manager Community Development and Executive Assistant Community Development met Wednesday 26th April, 2016 to consider the applications received and deliberate the outcomes.

Included in the deliberations was a request to review REC08 Community Donations, Grants and Funding Policy to allow two events/groups that were unable to be considered for funding this round, as they were unincorporated, to be reconsidered for funding following the review, with funds proposed to be allocated in the 2016/17 Annual Financial Year Budget. The review is proposed to allow unincorporated emergency service organisations and signature

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events operated by unincorporated bodies to apply for donations above \$500. Adoption of the Policy (to be presented to Council prior to end of financial year for endorsement) will include donations (cash and in-kind) under individual budget accounts for signature events and a proposed new budget account for donations available for emergency services. The events/groups recognised by Council as worthy of financial recognition following the review of Policy REC08 are:

Red Dirt Rocks Committee	\$7,000
Paraburdoo Fire & Rescue Service	\$2,500

Comment

Thirty one applications were received for a grant in Round 2 of the Community Support Grants 2015/16 annual financial year.

Five applications were referred to the Small Assistance Donations as they were not incorporated bodies and not eligible for a Community Support Grant. These groups were:

- Te Kohanga Reo Ili o Tame Utu;
- Panthers Netball Team;
- Onslow's Good Shed Museum;
- Red Dirt Rocks Committee; and
- Paraburdoo Fire & Rescue Service.

One application following the deliberations of the panel on April 26th, 2016 has been withdrawn. Shire of Ashburton Officers received notification from Inclusion Western Australian that the Catch Music program in Tom Price has concluded with no further programs operating in Tom Price. It is proposed that the funding suggested by the panel for Catch Music be portioned equally between the remaining applicants in Tom Price. This proposal has been reflected in the proposed funding allocations.

Additionally two applications were received from the Mountain View Golf Club. Only one application was approved for funding as the total amount requested was \$7,500. The Policy allows for donations up to \$2,500 to be permitted with the panel approving \$2,500 towards the Club's 50th year anniversary.

As the total amount requested exceeded the amount available for Round 2, it has been recommended that some community groups receive less than the amount requested.

The groups and the amount of donation recommended by the panel are listed below.

COMMUNITY SUPPORT GRANT - GENERAL

Name of Organisation	Event/Project	Cash \$	In-Kind \$	Total \$
ONSLOW				
Onslow Rodeo Association	Installation of permanent water supply at the rodeo grounds.	2,500	0	2,500
Onslow Sports Club	Assistants towards the cost of holding a fishing competition.	2,500	0	2,500
Onslow Primary P & C	Purchase of new fridge for the canteen.	2,500	0	2,500
Onslow Sports Club - Sub Committee:	Assistance towards venue hire fees for community	0	2,500	2,500

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Community Sporting	sports.			
V Swans	Early Learning Family Program National Families Week Picnic & International Mud Day.	2,500	0	2,500
PANNAWONICA				
Pannawonica Youth Club	Implementation of the Pride of Pannawonica Youth Program.	2,100	0	2,100
Pannawonica Swim Club	Community Market and Family Fun Day.	2,500	0	2,500
Panna Be It	Community information signage.	2,500	0	2,500
Pannawonica Heights Golf Club	Sun safe hydration centres.	2,500	0	2,500
PARABURDOO				
Karingal Neighbourhood Centre	Hire of hall and playground repairs and upgrade.	2,500	0	2,500
Paraburdoo Branch Sporting Shooters Association	Trap house upgrade.	2,500	0	2,500
Paraburdoo Horse Club	Pipe maintenance for horse troughs.	1,830	0	1,830
TOM PRICE				
Pilbara Regional Football Development Committee	2016 AFL umpire and coach training and mentoring program and creation of an Ashburton Women's AFL team including a regional carnival to be held in Tom Price.	2,500	0	729.75
Tom Price Cultural Centre – Sub Committee: Pilbara Artists Coming Together	Application for lattice to be used as exhibition display for the Annual Art Exhibition.	2,500	0	729.75
Tom Price Cultural Centre - Sub Committee: Tom Price Community Garden	Soil conditioner and herbs for garden near outdoor pizza oven.	2,500		729.75
Tom Price Senior High School	Tom Price Outdoor Education Program including mountain biking, outdoor cooking snorkeling, hiking, trekking, camping and navigation.	2,500	0	729.75
Tom Price Netball Association	To assist with the North West Championships.	2,500	0	729.75
Fortescue National Football League	Shire of Ashburton facilities hire 2016.	0	2,500	729.75
Mountain View Golf Club	Support to assist with 50 year celebrations.	5,000	0	2,500

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Pilbara Wildlife Carers Association	Upgrade of the wildlife centre.	2,500	0	2,500
Tom Price Tee Ball Association	Assistance towards the North West Championships.	2,500	0	729.75
Tom Price Hockey and Futsal Club	To assist in the running of the 2016 season.	1,500	0	729.75
Tom Price Gymnastics	To bring a professional Gym WA coach to Tom Price to conduct workshops.	2,500	0	729.75
Nameless Playgroup	Facilities hire fees for Civic Centre.	0	2,500	729.75

Consultation

Acting Chief Executive Officer
 Acting Executive Manager – Community Development
 Executive Manager – Corporate Services
 Executive Assistant Community Development
 Economic and Land Development Manager
 Shire of Ashburton Councillors

Statutory Environment

Local Government Act (1995) Section 6.7 (2)

Financial Implications

There is \$41,227.27 available in budget account 081877 to cover the second round of Community Support Grants in the 2015/16 annual financial year.

Funding available for each of the Shire's four towns based on number of eligible applications received for Round 2 and funds rolled over from Round 1 listed below:

Town	Funds Allocated for Round 2 \$	Minus Unspent Funds (these to be allocated to Tom Price) \$	Total Funds Allocated for Round 2 \$
Onslow	13,352.27	852.27	12,500.00
Pannawonica	10,625.00	1,025.00	9,600.00
Paraburdoo	8,625.00	1,795.00	6,830.00
Tom Price	8,625.00	Not Applicable	12,297.27
TOTAL	41,227.27	3,672.27	41,227.27

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "low" risk and can be managed by routine procedures, and is unlikely to need specific application of resources.

Policy Implications

REC08 Community Donations, Grants and Funding Policy

Voting Requirement

Simple Majority Required

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Recommendation

That Council:

- Refers the two events/groups as listed below, to the 2016/17 Annual Budget, to be reconsidered for funding following review of Policy REC08 to allow unincorporated emergency service organisations and signature events operated by unincorporated bodies to apply for donations above \$500

Name of Organisation	Proposed Funding \$	Budget Code
Red Dirt Rocks	7,000	EV22
Paraburdoo Fire and Rescue	2,500	To Be Created.

- Provides donations for general Community Support Grant applications (from account 081877 - Sponsorships and Grants) as listed below:

Name of Organisation	Proposed Funding \$
Onslow Rodeo Association	2,500
Onslow Primary P & C	2,500
V Swans	2,500
Onslow Sports Club	2,500
Onslow Sports Club - Sub Committee: Community Sporting	2,500
Panna Heights Golf Club	2,500
Panna Be It	2,500
Pannawonica Swim Club	2,500
Pannawonica Youth Club	2,100
Karingal Neighbourhood Centre	2,500
Paraburdoo Branch Sporting Shooters Association	2,500
Paraburdoo Horse Club	1,830
Tom Price Cultural Centre - Sub Committee: Pilbara Artists Coming Together	729.75
Tom Price Cultural Centre - Sub Committee: Tom Price Community Garden	729.75
Tom Price Senior High School	729.75
Tom Price Hockey and Fusal Club	729.75
Pilbara Regional Football Development Committee	729.75
Tom Price Netball Association	729.75
Nameless Playgroup	729.75
Tom Price Gymnastics	729.75
Mountain View Golf Club	2,500
Tom Price Tee Ball Association	729.75
Pilbara Wildlife Carers Association	2,500
Fortescue National Football League	729.75

Author: Dee Walkington	Signature:
Manager: Lynnette O'Reilly	Signature:

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13. CORPORATE SERVICES REPORTS

13.1 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF MARCH 2016 & APRIL 2016

FILE REFERENCE:	FM03
AUTHOR'S NAME AND POSITION:	Andy Grant A/Finance Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	10 May 2016
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

In accordance with Regulation 34 of the Local Government (Financial Management) Regulations, the Shire is to prepare a monthly Statement of Financial Activity for consideration by Council.

Background

Regulation 34 of the Local Government (Financial Management) Regulations requires the Shire to prepare a monthly statement of Financial Activity for consideration by Council.

Comment

This report presents a summary of the financial activity for the following month:

March 2016

- Statements of Financial Activity and associated statements for the Month of March 2016.

ATTACHMENT 13.1A

April 2016

- Schedule of Accounts and Credit Cards paid under delegated authority for the Month of April 2016.

ATTACHMENT 13.1B

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Consultation

Executive Manager - Corporate Service
Executive Management Team
Finance Manager
Finance Coordinator
Finance Officers
Consultant Accountant

Statutory Environment

Section 6.4 Local Government Act 1995, Part 6 – Financial Management, and regulation 34 Local Government (Financial Management) Regulation 1996.

Financial Implications

Financial implications and performance to budget are reported to Council on a monthly basis.

Strategic Implications

Shire of Ashburton 10 year Community Strategic Plan 2012-2022
Goal 5 - Inspiring Governance
Objective 4 - Exemplary Team and Work Environment

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Low" risk and can be managed by routine procedures, and is unlikely to need specific application of resources.

Policy Implications

There are no policy implications in this matter.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Accepts the Financial Reports for March 2016 ATTACHMENT 13.1A; and
2. Notes the Schedule of Accounts and Credit Cards paid in April 2016 as approved by the Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds as per ATTACHMENT 13.1B

Author: Andy Grant	Signature:
Manager: Frank Ludovico	Signature:

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13.2 RATES WRITE OFF - AUREUS INVESTMENTS PTY LTD

FILE REFERENCE:	RV13 RV12
AUTHOR'S NAME AND POSITION:	Alesha Embrey Rates Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 May 2016
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Aureus Investments Pty Ltd held an Exploration License and owes the Shire \$13,636.02 in rates, interest and other charges. The company has surrendered the tenement, and has no known assets.

The Shire has exhausted all reasonable avenues to recover the outstanding rate debt and it is suggested to accept an offer of a \$500 settlement, and to write off the balance of the rates arrears, interest and legal fees which has accrued on Assessment A51055 to the value of \$13,136.02.

Background

On 3 July 2014, Exploration License E08/02436 was granted to Aureus Investments Pty Ltd. The tenement was surrendered on 15 June 2015 and between these periods the Shire did not receive any rates payments.

Action taken to recover the debt are:

January 2015 – The rate debt was referred to Austral Mercantile (the Shire's Debt Recovery Agency).

19 November 2015 – Austral Mercantile issued a Creditors Statutory Demand to Aureus Investments Pty Ltd for an amount of \$12,509.24.

3 December 2015 – The Shire received a letter from Smallcap Corporate, which is the accountants who act on behalf of Aureus Investments Pty Ltd, advising that the mining tenement has been surrendered and the company has no assets or funds and offered \$500.00 to settle the debt.

4 February 2016 – Austral Mercantile, as per the Shire's instructions, endeavored to seek a higher settlement with a counter offer to negotiate payment of the Rate Arrears only totaling \$10,555.29 to settle the debt.

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26 February 2016 – Smallcap Corporate repeated its position that the company has no assets and again offered \$500.00 to settle the rate debt. Smallcap Corporate were unable to make contact with Aureus Investments Pty Ltd as the owner moved overseas in 2015.

17 March 2016 – Austral Mercantile has subsequently advised that based on the situation with Aureus Investment Pty Ltd, it does not see any economic benefit in pursuing the rate debt. It is not considered practical to pursue the debtor further and writing off the debt is recommended.

Assessment Number	Rates	Receipt	Interest	Legal Fees	Total
A51055	\$10,555.29	\$0	\$1501.94	\$1,578.79	\$13,636.02

If the offer of \$500.00 is still payable the total amount to write off will be \$13,136.02.

Comment

The Shire has pursued recovery in accordance with Policy FIN15 (Rate Debt Recovery) and in light of the sum involved, has now effectively exhausted all reasonable avenues to recover this outstanding rate debt. It is not considered practical to pursue the debtor further and writing off the debt (\$13,136.02) is suggested.

Consultation

Executive Manager – Corporate Services
Rates Officer

Statutory Environment

Section 6.12 (1) (c) of the Local Government Act 1995 states that Council may write off money that is owed to Local Government (by absolute majority).

Financial Implications

The total amount of Rate Arrears, Current Interest and Legal Fees suggested to be written off is \$13,136.02 (assuming the offer of \$500.00 will be payable).

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 05 – Inspiring Governance
Objective 04 – Exemplary Team and Work Environment

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Low Risk: Managed by routine procedures, unlikely to need specific application of resources".

Policy Implications

Policy FIN15 Rate Debt Recovery Policy

Voting Requirement

Absolute Majority Required

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Recommendation

That Council writes off the rates arrears, and other relevant charges/expenses which have accrued on Assessment A51055 (\$13,636.02) and accepts the offer of a \$500 as full and final settlement.

Author: Alesha Embrey	Signature:
Manager: Frank Ludovico	Signature:

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13.3 RATES WRITE OFF - NEW WORLD ENERGY LTD

FILE REFERENCE:	RV12
AUTHOR'S NAME AND POSITION:	Alesha Embrey Rates Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 May 2016
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the matter
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

New World Energy now in receivership has two Mining Tenements within the Shire and owes \$17,410.59 in rates, interest and other charges.

The Shire has exhausted all reasonable avenues to recover the outstanding rate debt and it is suggested to write off the rates arrears and other relevant fees/charges which has accrued on Assessment A6573 and A6574 to the value of \$17,410.59.

Background

New World Energy has two Mining Tenements within the Shire, GEP47/33 & GEP47/35.

In April 2014 New World Energy advised it had gone into receivership and would be unable to pay its rates. The Shire subsequently made contact with Austral Mercantile (Council's Debt Collection Agency) to see if there was any avenues for the Shire to recover the outstanding rates. Austral Mercantile confirmed New World Energy had gone into administration.

Action taken to recover the debt are:

11 April 2014 – New World Energy contacted the Shire of Ashburton Rates section to advise that the company had gone into receivership.

11 April 2014 – The Senior Rates Officer at the time contacted our Debt Recovery Agency to see if there were any avenues for the Shire to pursue the Rate Debt. Austral Mercantile confirmed that the company had gone into Administration.

2014 - 2015 - The Rates section attempted on several occasions to make contact with New World Energy to see if we could recover any of the rate debt but was unsuccessful.

08 September 2015 – The Rates Officer contacted New World Energy, as we received a returned Rates Notice in the mail; and they advised that the company went into Administration in 2013 and has no assets to pay the rate debt.

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24 December 2015 – Austral Mercantile advised that the Shire could De-Register the company through ASIC for a fee of approximately \$10,000. This process would only be beneficial for the Shire if the company had assets but this is not the case for this matter.

18 April 2016 – Austral Mercantile confirmed that once a company is under External Administration there is nothing we can do to recover the rate debt.

Assessment Number	Rates	Receipt	Interest	Legal Fees	Total
A6573	\$4,094.01	\$800.04	\$1,138.04	\$0.00	\$6,032.09

Assessment Number	Rates	Receipt	Interest	Legal Fees	Total
A6574	\$7,722.62	\$1,508.94	\$2,146.94	\$0.00	\$11,378.50

The debt was not loaded for recovery action with Austral Mercantile and therefore no legal fee was charged.

As it appears there is no reasonable prospect of recovering the rates, officers recommended the write off of rates and interest for assessment A6573 (\$6,032.09) and assessment A6574 (\$11,378.50). That is, a total of \$17,410.59.

Comment

The Shire has pursued recovery in accordance with Policy FIN15 (Rate Debt Recovery) however it has effectively exhausted all reasonable avenues to recover this outstanding rate debt. It is not considered practical to pursue the debtor further and writing off the debt (\$17,410.59) is suggested.

Consultation

Executive Manager Corporate Services
Rates Officer

Statutory Environment

Section 6.12 (1) (c) of the Local Government Act 1995 states, that Council may Write Off any amount of money, which is owed to Local Government

Financial Implications

The total amount of Rates and Interest to be written off is \$17,410.59.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 05 – Inspiring Governance
Objective 04 – Exemplary Team and Work Environment

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Low Risk: Managed by routine procedures, unlikely to need specific application of resources".

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Policy Implications

Policy FIN15 Rate Debt Recovery Policy

Voting Requirement

Absolute Majority Required

Recommendation

That Council write off the rate arrears and interest for assessment A6573 being \$6,032.09 and assessment A6574 being \$11,378.50 (i.e. a total of \$17,410.59).

Author: Alesha Embrey	Signature:
Manager: Frank Ludovico	Signature:

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13.4 NOTICE OF MOTION – REVIEW OF ELM19 RECOGNITION OF ABORIGINAL CULTURE AND HISTORY; AND COUNCILLOR DECLARATION POLICY

FILE REFERENCE:	GV20
AUTHOR'S NAME AND POSITION:	Leanne Lind Governance and Policy Consultant
NAME OF APPLICANT/RESPONDENT:	Cr Peter Foster
DATE REPORT WRITTEN:	5 May 2016
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest
PREVIOUS MEETING REFERENCE:	Agenda Item 11.3 (Minute No. 12043) – Ordinary Meeting of Council 19 January 2016 Agenda Item 17.2 – Ordinary Meeting of Council 26 April 2016

Summary

At the Ordinary Meeting of Council on 20 April 2016 Cr Peter Foster tabled the following Notice of Motion:

Request that the CEO write a report on reviewing ELM19 Recognition of Aboriginal Culture and History; And Council Declaration to include the following: Recognition of Aboriginal and Culture on the Shire of Ashburton's website and promotional material.

Whilst on its face the suggestion sounds reasonably simple to accommodate, due consideration and respect needs to be shown to every Aboriginal cultural and heritage question and it is likely there will be as yet unknown and complex issues encountered. It is suggested that the matter be referred to the Aboriginal Reference Committee for a recommendation.

Background

At the Ordinary Meeting of Council on 20 April 2016 Cr Peter Foster tabled the following Notice of Motion:

Request that the CEO write a report on reviewing ELM19 Recognition of Aboriginal Culture and History; And Council Declaration to include the following: Recognition of Aboriginal and Culture on the Shire of Ashburton's website and promotional material.

At the Ordinary Meeting of Council held on 19 January 2016 Council adopted the Policy ELM19 *Recognition of Aboriginal Culture and History; and Councillor Declaration Policy* a policy designed to capture the recognition of Aboriginal Cultural and History, including incorporating welcoming and acknowledgement protocols into official meetings and events to recognise Aboriginal and Torres Strait Islander peoples as the First Australians and custodians of the land.

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Prior to this, at the 20 May 2015 Council Meeting, it was resolved as part of considerations around service levels for Aboriginal communities in Ashburton, that Council “3. *Defers any decision on the question of a Shire policy position on Ashburton's remote Indigenous communities, at least until the initial positions of the WA State Government and the several local Indigenous communities are ascertained.*”

Comment

The current ELM19 policy does not include any reference to the Shire's website. A peer review of other WA shire websites has found numerous inclusions of Aboriginal history amongst them and these all vary in the way they deal with their Aboriginal history information.

An appropriate level of respect needs to be afforded to the way the proposal might be implemented and it is therefore suggested that the Aboriginal Reference Committee might be the best group to at least provide preliminary thoughts on the matter. In regard to the web page inclusion for example, the Committee could review some or all of the below example sites to gain a better understanding of what could potentially be added to the Shire of Ashburton's website (should it be agreed to progress this notice of motion further).

Shire of GinGin	http://www.gingin.wa.gov.au/index.php/tourism-and-information/history/historical-information
Shire of Harvey	http://www.harvey.wa.gov.au/council/history-and-statistics/history
Shire of Derby	http://www.sdwk.wa.gov.au/community/aboutourcommunity.html
Shire of Halls Creek	http://www.halls creek.wa.gov.au/history.aspx
Shire of Augusta and Margaret River	http://www.amrshire.wa.gov.au/region/local-history
Shire of Woodanilling	http://www.woodanilling.wa.gov.au/history.aspx

It is envisaged that the Reference Committee could consider the necessary protocols and offer a recommendation to Council as to for example; whether any specialist research is required; if any additional budget requirements are necessary to research, compose, monitor and review the content; and what content should be contained for inclusion on the website.

In regard to the 20 May 2016 Council Meeting resolution (to temporarily defer any further policies on Aboriginal issues) whilst the resolution is clear, Council could consider that the intent of that resolution was centered around considerations of service levels for Aboriginal communities in Ashburton, and therefore not designed to impact on a consideration of the current proposal.

Consultation

Chief Executive Officer

Other Local Government policies and practices

Statutory Environment

Local Government Act S3.1. (General function) outlines at subsection (1) the general function of a local government is to provide for the good government of persons in its district and at subsection (3) that a liberal approach is to be taken to the construction of the scope of the general function of a local government. Many local governments have Welcome to

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Country statement/ceremonies and Council Meeting Prayers. A local government is quite within its rights therefore, to involve itself in this activity.

There is likely to be other legislation or policies of third parties that will need to be considered, but these are not know at this point in time.

Financial Implications

Whilst some Shire web modifications can be made at officer level, more significant work will require the use of the Shire's web consultants. Charges for these services depend on the volume and complexity of the project, but the Shire does have a budget allocation to undertake a reasonable amount of Web modifications per year. Costs can be secured if required, once the extent of the proposed Web modifications are understood.

Strategic Implications

Goal 03 – Unique Heritage and Environment

Objective 03 – Celebration of History and Heritage

Shire of Ashburton Corporate Business Plan 2013-2017 (*Living Life – Making it Happen*) outlines several initiatives relevant the Shire's Aboriginal communities and their health and cultures. Relevant to this particular item, is the proposal to promote the Shire's Aboriginal and European heritage and facilitate increased access for the local community and tourism.

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be a "Medium/High" (generally centred around stakeholder communications/management) and can be managed though specific monitoring and or response procedures, and individual actions as required.

Policy Implications

Policy amendment may be proposed.

Voting Requirement

Absolute Majority Required

Recommendation

That Council forward the Notice of Motion proposal (*vis. reviewing ELM19 Recognition of Aboriginal Culture and History; And Council Declaration to include the following: Recognition of Aboriginal and Culture on the Shire of Ashburton's website and promotional material*) to the Aboriginal Reference Committee for consideration and a recommendation to Council.

Author: Leanne Lind	Signature:
Manager: Frank Ludovico	Signature:

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13.5 PROPOSED DIFFERENTIAL RATES 2016/17

FILE REFERENCE:	RV07
AUTHOR'S NAME AND POSITION:	Frank Ludovico Executive Manager, Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	11 May 2016
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.4 (Minute No. 11949) – Ordinary Meeting of Council 20 May 2015

Summary

This agenda item discusses setting of Differential Rates for the 2016/17 Financial Year.

Potential significant changes in valuations resulting from adjustments to legislation and case law resulting in changed valuation methodology or natural growth creates a complex and difficult mix of factors in order to achieving objectivity, fairness and equity, consistency, transparency and administrative efficiency when determining Council rating in 2016/17.

A number of models have been developed to explore different scenarios, each with their own merit.

The Model supported is "Option D" as it is considered to suitably protect the Shire from volatility albeit likely still requiring the Council to decide on a reduced level of service for the Ashburton community by making complimentary changes to the Long Term Financial Plan (LTFP). It also closely reflects the LTFP's projection rating income, thus allowing for satisfactory levels of asset management to occur and community service levels to be maintained.

Background

Rating income is the principal source of revenue for the Shire of Ashburton. It is determined by multiplying a rate in dollar to the valuation for that property. Valuations are supplied by *Landgate* on the basis of Gross Rental Value (GRV) and Unimproved Value (UV). The application of one rate in the dollar per valuation category would obviously create inequities and so it is proposed to continue to use different rating categories to address this issue.

The Department of Local Government and Communities has recently revised it's Rating Policies and Procedures (incorporating legislative requirements), and these can be found on its website <https://www.dlgc.wa.gov.au/AdviceSupport/Pages/Rating-policies.aspx>

These new Rating Policies and Procedures formalised some of the processes for raising Differential Rates, including the information required in any notice, how we communicate to

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ratepayers, and the information needed by the Minister in order to make a determination.

In reviewing its Long Term Financial Plan (LTFP), Council has considered the proposed capital projects, its fees and charges as well as its operational activities to ensure it can efficiently deliver services to its dispersed and distinct communities. Our modelling has taken these parameters into consideration.

Council's adopted LTFP provides for rate revenue of \$24.5m in 2016/17, a 2.3% increase on Estimated 30 June 2016 actuals.

During 2015/16 the valuations in different categories have fluctuated. Whilst not to the same variation that was seen in the 2015/16, these changes still do have a material effect on rating.

Differential Rate Category	2015/16 Valuation	2016/17 Valuation	% Change
GRV - Residential/Community	80,443,535	76,708,044	-5.30%
GRV - Commercial/Industrial/Tourism	22,140,874	19,968,984	-10.93%
UV - Pastoral	5,221,847	5,216,147	-1.30%
UV - Mining/Industrial	46,491,882	48,676,620	3.76%
UV - Tourism	340,000	340,000	0.00%
UV - Residential	2,250,000	2,323,700	3.28%

At its March 2015 meeting Council was made aware that a number of the residential lots currently being develop at *Barrarda Estate* in Onslow fell outside the Onslow Townsite boundary and as such would be rated UV. In order to ensure all urban and Mixed Business development that occurs within the townsite is treated consistently Council agreed to adjust the Onslow townsite boundary to incorporate this land. This matter is still progressing through the various state government agency approvals processes.

This land is zoned Urban Development and could not be considered Commercial or Industrial and so a new differential rate called "*UV Residential*" was created. However residential lots have been developed and dwellings have or are about to be constructed on this land. To provide equity to these properties Council used it's Concession Powers at its 19 January 2016 meeting (otherwise the lots would have been rate on a standard UV basis). It is proposed that Council use it's concession powers to provide similar relief to the remainder of the Barrarda Estate residential land.

As part of the 2015/16 Differential Rate deliberations it was noted that the general revaluation of GRV properties in 2014 had created a wide variation in valuation between towns (with Onslow valuations generally increasing, and eastern sector town valuations generally reducing). The effect being an arguably disproportional rise in rating levels in the western sector.

To counter-act this effect (by the only means possible and with Department of Local Government and Communities' endorsement) a concession was applied to GRV Residential/Community properties (across the whole Shire) to in effect rate them on their 2014/15 valuations. This concession amounted to approximately \$294,000.

The rating models developed considers the issue of continuing to provide this concession.

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We have had several valuation appeals progressed over the last 12 months and we are aware that the valuation for the BHP Billiton Macedon gas processing plant and Chevron's Broilga workers camp are currently "under review". We are also aware that the State Administrative Appeals Tribunal' decision in Citic Pacific Mining Management Pty Ltd V Valuer-General (2016) WASAT 23 case, has caused a review of valuation methodology. These issues mean that our valuation base is "somewhat unpredictable".

We are certain there will be flow on consequences to our UV values and it may be necessary for Council to allow for significant rate refunds in the 2016/17 Budget. The budget should therefore include a "*provision for rate refunds*" in the anticipation that further valuation appeals will likely also be successful. Rating in 2014/15 was very turbulent (valuations were received, appealed, refunds made, appealed again with further refunds) and rating in 2015/16 was affected by a number of mining assessments being surrendered and becoming unrateable....we expect 2016/17 rating to also have a high degree of uncertainty.

Staff have attempted to model all this detail into a coherent rationale for our 2016/17 rates.

All Differential Rates need to be advertised for public comment, but only the proposed UV rating codes that exceed the threshold (i.e. more than twice the lowest differential rate) will require ministerial approval before they are levied.

Comment

The local Ashburton economy is still "*two speed*", with the iron ore portion of our Shire still in "*production efficiency mode*" to accommodate global iron ore prices (thus generally resulting in lower land values) whilst at the same time the gas portion of our Shire is still in a relatively buoyant phase (generally resulting in higher land values). Simultaneously, the State Government is under financial pressure and has made changes to its funding parameters to local governments (like requiring contributions towards infrastructure funded through Royalties for Regions).

Whilst all this is happening, the Shire is progressing through an unprecedented and un-reversible construction program, including in some cases where the Shire is required to make proportionate financial contributions to enable projects to proceed. Once these new facilities have been created the Shire will enjoy some efficiency savings, but it generally require elevated budgeting levels to accommodate new/expanded asset management and operational costs (the Asset Management Plan, Workforce Plan and Long Term Financial Plan will highlight these issues for Council's ongoing attentions).

Rating in 2014/15 was very turbulent (valuations were received, appealed, refunds made, appealed again with further refunds) and rating in 2015/16 was affected by a number of mining assessments being surrendered and becoming unrateable. We expect 2016/17 rating to also have a high degree of uncertainty. As outlined in the background section, we are certain there will be UV valuation reductions and the recent past has indicated there will also be valuations appealed and rates that the Council will ultimately need to "write off" for various reasons, particularly in the UV Industrial/Mining category. Prudence would suggest that the Council provides for the potentially for significant rate refunds in the 2016/17 Budget, so this needs to be accommodated from an accounting perspective. The budget should therefore in anticipation, include a "provision for rate refunds and it is suggested that an allocation of 1c/\$ (equal to approximately \$482,000) be included in the proposed UV Industrial/Mining Rate category to accommodate this provision (with the funds to be allocated to a suitable Reserve Account).

Taking the above into account, and noting the fact that even any proposed expanded levels of service are still below metropolitan standards, it would seem appropriate as a minimum,

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for the rate in dollar for each rating category to be increased by the Local Government Cost Index (LGCI) currently estimated at 1.5% (WALGA March 2016 Economic Briefing).

Consultation

CEO

Executive Managers

Department of Local Government

Statutory Environment

The following sections in Local Government Act 1995 apply:

- Section 6.32 of the *Local Government Act* 1995 provides Council with the power to apply rates to property;
- Section 6.33 of the *Local Government Act* 1995 provides Council with the power to apply differential general rates although Ministerial approval is required where a differential rate is more than the lowest differential rate to be imposed;
- Section 6.35 of the *Local Government Act* 1995 provides Council with the power to apply a minimum payment which is greater than the general rate which would otherwise be payable on that land and a lesser minimum in respect of any portion of the district.
- Section 6.36 of the *Local Government Act* 1995 requires Council to give public notice of its intention to impose differential rates, inviting submissions within 21 days (or more is desired). Council is also required to consider any submissions received prior to imposing the proposed rate or minimum payment.
- Section 5.63 (1)(b) LGA specifically excludes the need for Elected Members to “Declare a Financial Interest” in imposing a rate, charge or fee.

Part 5 of the *Local Government (Financial Management) Regulations* 1996.

Department of Local Government and Communities Rating Policies (Ministerial Circular No 06-2013, Ministerial Circular 13-2014 and Ministerial Circular 02-2016):

- Valuation of Land
- Differential Rates
- Minimum Payments
- Rateable Land
- Giving Notice
- Valuation of Land – Mining

The proposed differential rate schedule must be advertised for a minimum of 21 days. This period allows ratepayers the ability to consider the proposed rates and make any submissions prior to Council adopting the rates in the dollar as part of the budget adoption process. It is also necessary to obtain the Minister for Local Government’s approval due to highest UV differential rate being more than twice the lowest differential rate to be imposed.

The first day it is possible to publically advertise the proposed rates in dollar, is Saturday 28 May 2016 and allowing for 21 days, the advertising would be completed on 20 June 2016. After allowing time for Ministerial approval this would allow Council to adopt the 2016/17 Budget at a Special Meeting of Council in late July 2016.

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Financial Implications

The rate level set by Council will underpin its ability to provide services and facilities for the 2016/17 Financial Year (and into the future).

Staff have developed three models for Council consideration and all models have the following features:

- all GRV revaluations have been included;
- UV roll is not anticipated until mid-June 2016;
- the valuation adjustments concerning State Administrative Tribunal determinations have been included (although it is not anticipated to receive final confirmation until mid-June 2016; and
- the recommendations adopted by Council (May 2015) when it considered the Rating Strategy. Namely, including a phasing in of a new minimum rate methodology; phasing in of rating for pastoral properties to bring them to the average for the Pilbara/Kimberly region; discounting of minimum rates for Wittenoom residents (Lesser Minimum for GRV Residential/Community); and the creation of a different minimum rate for GRV commercial/industrial properties.

Each of the characteristics of each model is described below:

- **Model A.** Model A calculates the level of rating based on:
 - No change to the rate in the dollar used for 2015/16 rating;
 - Council's May 2015 Rating Strategy decisions; and
 - Retention of the Concession for GRV Residential/Community properties (the concession is the equivalent to the difference payable between 2014/15 valuations and 2015/16 GRV Residential/Community properties rate in the dollar) and for UV Residential lots.
 - New or redevelopment GRV Residential/Community lots (particularly in Onslow) did not receive any concession.
- **Model B.** Model B calculates the level of rating based on:
 - The Rate in the dollar reflects the Local Government Cost Index (LGCI) currently estimated at 1.5%;
 - Council's May 2015 Rating Strategy decisions; and
 - Retention of the Concession for GRV Residential/Community properties (the concession is the equivalent to the difference payable between 2014/15 valuations and 2015/16 GRV Residential/Community properties rate in the dollar) and for UV Residential lots.
 - New or redevelopment GRV Residential/Community lots (particularly in Onslow) did not receive any concession.
- **Model C.** Model C calculates the level of rating based on:
 - The Rate in the dollar reflects the Local Government Cost Index (LGCI) currently estimated at 1.5%.
 - Council's May 2015 Rating Strategy decisions; and
 - The reduction of the Concession for GRV Residential/Community properties by 33.3% (the concession is the equivalent to the difference payable between 2014/15 valuations and 2015/16 GRV Residential/Community properties rate in the dollar reduced by 33.3%) and the retention of the Concession for UV Residential lots..
 - New or redevelopment GRV Residential/Community lots (particularly in Onslow) did not receive any concession.

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- **Model D.** Model D calculates the level of rating based on:
 - The Rate in the dollar reflects the Local Government Cost Index (LGCI) currently estimated at 1.5%;
 - A 1c/\$ allocation on UV Industrial/Mining to accommodate a \$482,000 Reserve Account provision for valuation reductions and rate refunds;
 - Council's May 2015 Rating Strategy decisions;
 - Retention of the Concession for GRV Residential/Community properties (the concession is the equivalent to the difference payable between 2014/15 valuations and 2015/16 GRV Residential/Community properties rate in the dollar) and for UV Residential lots; and
 - New or redevelopment GRV Residential/Community lots (particularly in Onslow) did not receive any concession.

Rates Income					
Differential Rate Category	Estimated 2014/15 Actual \$	Model A \$	Model B \$	Model C \$	Model D \$
GRV Commercial/Tourism/Industrial	1,032,089	1,026,475	1,041,248	1,041,248	1,041,248
GRV Residential/Community	3,908,582	3,930,805	3,987,750	4,080,906	3,98,750
UV Industrial/Mining	18,613,418	18,859,160	19,135,970	19,135,970	19,618,513
UV Tourism	54,415	54,415	55,231	55,231	55,231
UV Pastoral	277,579	318,405	318,405	318,405	318,405
UV Residential	116,961	116,668	118,418,	118,418	118,418
Non Rateble	(14,371)				
Total (net of Concession)	23,988,674	24,305,929	24,657,023	24,750,179	25,139,565
Concessions					
GRV Residential/Community	(294,215)	(281,508)	(281,262)	(192,632)	(281,262)
UV Residential	(62,020)	(61,570)	(62,494)	(62,494)	(62,494)
TOTAL	(356,235)	(343,078)	(343,756)	(255,126)	(343,756)

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Percentage Variation from estimated 2014/15 Actual				
	Model A %	Model B %	Model C %	Model D %
GRV Commercial/Tourism/Industrial	(0.5)	0.9	0.9	0.9
GRV Residential/Community	0.6	2.0	4.4	2.0
UV Industrial/Mining	1.3	2.8	2.8	5.4
UV Tourism	0	1.5	1.5	1.5
UV Pastoral	14.7	14.7	14.7	14.7
UV Residential	(0.3)	1.2	1.2	1.2
Total	1.3	2.8	3.2	4.8

Note - Attachments give greater detail to these figures.

ATTACHMENT 13.5A

In analysing the concessions for GRV Residential/Community the effects of the General Revaluations that became applicable on 1 July 2015 were still evident.

The average rates payable in Onslow for this differential category across all models is detailed below.

Differential Rate Category	Estimated 2014/15 Actual \$	Model A \$	Model B \$	Model C \$	Model D \$
GRV Residential/Community (Onslow)	1,893	1,913	1,940	2,200	1,940

The Model supported is "Option D" as it is considered to suitably protect the Shire from volatility albeit likely still requiring the Council to decide on a reduced level of service for the Ashburton community by making complimentary changes to the LTFP. It also closely reflects the Long Term Financial Plan's projection rating income, thus allowing for satisfactory levels of asset management to occur and community service levels to be maintained.

The Objects and Reasons for each Differential Rate have been developed and are attached.

ATTACHMENT 13.5B

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 5 - Inspiring Governance

Objective 4 - Exemplary Team and Work Environment.

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Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered "High". As a high risk matter, the Executive Manager of Corporate Services will monitor progress.

The proposed Differential Rating will help to underpin Council's long term financial sustainability. The major risk in not adopting the recommended Rating Strategy is in limiting our ability to provide services and facilities into the future.

Policy Implications

Council policy FIN10 Wittenoom Townsite, Wittenoom Gorge and Yampire Gorge Rates and Services Policy applies. In addition to stating it will cease providing all physical services and promotion to Wittenoom and Yampire Gorge, it also states Council is to cease waving rates for Wittenoom properties. The policy also states *"Council will rate or properties in Wittenoom. This is an acknowledgement that local government rates do not pertain specifically to property but also relate to a range of services provided to the community on a non-geographic basis such a sporting facilities, libraries, roads, governance and economic development."*

All our models consider all Wittenoom properties to be GRV Residential/Community and attracting the lesser minimum of \$555 proposed in the Rating Strategy.

Council Policy ELM10 Financial Sustainability Policy also applies. This policy establishes the financial sustainability framework for the Council. The policy is based on the Council's desire to plan for on-going financial sustainability to provide appropriate services and infrastructure for the community now and into the future.

In accordance with the Department of Local Government & Communities' Rating Policy – Differential Rates, Council must demonstrate that consideration has been given to the key values of Objectivity, Fairness and Equity, Consistency, Transparency and Administrative Efficiency.

The following indicates how these values are satisfied by the proposed differential rates:

Objectivity:

- The land on which differential general rates is proposed has been rated according to Zoning and Land Use. No land is proposed for differential general rates based on being vacant land.
- There has been no change to the boundaries of the District in the past five years.
- Two differential general rates have been proposed which are more than twice the lowest UV Differential – these being the UV Pastoral, UV Mining/Industrial

Fairness and Equity:

- Council has reviewed its expenditure and considered efficiency measures as part of its budget deliberations. In particular, to improve efficiency and reduce expenditure Council has:
 - ❖ almost completed negotiations on a new Enterprise Agreement;
 - ❖ reviewed the need for and remuneration of each staff position as vacancy arose;
 - ❖ is reducing the number of houses leased for staff housing in Onslow;
 - ❖ outsourced its building regulatory services to other local governments on a fee for service basis;
 - ❖ deferred capital expenditure on several projects;
 - ❖ Implemented new procurement processes
 - ❖ tendered for renewal of panel contracts;

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- These objects and reasons clearly explain why each differential general rate is proposed to be imposed.
- Where any category of ratepayer is significantly contributing to revenue through fees, charges and other payments, these same costs have not been used as the justification for the difference in differential general rate.
- As there are fewer than 30 ratepayers in each of the differential rating categories (i.e. UV Pastoral, UV Tourism and UV Residential), each of these ratepayers will be individually informed in writing of the Department's Rating Policy, Council's objects and reasons, the differential general rate proposed that will apply to the ratepayer's property and the previous year's differential general rate for comparison. The closing date for submissions on the proposal will be at least 21 days after this information is provided.
- All submissions from ratepayers will be presented to Council for consideration at a later meeting and the minutes of this meeting, including the responses to ratepayer submissions, will be provided to the Department and the Minister.

Consistency:

- All properties with the same land use characteristics have been rated in the same way, with the exception of vacant land which has been rated based on zoning.
- The proposed differential rates align with the principles of the rating strategy and the long term financial plan,
- Consideration has been given to rates proposed in neighbouring or similar local government districts, as discussed in the Draft Regional Rating Strategy Review prepared by the Pilbara Regional Council.

Transparency and Administrative Efficiency:

- A document has been prepared clearly describing the object of and reason for each differential general rate.
- Public notice will be exhibited on a notice board at Council's offices and at each library within the District will also be published in state wide and local newspapers from 28 May 2016.
- The public notice will detail each differential general rate to be imposed, advise ratepayers where to obtain a copy of the objects and reasons, invite submissions from ratepayers on the proposed differential general rates, and advise the closing date for submissions (of 20 June 2016).
- After the closing date for submissions, each submission received will be presented to Council for consideration prior to resolving to make application to the Minister for approval of the proposed differential general rates.

Voting Requirement

Absolute Majority Required

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Recommendation

That Council:

1. Advertise its intention, in accordance with section 6.36 of the Local Government Act 1995, to adopt the following rates in the dollar and minimum rates for the differential rating categories specified for the 2015/16 Financial Year:

Rate Code Description	Rate in the \$	General Minimum Payment \$	Lesser* Minimum Payment \$
GRV Residential/Community	0.038868	\$614.00	\$460.50
GRV Commercial/Tourism/Industrial	0.048585	\$767.50	
UV Pastoral	0.052635	\$614.00	
UV Industrial/Mining	0.363343		
UV Tourism	0.160021	\$614.00	
UV Residential	0.038868	\$614.00	

2. If no submissions objecting to the proposed Differential Rates are received, authorise applying to the Minister of Local Government and Communities for approval for Council to imposing the Schedule of Rates outlined in point 1 above.
3. If submissions are received convene a Special Meeting of Council at Onslow Multi-Purpose Centre, corner of McGrath Rd and Hooley Rd Onslow on

8 July 2015

commencing at 7.00 pm for the purpose of determining the 2015/16 Annual Budget and its components; and

4. Approve the use of instantaneous communications for the Special Meeting in the following locations:

Location	Councillors
Onslow Multi-Purpose Centre, corner of McGrath Rd and Hooley Rd Onslow	Cr K White
Tom Price Council Chambers, Central Rd, Tom Price	Cr C Fernandez Cr P Foster Cr A Bloem Cr L Thomas
Ashburton Hall, Ashburton Ave, Paraburdoo	Cr L Rumble Cr D Dias
Pannawonica Library, Pannawonica Drive, Pannawonica	Cr D Wright

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5. Acknowledge that the recently adopted Shire of Ashburton Long Term Financial Plan will as part of its next review, require a proportionately valued amount of services/projects/costs to be deferred.

Author: Frank Ludovico	Signature:
Manager: Neil Hartley	Signature:

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14. DEVELOPMENT AND REGULATORY SERVICES REPORTS

14.1 PROPOSED SCHEME AMENDMENT NO. 31 TO THE SHIRE OF ASHBURTON TOWN PLANNING SCHEME NO. 7 TO REZONE LOT 26 ON DEPOSITED PLAN 216556 (KILLAWARRA DRIVE, AREA W) FROM LOCAL SCHEME RESERVE 'PARKS, RECREATION AND DRAINAGE' TO 'RESIDENTIAL R20'

FILE REFERENCE:	LP10.7.31
AUTHOR'S NAME AND POSITION:	Chaz Roberts Contract Town Planner
NAME OF APPLICANT/RESPONDENT:	Shire of Ashburton
DATE REPORT WRITTEN:	12 May 2016
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The purpose of proposed Scheme Amendment No. 31 is to establish a zoning over Lot 26 Killawarra Drive, Tom Price to ensure appropriate development and land use controls apply to the land prior to the lot being offered for sale by LandCorp on the open market. The land is currently reserved for "Parks, Recreation and Drainage" under Town Planning Scheme No. 7, however is not currently used for any active recreation purposes and was identified through the Lazy Lands project as suitable for future residential development.

This report recommends that proposed Scheme Amendment No. 31 to Shire of Ashburton Town Planning Scheme No. 7 (Standard Amendment) is initiated and subsequently advertised in accordance with the Planning & Development (Local Planning Schemes) Regulations 2015.

Background

Lot 26 is a 3,891m² single allotment situated within the eastern periphery of "Area W" in Tom Price and has direct access to three street frontages being Killawarra Drive, Wilgerup Street and Wilgerup Place. The site is currently vacant Unallocated Crown Land and consists of dispersed remnant vegetation.

Immediately to the north of the site and sharing a cadastral boundary is "Community" zoned land on a Crown Reserve occupied by the Jehovah's Witnesses' church. To the west and south of the site on the other side of Wilgerup Place and Wilgerup Street respectively is developed land exhibiting "Residential R20" density coding, consisting of single dwellings on 945m² lots. To the east of the site on the eastern side of Killawarra Drive is Unallocated Crown Land consisting of low-lying scrubs and remnant vegetation. A footpath and Rio Tinto bus stop exist adjacent to the eastern cadastral boundary of the site within the road reservation, both in good condition.

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Attachments A, B, and C of this report display visual representations of the site's location, aerial and current zoning context. The Scheme Amendment Report, prepared by a planning consultant on behalf of LandCorp, has been included as Attachment D.

ATTACHMENT 14.1A
ATTACHMENT 14.1B
ATTACHMENT 14.1C
ATTACHMENT 14.1D

Strategic studies undertaken such as the *Newman and Tom Price Regional Hotspots Land Supply Update (2015)* under the Pilbara Planning and Infrastructure Framework underpin this site's selection as suitable for rezoning. The *Lazy Towns* (also known as Lazy Lands) study accompanies this Pilbara-wide program which began in 2011 and focuses on identifying unused or poorly used Crown Land in the Pilbara's main towns, seeking to bring this land forward for development as part of an expanded residential development pipeline.

Comment

The site has been identified through the *Lazy Towns* study conducted by the Pilbara Development Commission as surplus land to government requirements which, in conjunction with LandCorp's desire to sell the land, has triggered the proposed Scheme Amendment. There are limited known constraints to developing the land given its location within the existing urban structure of "Area W". The site enjoys a section 16(3) clearance under the *Mining Act 1978* as being earmarked for proposed residential infill.

A bushfire management plan submitted with the application indicates that "*after application of risk management strategies incorporated into the design of the development, the residual bushfire risk post subdivision is significantly reduced compared to the current state*". The key factors affecting this conclusion are that the site would be cleared to accommodate housing, and houses would need to be constructed in accordance with relevant Australian Standards relating to construction of housing in bushfire prone areas, with memorials being placed on Title notifying prospective purchasers.

Surplus Public Open Space

The Shire does not have a public open space (POS) strategy applicable to Tom Price. Nevertheless, the parcel of land at Lot 26 can be regarded as surplus to POS requirements for the following reasons:

- As part of the original layout of the town Lot 26 does not appear to have been intended to be utilised for active POS;
- The site does not currently perform an active POS role;
- The development of new greenfield areas in the town will need to include new POS within those estates in addition to the existing POS;
- Existing adjoining residential areas already have access to other POS areas which are within walking distance; and
- The previously mentioned *Lazy Towns* study has identified that the land is not required for current or future POS.

In any instance, it is not recommended that Lot 26 be retained as POS as it is located adjacent to a major road, is not centrally located relative to adjoining neighbourhoods, and is not currently viable to be developed as a local or neighbourhood park.

Opportunities & Constraints

Potential opportunities for the site include high amenity vistas to the north-east which would suit the provision of high quality residential development. In addition, the site is partially

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cleared of remnant vegetation, has access to all services and is largely flat requiring minimal site works to facilitate development.

Potential constraints to developing the land include vehicle access. The current pattern of development on Killawarra Drive is configured in a manner where adjacent residential lots do not gain direct vehicle access from Killawarra Drive. Should the site be rezoned, this matter will be addressed during the application for planning approval and is not necessary or appropriate to determine through the Scheme Amendment process.

Subdivision and Development Yields

Subject to detailed site analysis, subsequent subdivision and development of the site at the proposed Residential R20 density could potentially yield up to eight lots given the 3,891m² land area and average 450m² lot size required for R20 development under State Planning Policy 3.1 – Residential Design Codes (2015). This scenario would likely apply if the land is purchased by a developer with the view of subdividing and selling individual lots for housing development.

If a developer sought to purchase the Residential R20 site and develop housing with the view of retaining ownership, Clause 7.6.2 of the Scheme could be exercised which effectively gives a density bonus of the site to R30, allowing grouped housing to be developed at higher density. Under this scenario, a maximum of 12 dwellings could be constructed on the land (subject to detailed site analysis).

Consultation

A/Chief Executive Officer
Executive Manager, Development and Regulatory Services
Manager Operations
Manager Economic & Land Development
Manager Environmental Health
Principal Town Planner

Statutory Environment

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Shire of Ashburton Town Planning Scheme No. 7

The Amendment is a “Standard Amendment” under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- The amendment has minimal impact on land in the scheme area that is not the subject of the amendment; and
- The amendment does not result in any significant environmental, social, economic or governance impacts in the scheme area.

Financial Implications

Preparation of amendment documentation and processing the amendment through the statutory process will require no special allocation of funds and will be actioned through the normal function of the Principal Town Planner and other Shire staff as required. The Shire’s fees and charges 2015/2016 require the applicant to pay an initial application fee of \$1,500 plus additional staff costs as required for processing of the Amendment.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 04 - Distinctive and Well Serviced Places
Objective 01 – Quality Public Infrastructure

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Objective 02 – Accessible and Safe Towns

Objective 03 – Well Planned Towns

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be “Low” risk and can be managed by routine procedures, and is unlikely to need specific application of resources.

Policy Implications

Local Planning Policy 20 – Social Impact Assessment requires that a Social Impact Assessment be prepared for all proposals to amend the Scheme. Given the limited scope of this proposed amendment, and its clear benefits and limited adverse impact on the community, it is proposed that it is not necessary for a Social Impact Assessment to be prepared for this amendment as there are no significant foreseeable impacts.

Voting Requirement

Simple Majority Required

Recommendation

That Council resolve that:

1. in pursuance of Section 75 of the *Planning and Development Act 2005 (as amended)*, initiate Scheme Amendment 31 (Standard Amendment) to the *Shire of Ashburton Town Planning Scheme No. 7* by:
 - a. Rezoning Lot 26 on Deposited Plan 216556 from ‘Parks, Recreation and Drainage’ to ‘Residential R20’ as shown on the Amendment Map;
 - b. Amending the Scheme Map Accordingly; and
2. the Amendment is a “Standard Amendment” under Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - a. The amendment has minimal impact on land in the scheme area that is not the subject of the amendment; and
 - b. The amendment does not result in any significant environmental, social, economic or governance impacts in the scheme area.

Author: Chaz Roberts	Signature:
Manager: Lee Reddell	Signature:

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15. INFRASTRUCTURE SERVICES REPORTS

There were no Infrastructure Services reports for this agenda.

16. STRATEGIC AND ECONOMIC DEVELOPMENT REPORTS

16.1 OCEAN VIEW CARAVAN PARK - AMENDMENT - FEES AND CHARGES

FILE REFERENCE:	RC24405
AUTHOR'S NAME AND POSITION:	Janelle Fell Economic and Land Development Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	09 May 2016
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.3 (Minute No. 11971) – Ordinary Meeting of Council 17 June 2015 Agenda Item 16.1 (Minute No. 12069) – Ordinary Meeting of Council 15 March 2016

Summary

Rates for sites at the Ocean View Caravan Park were endorsed by Council as part of the fees/charges considerations in the 2015/16 budget. The Stage One redevelopment of the park includes the provision of a manager's residence; therefore the existing enclosed manager's site is no longer required for managers to accommodate a caravan. As no alternative purpose has been identified and due to the additional attributes of the site, it is proposed to be included in the park rates as a powered site at an increased rate for periodical leasing.

In addition, to attract and retain yearly pensioner and senior's patronage to the Ocean View Caravan Park, it is proposed the special rate for pensioners and seniors "Tourist Weekly Charge – Pensioner" be available to all pensioners and seniors holding a Pensioner Concession Card or Seniors Health Card. The special rate is currently only available to 'long serving visitors'.

These Fees and Charges changes are presented for Council's consideration.

Background

With the Stage 1 redevelopment of the park currently being undertaken it has been identified that the managers enclosed site will no longer be needed due to the construction of a new residence. The enclosed site is a superior colorbond-fenced site with a grassed area, clothes line and shed. It has not previously been available for visitors to hire or lease.

The Tourist Weekly Charge – Pensioner is presently included in the Fees and Charges schedule with the following:

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* *Note: This is available to long serving visitors who have received this rate.*

This note has excluded pensioners and seniors from receiving the rate unless they were privy to this rate the prior year, being ongoing yearly visitors.

Comment

Manager's Site:

The enclosed site is a superior site with the following attributes:

- Colorbond fence
- Clothes line
- Grassed area
- Non-exclusive use of shed

The standard park rules will still apply to the proposed new site, with specific attention to all vehicles, boats (if approved) etc fitting within the site boundary (fence), vehicles must not be washed within the enclosed site but at the wash bay, visitors cars cannot be parked on adjacent sites or on the roads within the park, in addition, the verges of the site are not to be used for parking unless advised otherwise. All items in the boundary must be able to be packed away for storage off site in a cyclone event. Locks will not be permitted to be placed on the fence or shed.

Maintaining the courtyard (mowing and whipper snipping) will be the responsibility of the tenant and must be maintained to a high standard using water wise practices.

The additional site attributes indicate an equitable weekly lease fee of \$450.00, power excluded.

Tourist Weekly Charge - Pensioner

Removing the condition (only available to long servicing visitors who have previously received the rate) on the Tourist Weekly Charge – Pensioner is expected to encourage consecutive yearly visits by pensioners and seniors (who are in possession of either a Pensioner Concession Card or Seniors Health Card), along with lengthier stays at the Park.

These changes are depicted blue in the table below which captures the Ocean View Caravan Park Fees and Charges.

G/L Code	Description	Basis of Charge	GST Y/N	Statutory Fee 'S'	Adopted Fees 2015/16	Proposed Fees – Old Sites	Proposed Fees – New Sites
Powered Site							
CPI01-000-033	Tourist per night – 2 Adults	per night	Y		\$40.00	\$40.00	\$48.00
CPI01-000-033	Additional Guest Adult	Per adult per night	Y		\$10.00	No Change	No Change
CPI01-000-033	Additional Guest Child	Per child per night	Y		\$5.00	No Change	No Change
CPI01-000-033	Tourist Weekly Charge – Pensioner*	Per week	Y		\$250.00	No Change	No Change
<i>*Note: This is available to long serving visitors who have received this rate.</i>							
Unpowered Site**							
CPI02-000-033	Tourist per night – 2 Adults	Per night	Y		\$35.00	No Change	No Change
CPI02-000-	Additional	Per adult	Y		\$8.00	No Change	No Change

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033	Guest Adult	per night					
	Additional Guest Child	Per child per night	Y		\$4.00	No Change	No Change
**Unlikely to be available after power upgrade – all site to be powered.							
Periodical Lease Agreement							
CPI03-000-033	Site only lease agreement – Fixed Term Rent	Per week	N		\$300.00	No Change	No Change
CPI03-000-033	Enclosed Site only lease agreement – Fixed Term Rent	Per week	N		\$450.00	n/a	n/a
CPI01-000-033	Site only lease agreement – Power Charges***	Per power	N		\$35.00	No Change	n/a
***Subject to power upgrade – power to be metered from then on and billed accordingly							
Cabins							
CPI04-000-033	Cabin – 2 adults & 2 children (includes servicing twice weekly)	Per night	Y		\$150.00	\$150.00	\$250.00
CPI04-000-033	Additional Guest Adult	Per adult per night	Y		\$10.00	\$10.00	\$20.00
CPI04-000-033	Addition Guest Child	Per child per night	Y		\$5.00	\$5.00	\$10.00
General Charges							
CPI06-000-033	Gas Refill	Per kilo	Y		\$5.00	No Change	No Change
CPI06-000-033	Casual Shower	Per shower	Y		\$5.00	No Change	No Change
CPI06-000-033	Washing Machine Fee	Per wash	Y		\$4.00	No Change	No Change
CPI06-000-033	Car/Boat Wash Facility	Per vehicle	Y		\$10.00	No Change	No Change

Council endorsement is requested to apply these changes.

Consultation

Executive Manager – Strategic and Economic Development
Senior Finance Officer

Statutory Environment

Local Government Act 1995, Section 6.16, 6.17 and 6.19.
Local Government Act 1995, Section 1.7.

Section 6.19 requires that the local government provides local public notice of proposed new fees and the date the new fee will be applied from. It is proposed the new enclosed site fee be applied from 1 June 2016.

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Financial Implications

As the Enclosed Site charge will not be in place until June 2016, this will have minimal effect on the 2015/16 budget. As such, no amendments are suggested.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 02 – Enduring Partnerships

Objective 01 – Strong Local Economies

Goal 05 – Inspiring Governance

Objective 02 – Community Development

Risk Management

This item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be “Low” risk and can be managed by routine procedures, and is unlikely to need specific application of resources.

Policy Implications

ELM10 – Financial Sustainability Policy. Council desires to provide on-going financial sustainability to provide appropriate services and infrastructure for the community now and into the future.

REC07 - Tourism. Tourism is a major employer and contributor to the Onslow local economy. The Shire supports tourism through the provision of accommodation for tourists at the Ocean View Caravan Park.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Endorse the addition of the *Enclosed Site* fee of \$450.00 per week in the Fees and Charges Schedule for the Ocean View Caravan Park;
2. Authorise the Chief Executive Officer to provide local public notice of the above fee which is to be imposed from 1 June 2016; and
3. Authorise the removal of “Note: This is available to long serving visitors who have received this rate” in the Fees and Charges Schedule for the Ocean View Caravan Park to enable all Pensioner Concession Card or Seniors Heath Card holders to receive the *Tourist Weekly Charge - Pensioner* rate.

Author: Janelle Fell	Signature:
Manager: Anika Serer	Signature:

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16.2 AUTHORISATION TO AFFIX COMMON SEAL - TRANSFER OF LAND DOCUMENTS FOR ACQUISITION OF LOT 314 POINSETTIA STREET, TOM PRICE

FILE REFERENCE:	POI.0314
AUTHOR'S NAME AND POSITION:	Janelle Fell Economic and Land Development Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	09 May 2016
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 16.1 (Minute No. 12032) – Ordinary Meeting of Council 18 November 2015 Agenda Item 13.1 (Minute No. 11066) – Ordinary Meeting of Council 16 November 2011 Agenda Item 13.11.41 - Ordinary Meeting of Council 20 November 2007 Agenda Item 13.10.36 – Ordinary Meeting of Council 16 October 2007 Agenda Item 12.10.070 – Ordinary Meeting of Council 24 October 2006

Summary

Lot 314 Poinsettia Street, Tom Price has been relinquished by Rio Tinto to the Department of Lands in order to offer the lot freehold (for a fee) to the Shire of Ashburton, which will undergo partial development as part of Pilbara Regional Council's (PRC) 'Lazy Lands' deconstraining project. Department of Lands' Valuation Services have carried out a valuation, determining the purchase price to be \$300,000 plus GST.

A formal offer is yet to be received from Department of Lands, however as the PRC deconstraining project is now time critical (funds require expenditure prior to End of Financial Year (EOFY) 2015/16), Council authorisation to affix the Common Seal to Transfer of Land documents, when received, is requested to proceed with the acquisition of Lot 314 for \$300,000 plus GST.

Background

Pilbara Cities identified Lot 314 Poinsettia Street, Tom Price as a potential development site as part of the 2011 'Lazy Lands' project which has steadily progressed. Relinquishment by Hamersley Iron of Lot 314 to the Department of Lands has occurred, with a Development Lease in favour of the Shire of Ashburton allocated in March 2016. However, upon review, several conditions contained in the lease (annual rent of \$200,000 per annum with a two year term for completion of the subdivision development) saw Shire Officers determine a development lease for the site unviable. Subsequently, a request was put to Department of Lands to acquire the lot freehold to secure land tenure in order to meet the required timeframe to expend the Royalties for Region (R4R) deconstraining funds allocated by PRC

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prior to the end of the 2015/16 financial year, as is required. Department of Lands Officers supported the petition, subject to a valuation by the Valuer General.

Comment

Lot 314 Poinsettia Street, Tom Price is presently being partially deconstrained through the installation of an electrical substation to service the residential sites after subdivision. Further deconstraining and subdivision provisions will be allocated in future budgets, although anecdotal demand does not necessitate this in the near future.

A formal offer is yet to be received from Department of Lands however; email confirmation was received in May 2016 of the purchase price of \$300,000 plus GST. To progress the land acquisition to enable the PRC deconstraining works prior the end of the 2015/16, approval to apply the common seal to the Transfer of Land document/s is requested as PRC has indicated the funds may be withdrawn if the project is not completed by the end of the 2015/16 financial year.

In December 2014, Department of Lands advised the indicative purchase price of \$400,000 however, a valuation conducted by Department of Lands' Valuation Services in April 2016 saw the figure revised to \$300,000 plus GST. Allocation of the \$400,000 purchase price initially advised has been included in the 2015/16 budget.

Council endorsement for acquisition of Lot 314 Poinsettia Street, Tom Price is recommended.

Consultation

Executive Manager, Strategic and Economic Development
Department of Lands

Statutory Environment

Transfer of Land Act 1893
Land Administration Act 1997
Local Government Act 1995

Financial Implications

Transfer costs (eg stamp duty, registration fees, conveyance fees) are not expected to exceed \$2000.00. Provision for the transfer costs and the purchase (\$300,000 exc GST) of Lot 314 is included in the 2015/16 budget. Department of Lands provided a valuation in December 2014 of an unimproved market value of \$400,000. This amount has been included in each budget and is awaiting expenditure.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 04 – Distinctive and Well Serviced Places
Objective 03 – Well Planned Towns

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Low" risk and can be managed by routine procedures, and is unlikely to need specific application of resources.

Policy Implications

ELM13 – Use of Shire of Ashburton Common Seal Policy.

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Voting Requirement

Absolute Majority Required

Recommendation

That Council:

1. Authorise the Chief Executive Officer and Shire President to execute the contract of sale for Lot 314 Poinsettia Street, Tom Price for \$300,000 plus GST; and
2. Authorise the Chief Executive Officer and Shire President to apply the Common Seal to the Transfer of Land documents.

Author: Janelle Fell	Signature:
Manager: Anika Serer	Signature:

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16.3 PROPOSAL TO LEASE PARABURDOO CHILD CARE FACILITY

FILE REFERENCE:	RC52197
AUTHOR'S NAME AND POSITION:	Anika Serer Executive Manager Strategic and Economic Development
NAME OF APPLICANT/RESPONDENT:	One Tree Community Services Inc
DATE REPORT WRITTEN:	16 May 2016
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 16.1 (Minute No. 12041) – Ordinary Meeting of Council 9 December 2015; Agenda Item 18.1 (Minute No. 11915) – Ordinary Meeting of Council 18 February 2015; Agenda Item 7.1 Special Meeting of Council 12 November 2014; Agenda Item 13.1 (Minute No. 11753) – Ordinary Meeting of Council 19 February 2014

Summary

As part of the Partnership with Rio Tinto, a Memorandum of Understanding was executed in April 2016, providing a commitment to work together to attract and retain a reputable child care service provider in Paraburdoo to operate the new facility upon its completion.

Shire Officers have contacted local and regional child care service providers seeking expressions of interest to lease and operate the facility. A submission from One Tree Community Services Inc has been received for Council's consideration.

Background

The new 73-place child care facility is proposed to be leased to a suitable service provider on terms that cover the ownership and ongoing maintenance of the building (i.e. the building and its operations having a nil impact to the Shire's operating budget). With construction underway and practical completion due late July 2016, it is critical that the leasing process is completed as soon as possible in order to secure a child care service operator ready to commence operations upon the building's completion.

The *Memorandum of Understanding* set out the agreed arrangement between Rio Tinto and the Shire to attract and retain a reputable childcare provider:

- The Paraburdoo Child Care Centre is a purpose built child care facility that will be owned and managed by the Shire of Ashburton for the exclusive use of child care and ancillary services such as "out of hour" school care;
- The Shire will be responsible to procure a suitably qualified child care Service Provider through a commercial lease arrangement and

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provide day-to-day tenancy management;

- The commercial lease shall include an annual lease fee paid by the Service Provider to the Shire. The fee shall be inclusive of all reasonable costs expected for the Shire to keep maintained the Paraburdoo Child Care Centre to a standard supporting a clean and safe environment suitable for child care services; and
- The Parties recognise that the economic viability of child care is dependent on many variables that may affect the quality and provision of service from time to time. Where the Service Provider may find it difficult to meet a satisfactory service level and community expectations, Rio Tinto will work directly with the service provider to negotiate a financial and/or in kind assistance as appropriate to ensure sustainability and provision of service to the community.

Execution of the Memorandum of Understanding in April 2016 enabled Officers to commence negotiations with potential childcare service providers to take on the management and operation of the facility.

Comment

Shire Officers contacted all identified regional child care service providers, including those who had previously expressed interest in taking on the operation of the new Paraburdoo facility, to determine their desire to submit a formal Offer or Expression of Interest.

One Tree Community Services Inc (formerly CSSU) was the only operator to submit an offer to provide the service in Paraburdoo. One Tree has 10 childcare and community centres across the Pilbara, including the existing facility in Paraburdoo and the Shire-owned facility in Onslow.

One Tree has demonstrated ability to manage and maintain a childcare facility, including alignment with the Education and Care Services National Regulations (2012) and the National Quality Framework. The proposal includes the transfer of the five existing staff to the new facility, and initially maintaining the current operational hours from 6.30am to 4.30pm Monday to Friday. An additional Out of School Hours service will also be implemented, with additional staff trained and recruited to meet any growth in demand.

One Tree has offered to enter into a Commercial Lease Agreement (incorporating the Shire's standard lease conditions) with the following schedule:

Length of Lease:	Five years with five year option of renewal (at Lessor's discretion)
Commencement:	To be confirmed (expected within 45 days of completion date)
Annual Rent:	\$40,000 per annum
Outgoings:	
Lessee to pay:	All utilities including water consumption, electricity and telecommunications Maintenance (internal and external) as defined in the lease Lessor to pay: Water and Council Rates Building Insurance Annual servicing of air-conditioning and fire services Other repairs not caused by Lessee

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The Shire's financial obligation for upkeep of the property has been estimated at \$43,000 per annum. This will need to be reflected in One Tree's rental offer ie the rent will offset the cost of 'owning' the building. The rent is also subject to annual CPI review.

As the Offer is subject to One Tree negotiating a suitable operating subsidy agreement with Rio Tinto, it is proposed that the CEO be delegated authority to finalise the lease upon satisfaction of this condition and ensuring the rental amount covers the cost of the building. Discussions with Rio Tinto and the Memorandum of Understanding executed in April indicate that this should not be problematic, however it will be actively progressed as the new facility will need to be licensed by the Education and Care Regulative Unit which can take up to three months.

In accordance with the requirements of the Local Government Act 1995 – Section 3.58 Disposing of Property, the proposed lease must then be advertised for public comment for a period of not less than two weeks, and any comments considered by Council before executing the lease.

Consultation

Chief Executive Officer
Rio Tinto Partnership Management Group
Economic and Land Development Manager
Strategic Partnership Manager

Statutory Environment

Local Government Act 1995 Section 3.58 (3) 'Disposing of Property':

"A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –

- (a) It gives local public notice of the proposed disposition...
- (b) Considers any submissions made to it before the date specified in the notice..."

Financial Implications

A desktop valuation was undertaken in March 2016 by IVWA, which indicated that the national trend is for childcare operators to pay a lease fee based on the number of attendees, for example \$1800 per place. The Valuer advised the market data for the Pilbara is limited and much of the evidence was based on metropolitan based centres that are generally near 100% occupancy. For budgeting purposes the Valuer suggested that the rent be calculated by actual occupancy at \$1800 - \$2000 per head.

One Tree has indicated that there are currently 23 full time attendees at the current facility, and has assumed this will be the opening number for the new centre. Based on the Valuer's formula this would equate to an annual rent of \$41,400 - 46,000 which is in the range of the offered rental value.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 01 – Vibrant and Active Communities

Objective 01 – Connected, Caring and Engaged Communities

Goal 02 Enduring Partnership with Industry and Government Objective 02 – Enduring Partnerships with Industry and Government

Goal 04 – Distinctive and Well Serviced Places Objective 01 – Quality Public Infrastructure

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Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Low" and can be managed by routine procedures, and is unlikely to need specific application of resources.

Policy Implications

ENG09 Asset Management Policy

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Receives the Offer from One Tree Community Services Inc to lease and operate the Paraburdoo Child Care Facility upon its completion;
2. Authorises the CEO to finalise the terms of the proposed Lease and advertise the proposal for public comment for a period of not less than two weeks; and
3. Should no adverse comment be received, execute the Lease Agreement with One Tree Community Services Inc.

Author: Anika Serer	Signature:
Manager: Neil Hartley	Signature:

- 17. COUNCILLORS AGENDA ITEMS / NOTICES OF MOTIONS
- 18. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING
- 19. CONFIDENTIAL MATTERS

Under the Local Government Act 1995, Part 5, and Section 5.23, states in part:

- (2) *If a meeting is being held by a Council or by a committee referred to in subsection (1)(b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:*
 - (a) *a matter affecting an employee or employees;*
 - (b) *the personal affairs of any person;*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
 - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
 - (e) *a matter that if disclosed, would reveal:*
 - (I) *a trade secret;*
 - (II) *information that has a commercial value to a person; or*
 - (III) *information about the business, professional, commercial or financial affairs of a person,*

Where the trade secret or information is held by, or is about, a person other than the local government.
 - (f) *a matter that if disclosed, could be reasonably expected to:*
 - (I) *Impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
 - (II) *Endanger the security of the local government's property; or*
 - (III) *Prejudice the maintenance or enforcement of any lawful measure for protecting public safety;*
 - (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1981; and*
 - (h) *such other matters as may be prescribed.*

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20. NEXT MEETING

The next Ordinary Meeting of Council will be held on 21 June 2016, at the Ashburton Hall, Ashburton Avenue, Paraburdo, commencing at 1.00 pm.

21. CLOSURE OF MEETING