



**SHIRE OF ASHBURTON
ORDINARY MEETING OF COUNCIL**

**MINUTES
Clem Thompson Sports Pavilion, Stadium
Road, Tom Price
18 July 2017**

MINUTES - ORDINARY MEETING OF COUNCIL 18 JULY 2017

**SHIRE OF ASHBURTON
ORDINARY MEETING OF COUNCIL**

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

Acting CEO:  _____

Date: 25 July 2017

These minutes were confirmed by Council as a true and correct record of proceedings of the Ordinary Council Meeting held on 18 July 2017.

Presiding Member: _____

Date: _____

DISCLAIMER

The resolutions contained in the Minutes 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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4. QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 20 June 2017, there were no public questions.

4.2 PUBLIC QUESTION TIME

The following questions have been asked:

4.2.1 Jemma Marris (Tom Price):

Question: Why don't we have recycling and why can't we have recycling?

Response: Thank you for your question in relation to recycling services in Tom Price.

Unlike larger populated areas of the State and/or less remote parts of the State, the Shire has greater costs in transporting recyclables and lower volumes, that make household recycling collection and processing extremely difficult to provide at a realistic service price.

Council would like to be in a position to move to provision of such services into the future however at the present is focusing its energies in ensuring that all waste services comply with the law and licence requirements. Council does, however, continually review its waste services and streams and looks for opportunities to partner with others and will continue to monitor the situation.

In the interim Council encourages your individual recycling efforts and provides the following limited recycling services at the Shire's three waste facilities:

Scrap Metal
Batteries
Fire extinguishers
Gas Bottles
Motor Oil
Cooking Oil

4.2.2 Jenny Alliss (Tom Price)

Question: After many approaches I have made to the Shire, other government departments and stakeholders in the area, what is the status of the control of leucaena trees?

I am aware that the Shire of Broome have an Environmental Weed Management Strategy and is it possible for the Shire of Ashburton to implement such a strategy?

As a very long term resident (37 years) of Tom Price the leucaena trees now have a strangle hold throughout the towns and their bush surrounds and has even made it out to the vicinity of the gorges. We are on the brink of an environmental disaster.

Is it possible to commence steps to have it declared as a weed in order to facilitate the control and eradication? Is it possible to have a collaborated approach (with the Shire, government departments, Rio Tinto & other stakeholders) using the

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work for dole people who are trained and have the necessary equipment in this field, which works could commence as quickly as possible?

Response: The Acting Chief Executive Officer noted that he would take the question on notice and reply to Ms Alliss in writing and ensure that the response was replicated in the Agenda of the next Ordinary Council Meeting.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Application has been received from Cr Dellar for leave of absence for the Council meeting being held on 15 August 2017.

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr L Thomas

That Council approve the application for leave of absence from Cr G Dellar for the Ordinary Meeting of Council being held on 15 August 2017.

CARRIED 7/0
Councillors White, Rumble, Dias, Thomas, Lynch Diver and Foster voted for the motion

6. DECLARATION BY MEMBERS

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

All Councillors in attendance noted that they had 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 an Impartiality, Proximity or 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:

- (a) Preside at the part of the Meeting, relating to the matter or;
- (b) 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 DECLARING INTERESTS (FOR YOUR GUIDANCE)

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

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These notes are included 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.
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.

Declarations of Interest provided:

Item Number/ Name	Type of Interest	Nature/Extent of Interest
16.1 EXECUTION OF THE PARTNERSHIP FUNDING DEEDS BETWEEN THE SHIRE OF ASHBURTON AND PILBARA IRON COMPANY (SERVICES) PTY LTD (RTIO)		
Sarah Johnston	Financial Indirect Financial Impartiality	I am employed at the Shire of Ashburton under the Partnership Management Team funding agreement in a role funded by Rio Tinto. My husband is a Rio Tinto employee, a shareholder of Rio Tinto, as a family we live in a Rio Tinto Iron Ore house on a rental agreement, shares more than \$10,000 in value.
Cr L Rumble	Indirect Financial	I am a shareholder with Rio Tinto and the extent of my interest is I have the greater amount held than minimum shares allowed.

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Cr D Dias	Financial	Long Serving, valued, appreciated, dedicated and loyal employee of Hamersley Iron Pty Ltd. Shares in excess of \$10,000 in Rio Tinto Ltd.
Cr D Diver	Financial	I am employed by Rio Tinto and I receive a salary from Rio Tinto.
Cr M Lynch	Financial	I am employed by Pilbara Iron and I am paid a salary by Pilbara Iron.
Cr P Foster	Indirect Financial	My Partner is a Rio Tinto Employee, a shareholder of Rio Tinto and as a family we live in a Rio Tinto Iron Ore House on a rental agreement. My partner is paid a salary by Rio Tinto, owns less than \$10,000 in shares.
16.2 PARABURDOO COMMUNITY HUB (CHUB) COMMITTEE MEETING FOR THE MONTH ON JULY 2017		
Cr D Dias	Financial	The nature of my interest is both my wife and I are long serving, valued, appreciated, dedicated and loyal employees of Rio Tinto Ltd and Hamersley Iron Pty Ltd. The extent of my interest is direct and indirect financial interest. Both my wife and I individually and collectively have shares in Rio Tinto Ltd above the prescribed amount declared by the LG Act.
Cr L Rumble	Indirect Financial	The nature of my interest is a Shareholder. The extent of my interest is a shareholder with greater than \$10,000 shares.

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

The Shire of Ashburton would like to extend our condolences to Jack and Larissa Dawson who tragically lost their parents Mark and Lara Dawson, formerly of Tom Price and Pannawonica who sadly passed away on Friday 30th June 2017 on the Great Northern Highway on their way to Broome. Our thoughts are with Jack, Larissa and their family at this very sad time.

8. PETITIONS / DEPUTATIONS / PRESENTATIONS

8.1 PETITIONS

There were no petitions presented to Council.

8.2 DEPUTATIONS

There were no deputations presented to Council.

8.3 PRESENTATIONS

There were no presentations to Council.

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9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING OF COUNCIL HELD ON 20 JUNE 2017

Officer Recommendation

That the Minutes of the Ordinary Meeting of Council held on 20 June 2017, as previously circulated on 27 June 2017, be confirmed as a true and accurate record.

Council Decision

MOVED: Cr M Lynch

SECONDED: Cr D Diver

That the Minutes of the Ordinary Meeting of Council held on 20 June 2017, as previously circulated on 27 June 2017, be confirmed as a true and accurate record, subject to the following amendment:

Agenda Item 6.2 Change the wording for Cr Dias' declaration of interest from:

Long serving, loyal, dedicated and valued employee of Hamersley Iron Pty Ltd. Shares in excess of \$10,000 in Rio Tinto Ltd.

to

Long serving, valued, appreciated, dedicated and loyal employee of Hamersley Iron Pty Ltd. Shares in excess of \$10,000 in Rio Tinto Ltd

**CARRIED 7/0
Councillors White, Rumble, Dias, Thomas, Foster, Diver and Lynch voted
for the motion**

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10. AGENDA ITEMS ADOPTED "EN BLOC"

10.1 AGENDA ITEMS ADOPTED '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."*

There were no items moved En Bloc.

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11. GOVERNANCE & EXECUTIVE SERVICE REPORTS

11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS STATUS REPORT FOR JUNE 2017

MINUTE: 191/2017

FILE REFERENCE:	GV04
AUTHOR'S NAME AND POSITION:	Michelle Lewis CEO & Councillor Support Officer
AUTHORISING OFFICER AND POSITION:	Dale Stewart Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	8 July 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 10.1 (Minute No. 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 2012 Department of Local Government Probity Audit (Recommendation 34) recommended that a review be undertaken on the processes of implementing Council decisions to ensure that decisions are actioned and implemented in a timely manner. As a result the Council Decisions Status Reports have now been included in the Council's monthly agenda.

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

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Consultation

Acting Chief Executive Officer
Executive Management Team

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

“Role of council

(1) The council —

- (a) governs the local government’s affairs; and*
- (b) is responsible for the performance of the local government’s functions.*

(2) Without limiting subsection (1), the council is to —

- (a) oversee the allocation of the local government’s finances and resources; and*
- (b) determine the local government’s policies.”*

The above section of the Act notwithstanding, there is no specific legal requirement to present such a report to Council or for Council to receive or consider such a report. Given it is always ‘received’, it could simply be provided to elected members via weekly or monthly updates, such as in the weekly Information Bulletin. The decision to retain the report in the Council’s monthly agenda is entirely Council’s prerogative. Staff acknowledge the critical and ongoing nature of the document, in that Council ‘speaks by resolution’.

Financial Implications

Not Applicable

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

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

Not Applicable

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Diver

That Council receive the “Council Decisions Status Reports” for the month of June 2017 as per ATTACHMENT 11.1.

CARRIED 7/0
Councillor White, Rumble, Dias, Thomas, Foster, Lynch and Diver voted for the motion

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11.2 USE OF COMMON SEAL AND ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF JUNE 2017

MINUTE: 192/2017

FILE REFERENCE:	GV21 CM02
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Officer Sheree Selten Administration Assistant Planning
AUTHORISING OFFICER AND POSITION:	Dale Stewart Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	3 July 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests 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, actions performed under delegated authority requiring referral to Council and a copy of the Tender Register, for the month of June 2017.

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, relevant actions performed under delegated authority and the Tender Register has been prepared for Council.

**ATTACHMENT 11.2A
ATTACHMENT 11.2B**

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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

Delegated Authority Register 2016

Financial Implications

As outlined in Attachment 11.2

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

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" in light of the report being for information purposes only and the risk and 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

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Rumble

That Council receive the reports relating to:

- 1. The use of the Common Seal as per ATTACHMENT 11.2A; and**
- 2. Actions performed under delegated authority for the month as per ATTACHMENT 11.2A; and**
- 3. The Tender Register as per ATTACHMENT 11.2B.**

CARRIED 7/0
Councillor White, Rumble, Dias, Thomas, Foster, Lynch and Diver voted for the motion

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11.3 TENDER RFT 11/17 - REFURBISHMENT WORKS - STAFF HOUSING TOM PRICE AND PARABURDOO, WA

MINUTE: 195/2017

FILE REFERENCE:	CM11.17
AUTHOR'S NAME AND POSITION:	Michelle Mews Staff Housing Officer Amber Barrett Acting Procurement Coordinator
AUTHORISING OFFICER AND POSITION:	Kim Parks Manager – Organisational Development
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	6 July 2017
DISCLOSURE OF FINANCIAL INTEREST:	The authors and authorising officers have no financial, proximity or impartial interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

A Request for Tender for Refurbishment Works – Staff Housing in Tom Price and Paraburdo, WA (RFT 11/17) was issued via the Shire's e-tendering portal known as TenderLink and also advertised via state wide public notice in The West Australian Newspaper from 11 May 2017 until 24 May 2017.

Three compliant submissions were received via TenderLink in response to the RFT.

The evaluation panel has now completed its assessment of the submissions and has made their recommendation.

Background

As part of the Shire's Housing strategy, the refurbishment program was initiated to ensure all Shire owned housing was up to a livable standard. During a site visit from the Shire President last financial year, it was acknowledged that these remaining five houses required refurbishment. The Shire places utmost interest in the health and wellbeing of Shire employees, hence these remaining houses required immediate action. The five houses that relate are:

- 1152 Tarwonga Court Tom Price
- 758 Mungarra Street Tom Price
- 586 King Street Paraburdo
- 17 Lilac Street Tom Price

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- 178 Cassia Street Tom Price

In addition to this, by having a refurbished Shire house it could be a valuable tool to attract potential employees to work at the Shire.

By engaging professional and skilled contractors, it can be expected that the housing refurbishment works are completed to the highest quality. Any ongoing maintenance and cost in the long term can be reduced.

The selection criteria were amended under Delegated Authority (DA 06-2) as the criteria in FIN 14 Tender Evaluation Criteria Policy were not suitable for the requirements of this Request for Tender.

The advertised selection criteria were:

Criteria		Weighting
(a)	Relevant Experience	30%
(b)	Key Personnel	10%
(c)	Methodology/Quality & OHS Systems/Life Cycle/Risk Management	20%
(d)	Price	40%

After an initial compliance assessment, all submissions were deemed compliant for further assessment. The evaluation panel then assessed the submissions against the selection criteria and value for money.

The Evaluation and Recommendation Report, including the overall evaluation scores and rankings, is attached as a confidential item.

CONFIDENTIAL ATTACHMENT 11.3

Comment

These five properties were scheduled to be completed within the 16/17 financial year, as separable RFQ's for the individual works on each dwelling. However, the Procurement Department provided direction based on communications with WALGA, that issuing separate RFQ's for all houses within a financial year could be perceived as avoidance of the legislative Request for Tender process. It was requested that the remaining projects were to be combined as one RFT due to the nature of the works, delaying the completion dates.

Budgeted Amount: \$514,786.54 excluding GST
Anticipated Expenditure: \$454,227.93 excluding GST

The tenders have been assessed with the below scores and rankings. Complete details of the tenders and assessment are provided in **CONFIDENTIAL ATTACHMENT 11.3**.

Separable Portion 1

Rank	Tenderer	Score (%)
1	Byblos Constructions Pty Ltd	85.0
2	Bennco Group	76.4
3	Neowest Building Pty Ltd	65.0

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Separable Portion 2

Rank	Tenderer	Score (%)
1	Byblos Constructions Pty Ltd	83.2
2	Bennco Group	81.6
3	Neowest Building Pty Ltd	75.1

Separable Portion 3

Rank	Tenderer	Score (%)
1	Byblos Constructions Pty Ltd	81.0
2	Neowest Building Pty Ltd	80.4
3	Bennco Group	67.4

Separable Portion 4

Rank	Tenderer	Score (%)
1	Bennco Group	81.6
2	Byblos Constructions Pty Ltd	79.0
3	Neowest Building Pty Ltd	75.4

Separable Portion 5

Rank	Tenderer	Score (%)
1	Bennco Group	81.6
2	Byblos Constructions Pty Ltd	79.7
3	Neowest Building Pty Ltd	76.4

Consultation

Manager – Organisational Development
Staff Housing Officer
Economic and Land Development Manager

Statutory Environment

Local Government Act 1995 Section 5.37
Local Government Act 1995 Section 5.23(2)(c)
Part 4 of the Local Government (Functions and General) Regulations 1996

Financial Implications

Works programming is incorporated within the operations capacity of the Shire and the Budgeted provision for the refurbishment works to staff housing in Tom Price and Paraburdoo, WA in the 2016/17 Budget is \$514,786.54. Funds have been requested to be rolled over to the new 17/18 Budget from the 16/17 Budget.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 2 – Enduring Partnerships
Objective 01 – Strong Local Economies
Objective 02 – Enduring Partnerships with Industry and Government

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 "Medium" risk and will be managed by specific monitoring and response procedures.

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Policy Implications

Policy FIN12 Shire of Ashburton Purchasing Policy. This Policy outlines how the Shire of Ashburton will deliver best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance whereby establishing efficient, effective, economical and sustainable procedures in all purchasing activities. This Policy was used to undertake the procurement process through a publically advertised RFT.

Policy FIN14 Shire of Ashburton Tender Evaluation Criteria. This policy establishes the evaluation criteria for Council procurement in three Procurement categories, Plant, Services and Infrastructure. This RFT utilised evaluation criteria not contained within a category under FIN14 as it was not suitable for the requirements. Alternative criteria was used under DA 06-2.

Policy FIN04 Shire of Ashburton Buy Local – Regional Price Preference has also been applied where relevant.

Voting Requirement

Absolute Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That with respect to Tender RFT 11/17 – Refurbishment Works – Staff Housing in Tom Price and Paraburdoo, WA, Council:

- 1. Include in the 2017 / 2018 Annual Budget the sum of \$454,227.93 for the RFT 11/17; and**
- 2. Award Separable Portion 1 of the tender to Byblos Constructions Pty Ltd for \$60,477.00 excluding GST; and**
- 3. Award Separable Portion 2 of the tender to Byblos Constructions Pty Ltd for \$106,503.00 excluding GST; and**
- 4. Award Separable Portion 3 of the tender to Byblos Constructions Pty Ltd for \$25,463.00 excluding GST; and**
- 5. Award Separable Portion 4 of the tender to Bennco Group for \$127,140.34 excluding GST; and**
- 6. Award Separable Portion 5 of the tender to Bennco Group for \$134,644.59 excluding GST; and**
- 7. Authorise the Acting Chief Executive Officer to enter into a contract with the appointed Contractors; and**
- 8. Authorise the Acting Chief Executive Officer to manage the contracts, including variations to the design specifications and contract value, providing this does not exceed the project budget or reduce the overall scope.**

CARRIED BY ABSOLUTE MAJORITY 7/0
Councillor White, Rumble, Dias, Thomas, Foster, Lynch and Diver voted for the motion

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12. COMMUNITY DEVELOPMENT REPORTS

13. CORPORATE SERVICES REPORTS

13.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID

MINUTE: 196/2017

FILE REFERENCE:	FM03
AUTHOR'S NAME AND POSITION:	Andy Grant Management Reporting Coordinator
AUTHORISING OFFICER AND POSITION:	John Bingham Director Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	6 July 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests 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.

The Financial Reports for June 2017 are interim reports, the balances shown will be subject to change due to transfers to and from Reserves, creditor and debtor accruals and prepayments postings to be made after 30 June 2017 as part of the end of financial year adjustments.

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

At its meeting held on 28 July 2016, Council adopted the Annual Budget 2016-17.

The Operating Result Excluding Rates variance is \$288,667 higher than budget, made up of lower operating revenue -\$4,240,765 and lower operating expenditure of \$4,529,432.

There are number of factors influencing the revenue variance, but it is predominantly due to the timing of contribution income funded from RTIO (Paraburdoo CHUB); the Onslow Swimming Pool (Chevron Funding) - these will be accrued and claimed in the 2016/17 financial year; Chevron funding for PUPP; and Chevron contribution of Airport Landside

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Facilities are Budgeted to be claimed in the 2017/18 financial year.

Operating expenditure is lower than budget predominantly due to favourable results in the Programme areas of Community Amenities - Waste Tom Price and Paraburdoo Refuse Sites and Recreation and Culture – Recreation Centre Tom Price, Club Development and Parks.

The notes in “Variance Report” identify and provide commentary on the individual key material revenue and expenditure variances to date.

The variance can be summarised as follows:

Operating Revenue is higher than budget on General Purpose Funding \$2,343,684; Housing is lower than budget -\$139,688, Recreation and Culture is lower than budget -\$4,780,367, Economic Services is lower than budget -\$553,532, and Other Property and Services are lower than budget -\$50,037.

Operating Expenditure is lower than budget on Community Amenities \$955,549, Recreation and Culture \$1,900,711, Transport \$609,691 and Economic Services \$471,066.

The Capital Expenditure is overall lower. Capital Expenditure projects have been analysed at the end of financial year and those required to be carried over into the 2017/18 Budget have been reallocated. Specifically a lower than budgeted expenditure on Land and Building (Paraburdoo CHUB construction to occur in 2017/18), Roads (Roebourne Wittenoom Road and Stadium Road project to be completed in 2017/18), Drainage (Shanks Road Drainage and Drainage renewals project to be completed in 2017/18) and Park & Recreation (Playground upgrade at Onslow delayed and Ian Blair Boardwalk to be completed in 2017/18).

Consultation

Acting Chief Executive Officer
Director Corporate Services
Finance Manager

Statutory Environment

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

Financial Implications

Noting that end of year (balance day) adjustments and accruals are yet to be fully completed and distributed through the operating statements and balance sheet, a conservative predicted end of year position (net current assets) at 30 June 2017 at the moment is \$11.8m, which it is emphasised incorporates carried over (to 17/18) works in progress capital projects commenced - or to be commenced - requiring carried over municipal funds, totally \$6.5m.

The \$5.3m effective surplus position includes the early receipt of \$2.3m in June of portion of the 2017/18 Federal Assistance Grant. The remaining \$3m can be contextualised as being approximately \$2m in savings across 64 completed capital projects worth \$22m, or a 10% saving across those projects. The balance of \$1m is savings across the \$55m budgeted operating expenditure and \$48m budgeted operating income statements is predominantly in the areas of employee costs and utilities.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027
Goal 5 – Inspiring Governance
Objective 4 – Exemplary Team and Work Environment

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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 for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr L Rumble

That with respect to the Monthly Financial Report Council:

- 1. Receive the Financial Reports for June 2017 as per ATTACHMENT 13.1A; and**
- 2. Receive the Schedule of Accounts and Credit Card paid in June 2017 as approved by the Acting Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds as per ATTACHMENT 13.1B; and**
- 3. Receive the Capital Expenditures Progress Tracker for June 2017 per ATTACHMENT 13.1C; and**
- 4. Receive the Bank Reconciliation Report for March 2017 as per ATTACHMENT 13.1D.**

CARRIED 7/0

Councillor White, Rumble, Dias, Thomas, Foster, Lynch and Diver voted for the motion

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13.2 ADOPTION OF 2017/18 DRAFT BUDGET - SPECIAL MEETING

MINUTE: 197/2017

FILE REFERENCE:	GV04
AUTHOR'S NAME AND POSITION:	John Bingham Director Corporate Services
AUTHORISING OFFICER AND POSITION:	Dale Stewart Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	10 July 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.2 (Minute No. 178/2017) – Ordinary Meeting of Council 20 June 2017 Agenda Item 13.3 (Minute No. 179/2017) – Ordinary Meeting of Council 20 June 2017 Agenda Item 13.4 (Minute No. 180/2017) – Ordinary Meeting of Council 20 June 2017

Summary

Prior to the July Council Meeting is scheduled to workshop the 2017/18 Draft Budget. Following on from that it is proposed a Special Meeting of Council (SMC) be held via teleconference one week later, such that Council can formally consider adopting the 2017/18 Budget.

Background

In consideration of the 2017/18 Draft Budget Council has held the following workshops:

- Fees and Charges;
- Capital Expenditure;
- Elected Members Allowances;
- Salaries and Wages;
- Rating Strategy; and
- Long Term Financial Plan 2017-32.

A workshop for 2017/18 Draft Budget is now scheduled for the July Ordinary Meeting of Council (OMC).

Comment

This item proposes Council hold a SMC via teleconference on Thursday 27 July 2017 at 7.00 pm to adopt the 2017/18 Budget.

Consultation

Acting Chief Executive Officer

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Statutory Environment

Regulation 14A of the Local Government (Administration) Regulations 1996 enables Council to conduct a meeting by teleconference if a person is in a suitable place and Council has approved of the meeting by absolute majority.

A 'suitable place' for the purposes of this regulation is defined as —

- “(a) in relation to a person with a disability — means a place that the council has approved* as a suitable place for the purpose of this paragraph; and
- (b) in relation to any other person — means a place that the council has approved* as a suitable place for the purpose of this paragraph and that is located —
 - (i) in a townsite or other residential area; and
 - (ii) 150 km or further from the place at which the meeting is to be held under regulation 12, measured along the shortest road route ordinarily used for travelling; townsite has the same meaning given to that term in the Land Administration Act 1997 section 3(1).”

Financial Implications

Meeting costs will be met from existing budget provisions.

Strategic Implications

Shire of Ashburton 10 year Strategic Community Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 1 – Effective Planning for the Future

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 "High". As a high risk item the Director Corporate Services is monitoring the issue closely.

The early adoption of the 2017/18 Budget will enable Council to proceed with the deployment of its programs and services.

Policy Implications

There are no policy implications.

Voting Requirement

Simple Majority Required

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Officer Recommendation

That with respect to a proposed Special Council Meeting, Council:

1. Convene a Special Meeting of Council at the Council Chambers, Onslow Shire Complex, Second Avenue, Onslow to be held on Thursday 27 July 2017, commencing at 7.00 pm for the purpose(s) of:
 - a) Determining the 2017/18 Annual Budget; and
2. Approves the use of instantaneous communications as follows:

Location	Councillors
Tom Price Council Chambers, Central Road, Tom Price	Cr D Diver Cr M Lynch Cr P Foster Cr L Thomas
Ashburton Hall, Ashburton Avenue, Paraburdoo	Cr L Rumble Cr D Dias
Pannawonica Library, Pannawonica Drive, Pannawonica	Cr M Gallanagh
To be advised (must be in the Perth metropolitan area or a gazetted townsite in Western Australia.	Cr G Dellar

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Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That with respect to a proposed Special Council Meeting, Council:

- 1. Convene a Special Meeting of Council at the Council Chambers, Onslow Shire Complex, Second Avenue, Onslow to be held on Friday 28 July 2017, commencing at 7.00 pm for the purpose(s) of:**
 - a) Determining the 2017/18 Annual Budget; and**
 - b) Consideration of RFT14.17 Onslow Airport – Runway Remediation**
- 2. Approve the use of instantaneous communications as follows:**

Location	Councillors
Tom Price Council Chambers, Central Road, Tom Price	Cr D Diver Cr M Lynch Cr P Foster Cr L Thomas
Ashburton Hall, Ashburton Avenue, Paraburdoo	Cr L Rumble Cr D Dias
Pannawonica Library, Pannawonica Drive, Pannawonica	Cr M Gallanagh
To be advised (must be in the Perth metropolitan area or a gazetted townsite in Western Australia.	Cr G Dellar

CARRIED 7/0

Councillors White, Rumble, Dias, Thomas, Foster, Lynch and Diver voted for the motion

Reason for change:

Council resolved differently to the Officer Recommendation due to the desire to:

- a) Change the meeting date has changed to Friday 28 July 2017 at 7.00 pm to allow the maximum number of elected members to attend; and.
- b) Point (b) was added to consider a further agenda item.

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13.3 DEBTORS WRITE OFF - 360 WASTE MANAGEMENT

MINUTE: 198/2017

FILE REFERENCE:	RV12 RV13
AUTHOR'S NAME AND POSITION:	Stephanie Smith Finance Officer – Accounts Receivable
AUTHORISING OFFICER AND POSITION:	John Bingham Director Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	6 July 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

360 Waste Management owe \$51,406.50 in relation to tip fees and \$1,573.35 in interest charges. The Shire followed Policy FIN13 Debtors Management in attempting to recover the outstanding invoices. The company was went into Liquidation on 31 October 2016, with no funds being available to unsecured creditors pursuant to their 15 February 2017 Final Circular to Creditors. Therefore this request for the writing off Bad Debts to a total value of \$52,979.85.

Background

360 Waste accumulated debt between January 2015 and October 2016. They were making regular payments and stated this was an arrangement that was made between them and the Shire of Ashburton though this was incorrect. The Shire tried to obtain higher monthly payments from the Debtor with no success. After exhausting our FIN13 Debtors Management Policy, the Shire chose to pursue this matter legally.

In May of 2016 when the Shire's Debt Collection agency tried to make contact with the Debtor, the landline had been disconnected and the mobile was being diverted overseas. The Company was still registered and at this stage not in external administration.

Comment

The following timeline shows key events and action taken to recover the debt:

- May 2015 – October 2016
 - All requisite steps per Council policy FIN13 have been taken to recover this debt.
- July 2016
 - Debt loaded with Debt Collection Agency, Letter of Demand sent.
- August 2016
 - General Procedure Claim issued and served.
- September 2016

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- Debtor made an offer to pay 10% upfront then \$500/month which was rejected by the Shire.
- October 2016
 - Creditors Statutory Demand served.
- November 2016
 - Company in Liquidation
- February 2017
 - Final Circular to Creditors stating that there would be no dividends to unsecured creditors (as per **ATTACHMENT 13.3**)

Consultation

Director Corporate Services

Finance Manager

Accounts Receivable/Payable 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 the Local Government by Simple Majority.

Financial Implications

The total amount of arrears is \$52,979.85 and the Council has provisions within the 2016/17 budget, to account for the recommended write-off, such that the Budget does not need to be amended at this time. This resolution resolves a long standing debt that has been unresolved since 2015 and removes a provision of \$60,000.00 in the Council's books as a provision for doubtful debts for this debt and against this debtor.

Strategic Implications

Shire of Ashburton 10 year Strategic Community Plan 2017-2027

Goal 5 - Inspiring Governance

Objective 6 – A well-managed and contemporary Corporation

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" i.e. managed by routine procedures, unlikely to need specific application of resources.

Council has already altered its procedures regarding credit management for landfill fees following similar occurrences with 'bad debtors' over the preceding year.

Policy Implications

Policy FIN13 'Accounts Receivable Recovery' applies.

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Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr M Lynch

SECONDED: Cr D Diver

That Council approve the write off the debt totalling \$52,979.85 inclusive GST, owed by Debtor Number 1605 against invoices for the Paraburdoo Waste Site and Interest Charges, effective 30 June 2017.

CARRIED 6/1

**Councillor White, Rumble, Dias, Thomas, Lynch and Diver voted for the motion
Councillor Foster voted against the motion**

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13.4 POLICY REVIEW - FIN07 INVESTMENT POLICY

MINUTE: 199/2017

FILE REFERENCE:	GV20
AUTHOR'S NAME AND POSITION:	Freemond Ng Finance Manager
AUTHORISING OFFICER AND POSITION:	John Bingham Director Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	6 July 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.3 (Minute 85) Ordinary Meeting of Council 16 December 2016

Summary

Section 2.7(2) (b) of the *Local Government Act 1995* ("the Act") states that the making of policy is a role of the Council. Policies provide clarity, ownership, and accountability to the Ashburton community and for the staff of the Shire.

A review of policy number FIN07 – "Investment Policy" has been undertaken to ensure better control on the investment of the municipal and reserve fund.

Background

At the December 2016 Ordinary Meeting of Council a review of policy number FIN07 was undertaken as part of the formal management review system for all policies in 2016. The outcome of that review recommended the following:

FIN07	Investment Policy	Adopt with No Changes suggested	No Changes made in 2016 review
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Inquiry by the incoming Director Corporate Services and Acting Chief Executive Officer has identified a need for subsequent review however.

Comment

The intent of this revised policy is to ensure Council investments be managed with the care, diligence and skill that a prudent person would exercise. Subsequently officers are to manage the investment portfolios to safeguard the portfolios in accordance with the spirit of this Investment of Funds Policy, and not for speculative purposes.

- A key feature is that all investments obtained must comply with three key criteria relating to:
- A Portfolio Credit Framework limiting overall credit exposure of the portfolio;

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- A Counterparty Credit Framework limiting exposure to individual counterparties and or institution; and
- A Term to Maturity Framework which establishes limits based upon maturity of securities.

Finally it is intended Council will receive a monthly report on the investment portfolio, listing for each investment the institution:

- Amount; and
- Term to maturity; and
- Maturity date; and
- Interest rate% of total portfolio represented by the individual investment.

A summary of the composition of the investment portfolio by credit rating and institution will also be included.

ATTACHMENT 13.4

Consultation

Acting Chief Executive Officer
Director Corporate Services
Finance Manager

Statutory Environment

Section 6.14 of the Local Government Act 1995 'Power to Invest' and enables Council to invest surplus funds. Section 2.7(2) (b) of the Act states that the making of policy is a role of the Council.

Reg.19 Local Government (Financial Management) Regulations 1996 'Management of Investments' indicates Council must establish control procedures over investments.

Section 18 (1) (a) 'Investment power of Trustees' of the Trustees Act 1962 discusses the care required to invest funds on behalf of the Council.

Financial Implications

The proposed policy creates the framework for investing surplus funds which is essential to earning income to support Council activities.

The changes are essentially minor in nature however limit the investment of funds in single entities to minimise risk in the event that one of those entities became insolvent or unable to fulfill its obligations. For example, debenture holders (term deposits) in Australian Banks are not necessarily guaranteed their investment.

Moving forward, exposure to an individual counterparty/institution will be restricted by its credit rating such that single entity exposure is limited, as detailed in the table below:

S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %
AAA	A-1+	40%
AA	A-1+	40%
A	A-1	20%
BBB	A-2	10%

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This has potential implications for the local branch of Westpac, in that not all of Councils funds will be able to be placed in Westpac alone (for example). This is not seen as contradictory to the core two principles of the policy – that importance of retention of the local bank is recognised, however not at the risk of being exposed to a single entity banking situation ‘falling over’.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 3 – Council Leadership

Objective 4 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

The reviewed policy if approved will be updated in the Policy Register and be effective from the date of Council adoption.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That Council adopt the proposed reviewed FIN07 Investment Policy per ATTACHMENT 13.4.

CARRIED 7/0
Councillor White, Rumble, Dias, Thomas, Foster, Lynch and Diver voted for the motion

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13.5 REGULATION 17 - RISK AUDIT PROGRESS REPORT

MINUTE: 200/2017

FILE REFERENCE:	FM14.16.17
AUTHOR'S NAME AND POSITION:	Nicky Tyson Acting Administration Manager
AUTHORISING OFFICER AND POSITION:	John Bingham Director Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	4 July 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.3 (Minute 122) - Ordinary Meeting of Council 14 March 2017

Summary

The Risk Audit and review process is to occur at least once every two calendar years. The Shire's contracted Auditors, Moore Stephens Australia Pty Ltd conducted the latest review in late 2016 and its report contains a list of improvements/opportunities.

At the 14 March 2017 Audit and Risk Committee meeting it was reported that a number of suggestions and opportunities had already been completed and planning had commenced and/or systems had been put in place to address the remaining.

Background

Local Government (Audit) Regulations 1996 includes Local Government Operational Guideline – 9 – Audit in Local Governments. Regulation 17 prescribes a number of matters that are to be reviewed by local government Audit Committees. These functions now include reviewing the appropriateness and effectiveness of the local government's systems in regard to risk management, internal control and legislative compliance; and reporting the results of the Committee's consideration of that review, to the Council. This Risk Audit and review process is to occur at least once every two calendar years.

The latest review / audit was conducted onsite, 24 – 25 October 2016, by Moore Stephens and a report was presented to the Audit and Risk Committee on 17 January 2017 and again on 14 March 2017.

Comment

The attached report from the Chief Executive Officer is referred to the Audit and Risk Committee and contains progress of action taken on the recommendations from Moore Stephens Pty Ltd in the Regulation 17 Audit for the Shire of Ashburton's consideration in the areas covered by the audit, that being:

1. Risk Management;
2. Internal Controls; and

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3. Legislative Compliance.

There were no critical (i.e. legislative compliance) issues raised in the Moore Stephens Regulation 17 Audit and attached is the CEO's report to the Audit and Risk Committee (which contains updated Officer Status/Progress Comments) outlining how the Shire's administration propose to see the improvements recommended progressed and finalised.

ATTACHMENT 13.5

As the attached report outlines, of the 43 improvement opportunities suggested in the report, many have been completed through new or existing actions, whilst further are in progress to being implemented. It is anticipated that all of these suggested improvements will be considered and where thought warranted, addressed within the next 6 - 12 months.

Consultation

Acting Chief Executive Officer
Director – Corporate Services
Acting Administration Manager
Moore Stephens Australia (Pty) Ltd

Statutory Environment

Regulation 17 Local Government Audit Regulations 1996 requires the following:

- “1. The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to:
 - a) risk management;
 - b) internal control; and
 - c) legislative compliance.*
- 2. The review may relate to any or all of the matters referred to in sub regulation (1) (a), (b) and (c), but each of those matters is to be the subject of a review at least once every two calendar years.*
- 3. The CEO is to report to the Audit Committee the results of that review.”*

Financial Implications

Implementing the recommendations of the Report that have financial impacts will be processed through normal budgetary processes.

A suitable allocation will be made in the budget for future reviews, which are to take place every two years.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027
Goal 5 – Inspiring Governance
Objective 4 – Exemplary Team & 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 “Medium” risk (largely due to the costs of developing / implementing new procedures, etc) but can be managed by routine procedures and monitoring by the Director Corporate Services.

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Policy Implications

Various policies have and will be amended to become aligned with new process. This will take place over the coming months via now standardised policy review process.

Voting Requirement

Simple Majority Required

Officers Recommendation

That the Audit and Risk Committee recommends to Council to receive the Acting Chief Executive Officer's Report (as per **ATTACHMENT 13.5**) which describes how the suggested improvements / opportunities will be implemented, including actions completed, progressing items, and those requiring further consideration along with the relevant items viewed.

Committee Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Rumble

That with respect to the Acting Chief Executive Officer's Risk Audit Progress Report, that Council:

- 1. Receive the Progress Report (as per ATTACHMENT 7.1) which describes how the suggested improvements / opportunities will be implemented, including actions completed, progressing items; and**
- 2. Amend item 8.5.2 Community Complaints Handling due for completion March 2018 to being due in September 2017.**

CARRIED 7/0

Councillor White, Rumble, Dias, Thomas, Foster, Lynch and Diver voted for the motion

Reason for change:

Both the Committee and Council felt that the due date in respect to 8.5.2 Community Complaints Handling should be brought forward.

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13.6 POLICY REVIEW - CORP5 RISK MANAGEMENT POLICY AND FRAMEWORK

MINUTE: 201/2017

FILE REFERENCE:	GV20
AUTHOR'S NAME AND POSITION:	Nicky Tyson Acting Administration Manager
AUTHORISING OFFICER AND POSITION:	Dale Stewart Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	6 July 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 12.1 (Minute No. 11151) – Ordinary Meeting of Council 19 November 2014

Summary

The Regulation 17 Audit conducted by Moore Stephens in October 2016, ascertained some areas of suggested improvement recommended in relation to the existing Risk Management Policy (CORP5).

Such areas being:

Risk recording and reporting is not currently occurring as required by Risk Management Policy.

The rating of consequences of risks does not consider the context in which the risk is being assessed.

Risk recording and reporting should be undertaken in accordance with the Risk Management Policy.

Suggesting the use of percentages when assessing consequences to enable the risk rating to be based on the context of the assessment being undertaken.

As a consequence, the Shire engaged Local Government Insurance Services (LGIS), who convened several Risk Management Workshops through the Shire to assist the view of our risk managements systems and policy. The Administration now present for consideration an updated policy and subsidiary framework that addresses the suggested improvement as above and is consistent with the current recommended approach for government governments in WA

The attached Risk Management Framework including embedded Policy and Procedures complies with the latest standard, being AS/NZS 31000:2009. Council is asked to consider adopting the revised policy (pages 2 and 3 of the attachment) together with the Risk Assessment & Acceptance Criteria (pages 17 to 19).

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Background

Regulation 17 prescribes a number of matters that are to be reviewed by local government Audit Committees. These functions now include reviewing the appropriateness and effectiveness of the local government's systems in regard to risk management.

The Shire engaged LGIS to assist the review and implementation our current risk management practices to address and reduce our risk exposure.

The revised COR5 Risk Management Policy (**ATTACHMENT 13.6A**) is proposed, with the existing CORP5 Risk Management Policy for comparison (**ATTACHMENT 13.6B**) and administrative procedure being the Risk Management Framework (**ATTACHMENT 13.6C**).

Comment

The adoption of the revised policy will see the introduction of new procedures and a framework for implementation.

The adoption of the new policy will also see the introduction of a risk reporting framework and standard that embeds risk management and risk framework 'thinking' within the organisation and decision making of the Council.

ATTACHMENT 13.6A
ATTACHMENT 13.6B
ATTACHMENT 13.6C

Consultation

Acting Chief Executive Officer
Acting Administration Manager
Executive Management Team
Safety and Wellbeing Coordinator
LGIS

Statutory Environment

In supporting ongoing compliance with the Local Government (Audit) Regulations 1996 - Regulation 17 ('the Regulations'), the Regulations (Gazetted 8 Feb 2013) require the CEO to review and report to their Audit Committee, the appropriateness and effectiveness of their local government's systems and procedures in relation to risk management, internal control and legislative compliance, at least once every 2 calendar years.

The regulation states as follows:

"17. CEO to review certain systems and procedures

- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —
 - (a) risk management; and*
 - (b) internal control; and*
 - (c) legislative compliance.**
- (2) The review may relate to any or all of the matters referred to in sub-regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*
- (3) The CEO is to report to the audit committee the results of that review."*

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Financial Implications

The policy revision will have no Budget impacts nor impact the provisions of the Long Term Financial Plan.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 3 – Council Leadership

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 "Medium" risk (largely due to the costs of developing/implementing new procedures, etc) but can be managed by routine procedures and monitoring by the Director Corporate Services.

Policy Implications

The proposal is to replace the current Risk Management Policy with a revised version that will facilitate the CEO and the organisation more readily able to demonstrate compliance with Regulation 17 and be more practical in its implementation.

The key changes from the current policy to the revised one includes:

- current wording as recommended by LGIS;
- the inclusion of greater definitions around Projects (adding time and cost as elements) and;
- varying the financial implication consequences as follows:

Measures of Consequence

Rating	Financial Impact Current	Financial Impact Revised
Insignificant (1)	Less than \$10,000	Less than \$10,000
Minor (2)	\$10,000 - \$100,000	\$10,000 - \$100,000
Moderate (3)	\$100,000 - \$500,000	\$100,000 - \$1m
Major (4)	\$500,000 - \$1m	\$1m - \$5m
Extreme (5)	More than \$1m	More than \$5m

If the Council is inclined to retain the current financial consequences (appetite) then it could adopt the Officer Recommendation to adopt the new Policy with retention of the current Financial Impact consequences, which it has accepted for the last four (4) years.

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Voting Requirement

Simple Majority Required

Officers and Committee's Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Diver

That Council replace Policy CORP5 'Risk Management' with the attached Risk Management Policy (ATTACHMENT 13.6A) and Risk Assessment and Acceptance Criteria (ATTACHMENT 13.6C) embedded within the Shire of Ashburton Risk Management Framework.

CARRIED 7/0

Councillors White, Rumble, Dias, Thomas, Foster, Lynch and Diver voted for the motion

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13.7 REVIEW OF COUNCIL DELEGATIONS AND AUTHORISATIONS REGISTERS

MINUTE: 202/2017

FILE REFERENCE:	GV01.17
AUTHOR'S NAME AND POSITION:	Nicky Tyson Acting Administration Manager
AUTHORISING OFFICER AND POSITION:	Dale Stewart Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	30 June 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.2 (Minute Number 6) – Ordinary Meeting of Council 19 July 2016

Summary

The 2017 review of the Delegations Register and Authorisations Register has been undertaken to address suggested/required changes to existing delegations and (if applicable) the introduction of new delegations with the view to improving the day to day functioning of the Shire and also comply with the law that requires the former to be reviewed at least once every year.

Background

The last review of the Delegations and Authorisations Registers occurred at the Ordinary Council Meeting in July 2016. Since then for example, changes in staff have occurred within the Shire and legislative and administrative changes have occurred.

This review of delegations and authorisations from Council forms part of the annual and constant review process of the Shire to ensure that the internal procedures of the organisation reflect current, efficient but accountable practices.

Comment

The Council's Authorisations Register has modifications "track-changed" where applicable. Most changes are minor and generally relate to changes of officer titles and adding/deleting officers to reflect new/changed responsibilities, however the notable changes for Council's particular reference are:

- CAA01-11 Appointment of Authorised and Approved Officers Infringement Notices – Criminal Procedures Act 2004 has been added as a new authorisation. Please see **ATTACHMENT 13.7B**

The Delegations Register has modifications "track-changed" where applicable. Most changes are minor and also generally relate to changes of officer titles and adding/deleting officers to reflect new/changed responsibilities.

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The only substantive change is the proposed deletion of purported delegation number DA10-01, which is now subject to a Council Report each month noting the status of Council Resolutions, and in the opinion of the Acting Chief Executive Officer, incorrectly phrased and not required.

The outcome (or purpose) of the delegation states that it requires the Acting Chief Executive Officer to keep Council decisions on the Outstanding Resolutions Status Report, until such time as the action is concluded. This is not a delegation, but a request and or Council Policy. The way that Council monitors this, is via the monthly report to Council, and therefore is respectfully suggested that it is not required (and certainly incorrect in its description).

If it is still required, then it should correctly be classed as a policy of the Council, that states, that the Council shall receive a monthly report of Outstanding Council Resolutions, and until such time as the resolution is concluded it should stay on the list as outstanding.

ATTACHMENT 13.7A
ATTACHMENT 13.7B

Consultation

Acting Chief Executive Officer
Acting Administration Manager
Executive Team
Department of Local Government
WA Local Government Association

Statutory Environment

The following section of the *Local Government Act 1995* applies:

Section 5.18 states that 'A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.'

Section 5.42 Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
- (a) this Act other than those referred to in section 5.43; or
 - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* Absolute majority required.

Financial Implications

There are no financial implications in this matter.

Strategic Implications

Shire of Ashburton 10 year Community Strategic Plan 2017 - 2027
Goal 5 - Inspiring Governance
Objective I3 - Council Leadership

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 "High". The high level of risk is being driven by the high financial values. It is considered that the likelihood of a risk event occurring will be "rare", but none-the-less, as a high risk matter, the Chief Executive Officer and the Executive Team will monitor delegation activities.

Policy Implications

There are no policy implications for this matter.

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Voting Requirement

Absolute Majority Required

Officers Recommendation

That Council adopt the Delegations Register as per **ATTACHMENT 13.7A**, and the Authorisations Register as per **ATTACHMENT 13.7B** as part of the 2017 annual review.

Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Rumble

That with respect to the Annual Review of Delegations Council;

- 1. Adopt the Delegations Register as per ATTACHMENT 13.7A, and the Authorisations Register as per ATTACHMENT 13.7B as part of the 2017 annual review and;**
- 2. Include in policy ELM08 Order of Business - Ordinary Council Meetings a requirement for the CEO to include an item relating to outstanding Council Resolutions.**

CARRIED BY ABSOLUTE MAJORITY 7/0

Councillors White, Rumble, Dias, Thomas, Foster, Lynch and Diver voted for the motion

Reason for change:

Council wished to create an amendment to Council Policy ELM08, to embed the requirement to include in the monthly Council meeting Agenda, an item relating to Outstanding Resolutions of the Council.

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14. DEVELOPMENT AND REGULATORY SERVICES REPORTS

14.1 CONSIDERATION OF ABORIGINAL ENVIRONMENTAL HEALTH POLICY

MINUTE: 203/2017

FILE REFERENCE:	GV20
AUTHOR'S NAME AND POSITION:	Lee Reddell Director Development and Regulatory Services
AUTHORISING OFFICER AND POSITION:	Dale Stewart Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Shire of Ashburton
DATE REPORT WRITTEN:	5 July 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 11.3 (Minute No. 19955) – Ordinary Meeting of Council 20 May 2015 Minute No. 13.05.23 – Ordinary Meeting of Council 20 May 2008 Minute No. 9.11.831 – Ordinary Meeting of Council 20 November 2001 Minute No. 12.07.1045 – Ordinary Meeting of Council 20 March 2001

Summary

Council's previous policy relating to Aboriginal and Torres Strait environmental health issues, 'HTH02 - Aboriginal Environmental Health Strategy' was adopted at the Ordinary Meeting of Council (OMC) on 20 March 2001 and subsequently repealed at the OMC on 20 May 2008.

The focus of the previous policy was identified as enhancing environmental health outcomes through efficient planning and management of factors such as water safety, food safety, air quality, waste management, housing and pest control.

While these issues are still relevant to the Shire's Aboriginal communities and the Environmental Health team, these issues are more appropriately dealt with through the deliverables or 'Core Service Elements' identified in the Shire's current Service Provider contract with the Department of Health (**ATTACHMENT 14.1A**).

The Service Provider contract does not however adequately address the higher level strategic objectives of the Council in respect of how it wishes to address broader issues of health in Aboriginal communities and its contribution to 'closing the gap'. As such, it is recommended that a new policy be adopted to guide Council and Shire Officers as per **ATTACHMENT 14.1B**.

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Background

Council's previous policy HTH02 'Aboriginal Environmental Health Strategy' was originally adopted at the OMC on 20 March 2001. A review of the records for this policy have revealed that it was subsequently repealed at the OMC on 20 May 2008 on the basis that the policy was outdated and no longer complied with the Health Regulations. The resolution specified that a new policy be drafted and referred back to Council. It would appear however that no such action was taken and that HTH02 has incorrectly remained on the Shire's policy register since 2008.

Despite the lack of a valid policy addressing the Shire's dealing in such matters, the Shire entered into a new 'Service Provider' contract with the Department of Health in mid-2016 for the provision of environmental health services to the Shire's Aboriginal communities.

The contract provides for the continuation of environmental health programs within the Shire's communities including, but not limited to, Wakathuni, Bellary Springs, Youngaleena, Ngurawaana, Bindi and Jundaru (Peedamulla Station). The major objective of the program is identified by the Department of Health in the Service Provider Request form (**ATTACHMENT 14.1C**) as '*being to provide people with information, knowledge and understanding to improve and manage their own personal and family hygiene and the environmental conditions within the domestic home and community. Modifying lifestyles is a key to reducing the continual reliance on health services in the future*'.

The new contract deliverables known as 'Core Service Elements' (see **ATTACHMENT 14.1B** of the Service Provider Request Form) represent a gradual shift from the carrying out of services to 'providing advice' and/or 'reporting on' most key issues. This move is in line with the objective to achieve greater buy-in from the community members themselves as well as other major stakeholders such as the Housing Authority, Pilbara Meta Maya etc.

The current contract commenced on 1 July 2016 and is valid for a two year period with the potential for two one year extensions. The contract provides \$126,944 per annum towards the provision aboriginal environmental health services. Previous agreements with the Department of Health provided for a one-third contribution from the Shire. The current contract however does not specify a mandatory financial commitment from the Shire but rather requires compliance with agreed minimum hours and delivery of core service elements. The proposed 2017/18 budget seeks to meet the obligations of the grant as close to the contract value as possible, with a contribution from the Shire of approximately \$30,000 expected to be sufficient.

It is noted that these services are not 'required' to be provided by local government given Aboriginal communities are generally located on Crown land for which the State is responsible. As a consequence, many local governments choose not to participate in this space, leaving other services providers such as Pilbara Meta Maya or Aboriginal Corporations to fill the gap. The Shire of Ashburton is one of only five local governments that are environmental health service providers (of a total of 20 contracted providers) for the Department of Health.

Also of relevance to this issue, it is noted that Council considered the potential forced closure of remote Aboriginal communities at its meeting on 20 May 2015 and resolved:

"That Council:

- 1. Engages with the WA State Government's proposed consultation process so as to contribute to the WA State Government's planning for remote Indigenous communities in the Shire of Ashburton;*

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2. *Monitor the State Government consultation process to ensure the views of the several local Indigenous communities are adequately invited; and*
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."*

The need to continue to engage with the State Government on matters relating to the future of Aboriginal communities is addressed in the draft policy.

Comment

The new policy has been drafted to address a gap between the 'day to day' work that is carried out in the Aboriginal communities by the Environmental Health team and the high level strategic objectives of the Council. The proposed policy seeks to define Council's objectives in relation to Aboriginal and Torres Strait Islander environmental health issues and provide a framework for decision making related to such matters moving forward. Given the lack of any such strategic direction currently, it is recommended that the draft Policy be adopted.

Consultation

Acting Chief Executive Officer
Manager Environmental Health

Statutory Environment

Public Health Act 2016

Financial Implications

Subject to a review of the Shire's level of commitment to service levels should a contract extension not be forthcoming, there are no known meaningful additional financial implications relative to this matter in excess of officer time and minor administrative costs. The total cost of the service per annum is expected to be in the order of \$160,000, which includes a Shire contribution of approximately 25% as a portion of the contact value of \$126,944 (or the indexed value of the contact).

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 1 – Vibrant and Active Communities

Objective 1 – Connected, Caring and Engage Communities

Objective 4 – A Rich Cultural Life

Goal 3 – Unique Heritage and Environment

Objective 3 – Celebration of History and Heritage

Goal 4 – Quality Services and Infrastructure

Objective 1 – Quality Public Infrastructure

Goal 5 – Inspiring Governance

Objective 1 – Effective Planning for the Future

Objective 2 – Community Ownership

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. Subject to a review of the Shire's level of commitment to service levels should a contract extension not be forthcoming, 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 additional resources.

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It is further noted that while there is some risk associated with the ability to deliver the core service elements for the value of the contract, this can largely be addressed by close management of the budget by the relevant Manager and Director.

Policy Implications

A new policy is proposed in accordance with the attached.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Rumble

That with respect to the proposed Aboriginal Environmental Health Policy, Council:

- 1. Adopt the new policy as per ATTACHMENT 14.1B; and**
- 2. Note that should an extension to the current Service Provider contract with the Department of Health for Aboriginal Environmental Health services not be forthcoming, Council will need to review the level of service able to be provided to the Shire's Aboriginal communities.**

CARRIED 7/0
Councillors White, Rumble, Dias, Thomas, Foster, Lynch and Diver voted for the motion

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15. INFRASTRUCTURE SERVICES REPORTS

15.1 PROPOSED SCHEDULE OF FEES AND CHARGES 2017/18 - SANITATION

MINUTE: 204/2017

FILE REFERENCE:	FM28
AUTHOR'S NAME AND POSITION:	Troy Davis Director Infrastructure Services
AUTHORISING OFFICER AND POSITION:	Dale Stewart Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 July 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.5 (Minute No. 189/2017) – Ordinary Meeting of Council 20 June 2017

Summary

At the Ordinary Meeting of Council held 20 June 2017, Council resolved (in part) to adopt fees and charges for 2017/18, with the following exception:

'That with respect to the charges for the removal and deposit of domestic and commercial waste that another workshop is to be held prior to the July 2017 Council Meeting and that in the interim the existing waste fees and charges remain'

Further to this workshop being held, the recommended fees and charges for sanitation are presented for Council's consideration.

ATTACHMENT 15.1

Background

As a part of the Shire's Waste Management Strategy, a comprehensive assessment of the true cost of waste services has been undertaken. This study has shown that over the next 23 years, Council's waste services will be in deficit almost \$3M annually. The financial model accounts for all projected operational, capital and closure/post closure costs associated with all of the waste facilities and models a 'break even' scenario where waste services become a self-funded business unit.

This model essentially requires fees and charges to be at a level where it becomes user pays and Council does not effectively subsidise waste generators.

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Comment

Historically waste services have been regarded as a 'cash-cow' as operational costs were kept artificially low (licence conditions were generally not adhered to) and there were high levels of development and commercial activities (incomes spiked during the 'boom' period). Additionally, waste facilities were regarded as never-ending assets (no end life), therefore facility closures and the development of new facilities were not considered in the overall financial impacts.

Greater oversight by regulatory authorities (Department Environment Regulation (DER), reductions in commercial activities and the consideration of facility developments (capital investment) have realised considerable costs that have not previously been considered when calculating applicable fees and charges for services.

The 'gap' that has been calculated is not one that can be readily closed overnight. Other considerations come into play such as assessing current levels of service (e.g. operational hours of facilities), cost effectiveness of current operations, data used to calculate the rates and the financial impost on waste generators if fees and charges are increased significantly. This work will be ongoing, however it is unlikely that cost reductions will ever outweigh the need to increase fees and charges to close the gap.

However, Council's primary consideration is the amount of 'subsidy' it is prepared to provide in order to manage three active waste facilities, one closed facility and domestic/commercial collections in three geographically isolated towns. A staged approach of increasing fees and charges over a number of years, combined with cost savings, or possible rationalisation of services is proposed. Additionally the introduction of a weighbridge at Tom Price and new waste management software across all sites to better capture consistent waste data will improve the financial modelling.

As Phase One of the process to close the gap, the following key / notable changes are proposed to the fees and charges for 2017/18, noting that the majority of activities with low volumes have only increased by about 2%, with some activities decreasing to reflect true costs. Additionally, residents maintain free access to the waste facilities, although that 'cost' has been calculated at \$53/m³.

Activity	16/17	17/18	% inc.	Comment
Domestic Collections (/yr)	\$453	\$473	4.42%	Full cost recovery for the service
Additional Service (/yr)	\$453	\$355	-21.63%	Recognising lower cost for 2 nd service
Commercial 240litre Collections (/yr)	\$800	\$840	5%	True cost is estimated at \$1,500. Incremental increase proposed whilst datasets are improved
Commercial 1,100litre Collections (/yr)	\$1,700	\$1,785	5%	True cost is estimated at \$5,340. Incremental increase proposed whilst datasets are improved
Short term hire (240litre)	\$10	\$200	1,900%	Changed from single bin hire to minimum 5 plus single collection and disposal
Short term hire (1,100litre)	\$20	\$393	1,900%	Changed from single bin hire to minimum 5 plus single collection and disposal

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Single short term or missed collection (240litre)	\$70	\$128	82.86%	Full cost recovery for the service
Single short term or missed collection (1,100litre)	\$120	\$169	40.83%	Full cost recovery for the service
Commercial waste disposal-sorted (/m ³)	\$54	\$60	6%	True cost is estimated at \$85. Incremental increase proposed whilst datasets are improved
Scrap metal (/m ³)	\$22	\$25	13.64%	True cost is \$215. Incremental increase proposed whilst datasets are improved

The following is a brief explanation on the new (larger) proposed fees and charges for events.

The current charges of \$ 10.00 and \$ 20.00 do not reflect the cost to provide this service. The new fees includes delivery, driver and truck hire, disposal fee and administration fee, which was previously (currently) heavily subsidised.

For event short term hire of 240L bins, the proposal is to provide a discounted rate for bins numbering 2 to 5, as this is the fee for 1 bin, so from 1 bin up to 5 bins the cost stays the same as 1 bin - not at the per bin rate. Waste Services can usually fit 5 x 240L bins in the truck at one time for delivery.

The cost will essentially be billed to Council in most cases as the Council's provides such wastes services 'in-kind' as sponsorship.

Sample events that these fees would apply to include:

- Muzzys Fund Raiser
- Nameless Jarndunmunha Festival
- Picnic Days
- Anzac Days
- Tour de Tom Price.

Consultation

Acting Chief Executive Officer
Director Corporate Services

Statutory Environment

The following sections of the Local Government Act 1995 apply:

- Section 6.16 sets out the Council's power to impose and recover fees and charges including what fees and charges can be imposed, i.e. use of facilities, providing services etc. It also states Fees and Charges are to be imposed when adopting the Annual Budget but may be imposed during the financial year as well as amended from time to time during the financial year.
- Section 6.17 addresses the level of funding to be set including consideration of costs to the local government based on such considerations as the importance of the service and the price at which the goods and services could be provided by an alternative provider.
- Section 6.19 states that once adopted the Shire must give local public notice of its intention to do so and the date from which it is proposed the fees and charges will be imposed.

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- Section 1.7 requires a public notice to be given in a newspaper circulating in the district, exhibited on public notice boards at the local government's administration office as well as libraries.

Financial Implications

The estimated income from fees and charges, if left at the 2016/17 levels is \$3.89M. A blanket increase of 1.75% (CPI) will realise an estimated income of \$3.96M (an increase in income from 2016/17 of \$70,000). The recommended fees and charges for 2017/18 will recover an estimated \$4.07M (an increase in income from 2016/17 of \$180,000).

Whilst only a relatively small increase, it starts to address the large gap between the charge for the service and the cost of the service, particularly in the commercial collections/disposals fees and charges.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 1 – Effective Planning for the Future

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. Even though the total revenues collected from fees and charges is significant, the level of increase is the risk driver and the perceived level of risk is therefore considered to be 'Low' and managed by routine procedures.

Should Council consider larger scale increases to the proposed fees and charges then the risk level may rise due to public dissatisfaction and the possibility of illegal dumping.

Should Council resolve not to increase the fees and charges as recommended, then there is the ongoing risk of the financial viability of providing the current waste services. As this situation has been ongoing for a number of years and Council has effectively been subsidising the waste services, it is not considered necessary to raise the overall risk profile above 'Low' at this point.

Policy Implications

ELM10 Financial Sustainability Policy

Voting Requirement

Absolute Majority Required

Officer Recommendation

That with respect to the proposed Fees and Charges-Sanitation for the 2017/18 financial year, Council, pursuant to section 6.16 of the Local Government Act 1995 section 67 of the Waste Avoidance and Recovery Act 2007:

1. Adopt the fees and charges Schedule as per **ATTACHMENT 15.1** for the removal and deposit of domestic and commercial waste; and
2. Give local public notice of the changes with effect from the date of that notice.

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Council Decision

MOVED: Cr D Dias

SECONDED: Cr M Lynch

That with respect to the proposed Fees and Charges-Sanitation for the 2017/18 financial year, Council, pursuant to section 6.16 of the Local Government Act 1995 section 67 of the Waste Avoidance and Recovery Act 2007:

- 1. Adopt the fees and charges Schedule as per ATTACHMENT 15.1 for the removal and deposit of domestic and commercial waste, subject to the following changes;**
 - a) Weekly 240ltr domestic services be limited to \$463.00.**
 - b) Event short term 240ltr bin be limited to \$100 (5 bins or part thereof).**
 - c) Event short term 1100ltr bin be limited to \$250 (5 bins or part thereof).**
- 2. Give local public notice of the changes with effect from the date of that notice.**

**CARRIED BY ABSOLUTE MAJORITY 5/2
Councillors White, Dias, Thomas, Lynch and Diver voted for the motion
Councillors Rumble and Foster voted against the motion**

Reason for change:

Council wished to limit the increase in fees to certain items within the schedule and specifically to ensure that community groups with events weren't unduly impacted.

The Acting Chief Executive Officer noted that it was not the intent that community groups would be negatively impacted by the charge, given that the majority of the events that utilise extra bins are Council sponsored, and therefore charged through in-kind contra transactions, however he would monitor the impact, if any.

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15.2 TENDER RFT 10/17 - DESIGN AND CONSTRUCTION OF PARABURDOO VISITOR INFORMATION BAY, WA

MINUTE: 205/2017

FILE REFERENCE:	CM10.17
AUTHOR'S NAME AND POSITION:	Amber Barrett Acting Procurement Coordinator Nathan Benson Technical Services Coordinator
AUTHORISING OFFICER AND POSITION:	Troy Davis Director Infrastructure Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 July 2017
DISCLOSURE OF FINANCIAL INTEREST:	The authors and authorising officers have no financial, proximity or impartial interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

A Request for Tender for Design and Construction of the Paraburdoo Visitor Information Bay, WA (RFT 10/17) was issued via the Shire's e-tendering portal known as TenderLink and also advertised via state wide public notice in The West Australian Newspaper from 12 May 2017 until 9 June 2017.

Six compliant submissions were received via TenderLink in response to the RFT.

The evaluation panel has now completed its assessment of the submissions and has made their recommendation.

Background

During the 16/17 year the Council considered a proposal to provide new and/or upgraded visitor information bays throughout the Shire. The proposal detailed four new and three upgraded visitor information bays. Following consideration of the proposal the Council supported an upgrade to the existing visitor information bay at Paraburdoo and provided a budget allocation for the works.

During 16/17 a Request for Tender was issued for the upgrade. One submission was received and it was significantly over the budgeted amount. As a result, staff met with Cr Dias and Cr Rumble and reviewed the design for the visitor information bay at Paraburdoo and the project was re-tendered (which is the subject of this Report).

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Consultation

Director Infrastructure Services
Manager Operations
Technical Services Coordinator
External Consultant – HQ Management
Paraburdoo Ward Councillors

Statutory Environment

Local Government Act 1995 Section 5.37
Local Government Act 1995 Section 5.23(2)(c)
Part 4 of the Local Government (Functions and General) Regulations 1996

Financial Implications

Works programming is incorporated within the operational capacity of the Shire and the budgeted provision for the project in the 2016/17 Budget is \$350,000. A further \$41,500 has been secured from Rio Tinto through the Community and Infrastructure Services Partnership, which will enable the contract to be awarded (356,030) as well as minor landscaping, removal/refurbishment of the existing information shade structure, and signage for the new structure.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 2 – Enduring Partnerships
Objective 01 – Strong Local Economies
Objective 02 – Enduring Partnerships with Industry and Government

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 "Medium" risk and will be managed by specific monitoring and response procedures.

Policy Implications

Policy FIN12 Shire of Ashburton Purchasing Policy. This Policy outlines how the Shire of Ashburton will deliver best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance whereby establishing efficient, effective, economical and sustainable procedures in all purchasing activities. This Policy was used to undertake the procurement process through a publically advertised RFT.

Policy FIN14 Shire of Ashburton Tender Evaluation Criteria. This policy establishes the evaluation criteria for Council procurement in three Procurement categories, Plant, Services and Infrastructure. This RFT utilised evaluation criteria not contained within a category under FIN14 as it was not suitable for the requirements. Alternative criteria was used under DA 06-2.

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Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr L Rumble

SECONDED: Cr D Diver

That with respect to Tender RFT 10/17 – Design and Construction of Paraburdoo Visitor Information Bay, WA; Council:

- 1. Award the tender to Byblos Constructions Pty Ltd for \$356,030.00 excluding GST; and**
- 2. Authorise the Chief Executive Officer to enter into a contract with the appointed Contractor; and**
- 3. Authorise the Chief Executive Officer to manage the Contract, including variations to the design specifications and contract value, providing this does not exceed the project budget or reduce the overall scope.**

CARRIED 7/0

Councillor White, Rumble, Dias, Thomas, Foster, Lynch and Diver voted for the motion

16. STRATEGIC AND ECONOMIC DEVELOPMENT REPORTS

Declaration of Interest

Prior to consideration of this Agenda Item:

Cr Rumble declared an indirect financial interest.

Cr Dias declared a financial interest.

Cr Foster declared an indirect financial interest.

Cr Diver declared a financial interest.

Cr Lynch declared a financial interest.

Sarah Johnston declared a financial and indirect financial interest

Sarah Johnston declared an impartiality interest.

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

Declaration of Financial Interest

In accordance with Section 5.69 (3) (a) of the Local Government Act Crs Rumble, Dias, Diver, Foster and Cr Lynch declared a financial interest in Agenda Item 16.1. The nature and extent of their interest is outlined in item 6.2.

As there would not be a quorum to vote, approval was sought from the Minister of Local Government to allow disclosing members Crs Rumble, Dias, Diver, Foster and Lynch, to debate and vote on Agenda Item 16.1.

The Minister's written approval for Crs Foster, Diver and Lynch to fully participate in the discussion and decision making process in relation to this agenda item was obtained prior to the Council Meeting and read aloud by the Acting Chief Executive Officer. The approval was granted subject to the following conditions:

- 1. The approval is only valid for the 18 July 2017 Ordinary Meeting when agenda item 16.1 is considered;*
- 2. Crs Rumble, Diver and Lynch must declare the nature and extent of their interests at the 18 July 2017 meeting when the matter is considered, together with the approval provided;*
- 3. The Acting CEO is to provide a copy of the Department's letter of approval to Cr Foster, Diver and Lynch*
- 4. The Acting CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;*
- 5. The Acting CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions of this approval; and*
- 6. The approval granted is based solely on the interest disclosed by Crs Foster, Diver and Lynch, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.*

RECORDED ON REGISTER GV07

Prior to leaving the meeting, Councillor Dias requested to participate and vote on agenda item 16.2

Councillors Rumble and Dias left the meeting at 2.24 pm.

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16.1 EXECUTION OF THE PARTNERSHIP FUNDING DEEDS BETWEEN THE SHIRE OF ASHBURTON AND PILBARA IRON COMPANY (SERVICES) PTY LTD (RTIO)

MINUTE: 206/2017

FILE REFERENCE:	CM01.1
AUTHOR'S NAME AND POSITION:	Sarah Johnston Strategic Partnership Manager
AUTHORISING OFFICER AND POSITION:	Anika Serer Director Strategic & Economic Development
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	1 June 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author has a financial and impartiality interest in this matter which has been declared at Item 6.2 of this agenda. The authorising officer has no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 10.2 (Minute No 11167) – Ordinary Meeting of Council 18 April 2012 Agenda Item 13.2 (Minute No 11457) – Ordinary Meeting of Council 13 March 2013 Agenda Item 13.2 (Minute No. 11611) – Ordinary Meeting of Council 21 August 2013 Agenda Item 13.3 (Minute No 11612) – Ordinary Meeting of Council 21 August 2013 Agenda Item 13.2 (Minute No 11672) – Ordinary Meeting of Council 16 October 2013 Agenda Item 13.2 (Minute No 11673) – Ordinary Meeting of Council 16 October 2013

Summary

The Memorandum of Understanding 2017 - 2022 (MOU) with Pilbara Iron Company (Services) Pty Ltd (RTIO) for the Community Infrastructure and Services Partnership was endorsed by Council at the May OCM. Deeds have been prepared for each of the three service areas outlined in the Community Infrastructure and Services Plan which are now presented for consideration. It is recommended that Council authorise the Chief Executive Officer and the Shire President to finalise and execute the three funding deeds.

Background

RTIO and the Shire agreed through a MOU entitled 'Community Infrastructure and Services Partnership' (CISP) dated 1 July 2017 (2017 MOU) to work together to revitalise existing and develop new civic, sporting and community facilities and programs in the Pilbara inland towns of Tom Price, Paraburdoo and Pannawonica. The Parties continue to share a desire to sustain the liveability of these communities and now wish to agree to terms to update and refresh the general undertakings to be performed by the Parties as set out in the 2017 MOU for a further five years.

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RTIO has confirmed its commitment to Pannawonica, Paraburdoo and Tom Price and will continue to work closely with the Shire to deliver effective services and infrastructure that focus on making the Pilbara region a better place to live, work and invest by contributing towards normalisation of town governance and long term sustainability of facilities and services while meeting current and future community needs.

The 2012 MOU and underlying service agreements have proven to be a successful and effective model, providing a clear and sustainable platform for day to day communication and negotiation between local government and corporate business despite changes in personnel, community need and priorities, and other influencing factors such as fluctuating economic climates.

Comment

The new CISP MOU endorsed and the associated plan provide a platform for the provision of improved, sustainable services for Pannawonica, Paraburdoo and Tom Price. The proposed duration of the deeds is from 1 July 2017 until 30 June 2022. RTIO has confirmed its support for the following priorities as outlined in the Community Infrastructure and Services Plan, which was workshopped with Council in January 2017;

Deed Type	Priority	Town
Services	Partnership Delivery and Governance (previously – Partnership Management Team Agreement 2012)	Pannawonica, Paraburdoo and Tom Price
	Community Events and Festivals (previously Community Events and Festivals Agreement 2013)	Pannawonica, Paraburdoo and Tom Price
	Community Capacity Development (previously Community Development and Support Team Agreement 2013)	Pannawonica, Paraburdoo and Tom Price

The following funding deeds are proposed to be renewed from the 2012 CISP:

The Partnership Delivery and Governance - This deed will continue to provide funding to support the governance requirements for the Partnership that have been in place for the previous five year term. There are no new governance requirements within the MOU. In addition the Partnership Management Team will prepare the feasibility studies and subsequent business cases for all items listed in the Community Infrastructure and Services Plan.

Community Events and Festivals - A calendar of events will continue to be delivered across Pannawonica, Paraburdoo and Tom Price through the Community Events and Festivals deed, for example the school holiday programme, NAIDOC celebrations, Australia Day celebrations, ANZAC Day etc. The funding provided by RTIO contributes to the direct cost of the specific event and the Shire continues to provide the human resources to deliver the events through the provision of activity officers and the associated costs of their employment. The principle of the deed will be structured to gradually reduce the dependence on RTIO whereby the Shire take responsibility for three events over the term of the deed.

Community Capacity Development Deed – proposal is for the continuation of the Community Capacity Development deed in the form of financial support to support the Shire to employ full time Club Development Officers in Pannawonica, Paraburdoo and Tom Price. The Club Development Officers will support the ongoing development and sustainability of not for profit agencies, community groups and sporting clubs through the provision of professional advice and guidance on governance requirements. The Club Development Officers support existing

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clubs to develop and or expand, the range of leisure, recreation and sporting activities available to meet community needs.

Consultation

Workshop at January 2017 OCM held at the Clem Thompson Sports Pavilion.

Director Strategic & Economic Development

Director - Community Development

Strategic Partnership Manager

Communications and Administration Officer

Club and Capacity Development Manager

Community Services Manager – East

Club Development Officers

Partnership Governance Committee

Partnership Management Group

Statutory Environment

Local Government Act 1995 S9.49A Execution of Documents

Local Government Act 1995 S5.42 Delegation of Powers to the CEO

Financial Implications

The three funding deeds have been prepared in collaboration with Councillor representatives, Shire officers and members of the RTIO Communities team. A significant amount of work has been invested in the development of the deeds and it aligns to the proposal that was sent to Councillors through EMACCESS earlier in the year.

The three funding deeds require a project delivery plan to be prepared for each operating year of the deed, having consideration for the following;

- Alignment with strategic and regional government plans and priorities, promoting inclusive community participation;
- Effective and efficient community organisations and services;
- Strengthening individual skills and expanding leadership base;
- Promoting resource utilisation by the community residents and organisation's; and
- Support the long term normalisation of the communities.

Partnership Delivery and Governance Funding Deed

The funding deed outlines the funds Rio Tinto will provide to the Shire to support the management, implementation and overarching governance of the Partnership and its associated activities and projects.

The funding tranches are outlined pursuant to the table on page 5 of the Funding Deed.

CONFIDENTIAL ATTACHMENT 16.1A

The deed provides funding predominantly in the first few years to enable the Shire to expedite a number of the priority infrastructure projects. The Partnership Delivery and Governance Deed has no direct financial implications on the Shire.

Community Events and Festivals Funding Deed

This Deed sets out the Funds Rio Tinto will provide to the Shire of Ashburton to deliver a wide range of community events and festivals supporting the communities of Tom Price, Paraburdoo and Pannawonica to be vibrant places to live and work by creating opportunities

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for social interaction and fostering an active and engaged lifestyle. For example events and festivals could include Australia Day, ANZAC Day, School Holidays, NAIDOC Week, welcome to town, Nameless Festival and various other events as agreed by the Parties.

The funding tranches are outlined pursuant to the table on page 5 of the Funding Deed.

CONFIDENTIAL ATTACHMENT 16.1B

The funding provided by RTIO contributes to the direct cost of the events and the Shire continue to provide the human resources to deliver the events through the provision of activity officers and the associated costs of their employment.

Community Capacity Funding Deed

This Deed sets out the funds Rio Tinto will provide to the Shire of Ashburton to deliver a wide range of planned community services and programmes to increase the capacity, sustainability and participation of the community creating stronger, healthier, happier and safe communities in Pannawonica, Paraburdoo and Tom Price. For example services and programmes could include but not limited to club development, welcome to town, youth engagement and various other workshops and training to build and increase skills and knowledge base of the community. The funding allocated will be a reduction in the total funding previously provided, however this deed will assist the Shire to work towards a sustainable approach in providing the club development function in each of the towns.

The funding tranches are outlined pursuant to the table on page 5 of the Funding Deed.

CONFIDENTIAL ATTACHMENT 16.1C

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 1

Vibrant and Active Communities

Objectives

1. Connected, caring and engaged communities
2. Sustainable Services, Clubs, Associations and Facilities
3. Quality education, healthcare, childcare, aged care and youth services
4. A rich cultural life

Goal 2

Economic Prosperity

Objectives

1. Strong local economies
2. Enduring partnerships with industry and government
3. Well-managed tourism

Goal 3

Unique Heritage and Environment

Objectives

1. Flourishing natural environments
2. Leading regional sustainability
3. Celebration of history and heritage

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Goal 4
Quality Services and Infrastructure

Objectives

1. Quality public infrastructure
2. Accessible and safe towns
3. Well -planned towns

Goal 5
Inspiring Governance

Objectives

1. Effective planning for the future
2. Community ownership
3. Council leadership
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 "Medium" risk and will be managed by specific monitoring and response procedures.

Policy Implications

ELM 3 – Affixing of the Shire of Ashburton Common Seal
AMP1 – Asset Management Policy
FIN 12 – Purchasing and Tender Policy
FIN 04 – Buy Local – Regional Price Preference Policy

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Diver

That with respect to the proposed funding deeds between the Shire of Ashburton and Pilbara Iron Company (Services) Pty Ltd (RTIO), Council authorise the Shire President and Acting Chief Executive Officer to finalise, execute and apply the Common Seal to the:

- a) **Partnership Delivery and Governance Deed; and**
- b) **Community Events and Festivals Funding Deed; and**
- c) **Community Capacity Funding Deed.**

CARRIED 5/0

Councillors White, Thomas, Foster, Lynch and Diver voted for the motion

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The Presiding Member sought a mover to a motion to consider the request of Cr Dias, to return to the meeting and participate, to which no motion was forthcoming.

16.2 PARABURDOO COMMUNITY HUB (CHUB) COMMITTEE MEETING FOR THE MONTH OF JULY 2017

MINUTE: 208/2017

FILE REFERENCE:	RC42129
AUTHOR'S NAME AND POSITION:	Anika Serer Director Strategic & Economic Development
AUTHORISING OFFICER AND POSITION:	Dale Stewart Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 July 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 16.3 (Minute No. 111) – Ordinary Meeting of Council 14 February 2017.

Summary

At the Ordinary Meeting of Council held on 14 February 2017, Council formed a Committee to oversee the Paraburdoo Community Hub (CHUB) project, and report back to Council with recommendations.

The Paraburdoo Community Hub (CHUB) Committee meets on an “as required basis” and its recommendations are presented to Council for consideration of endorsement.

Background

A Memorandum of Understanding was signed by Shire of Ashburton and Rio Tinto in July 2012, creating a long term partnership to work together to revitalise existing and develop new civic, sporting and community facilities and programs in the towns that Rio Tinto has a significant presence. The Paraburdoo CHUB project has been a primary focus of that partnership.

A business case was endorsed by Council at its Ordinary Meeting of Council on 26 April 2016, including a concept design providing the following scope:

- New multipurpose hall suitable for recreation and emergency shelter;
- Swimming pool facility upgrades (change rooms, first aid, office, kiosk);
- New facilities to support oval users including change rooms, first aid, equipment storage, club room, kitchen, bar, spectator outdoor viewing;
- Gym;
- Refurbish existing sports hall for neighbourhood centre, toy library, playgroup, squash courts;

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- Upgrades to Lesser Hall; and
- External works (landscaping, carpark, footpaths) to improve connectivity and activation.

The project is budgeted to cost \$15.6 million which is funded by Rio Tinto (\$6 million), Royalties for Regions (\$5 million) and Shire of Ashburton (\$4.6 million). The funding agreements executed with Department of Regional Development (DRD) and Rio Tinto include specific requirements for project management and variation control. In particular there are requirements to:

- *“Establish a Project Reference Group...to provide continuous monitoring of the Project (during the scoping and construction phases of the Project) with representation from Rio Tinto and other key stakeholders, with the primary objective of ensuring key deliverables are achieved in line with the needs and expectations of the Parties, other stakeholders and the wider community and expenditure incurred consistent with the Project Budget; and*
- *Consult with and consider the recommendations of the Project Reference Group through the scoping and construction phases of the Project, to ensure that it has addressed all key issues prior to making or implementing any key commitments. The Shire of Ashburton must give written reasons to the Project Reference Group (which may be further referred to the Partnership Governing Committee under the MOU for consideration), if it objects to any of the recommendations made by the Project Reference Group” (Rio Tinto).”*

“The Recipient shall establish and maintain for the duration of the Project a Project Steering Committee (PSC) and Project Reference Group (PRG) and ensure the Pilbara Development Commission is represented on both Groups. The Recipient shall ensure the PSC and PRG meet regularly (not less than two [2] times per calendar year to report on Project Milestones (achievements, impediments, risks and solutions) and Funding.” (Dept. of Regional Development).”

At the February 2017 Ordinary Meeting of Council it resolved to appoint a Committee of Council to oversee the Paraburdoo Community Hub (CHUB) project, and report back to Council with recommendations. The Committee is comprised of Councillors White, Rumble and Lynch. The Committee does not have Delegation and will report to Council with recommendations on proposed changes to the Paraburdoo CHUB project as required.

Comment

The meeting for July will be held on Tuesday 18 July 2017 at the Clem Thompson Sports Pavilion, Stadium Road, Tom Price. A copy of the Meeting Agenda is attached for Council's background information.

ATTACHMENT 16.2 PROVIDED UNDER SEPARATE COVER

As the Committee meetings are held either the day before or on the morning of Council Meeting, the Minutes of the most recent meeting are not able to be attached to this report. A summary of the Action Items is intended to be distributed to Councillors prior to the commencement of the Council Meeting for its information, and if thought appropriate, its decision.

Consultation

Chief Executive Officer
Director Strategic & Economic Development

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Statutory Environment

Local Government Act 1995 – Subdivision 2 – Committees and their meetings

S5.20: Decisions of Councils and Committees

S.22: Minutes of Council and Committee meetings

Financial Implications

The administrative requirements for the monthly meetings of the Committee are captured within the existing Strategic and Economic Development operating budget, and is expected to be negligible.

Historically the CEO has been authorised to manage all contracts within the constraints of the overall project budget and scope, including variations. It is inevitable that there will be variations to the construction contract during delivery of the Paraburdoo CHUB, which will be made in accordance with the terms of that agreement. If the standard response times to Requests for Variations, Extensions etc. cannot be met due to the Council's governance requirements of the project, it should be noted that the contractor may be entitled to claim time penalties (for example, construction crew on 'standby' waiting for approval to change a structural beam or substitute materials).

The officers will continue to manage variations up to a value of \$100,000 (within the other given constraints such as project budget and scope), however consideration should also be given to urgent requests such as the examples given above. If the circumstance is particularly urgent, it is suggested that the CEO exercise *DA02-4 Delegation of Powers and Duties of the Local Government Act to the CEO* which requires at least 24 hours' notice via EMACCESS could be utilised.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 4 – Quality Services and Infrastructure

Objective 1 – Quality Public Infrastructure

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 "Medium" in light of the potential impacts to external contractual arrangements. As a medium risk matter, the Executive Manager Strategic and Economic Development will monitor progress of this item.

Policy Implications

ELM10 Financial Sustainability Policy

ENG09 Asset Management Policy

Voting Requirement

Simple Majority Required

Officers Recommendation

That the Paraburdoo Community Hub (CHUB) Committee recommend to Council for endorsement the following recommendations from the Committee meeting of 18 July 2017:

- 1.....
- 2.....
- 3.....

(Paraburdoo Community Hub (CHUB) Committee recommendations to be provided at the Council Meeting).

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Committee's Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That with respect to the Paraburdoo Community Hub Project, Council:

- 1. Endorse the 'Pre-Tender Plans' prepared by Hodge Collard Preston for the Paraburdoo Community Hub as attached; and**
- 2. Approve the proposed adjustment to budget as outlined in this report, noting that there will be an estimated \$12,000 surplus to the current approved budget; and**
- 3. Authorise the approved plans to be issued in a Request for Tender for Construction, noting that Tenderers will be requested to submit an alternative price and methodology to keep the Paraburdoo Swimming Pool open throughout the 17/18 season but this will not be a mandatory price submission.**

CARRIED 5/0

Councillor White, Thomas, Foster, Lynch and Diver voted for the motion

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Councillors Dias and Rumble returned to the Meeting at 2.30pm.

16.3 OVERFLOW CAMPING SITES - AMENDMENT OF FEES AND CHARGES

MINUTE: 209/2017

FILE REFERENCE:	RC24405 RC30686 FM28
AUTHOR'S NAME AND POSITION:	Janelle Fell Economic and Land Development Manager
AUTHORISING OFFICER AND POSITION:	Anika Serer Director Strategic and Economic Development
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 July 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial interest, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 16.1 (Minute No. 12098) – Ordinary Meeting of Council 24 May 2016

Summary

Onslow is currently experiencing an influx of caravaners and campers resulting in 100% occupancy at both the Ocean View Caravan Park and Discovery Park, prompting Shire Officers to open an overflow site located in the Onslow Sports Oval carpark. It is expected the overflow site will be required regularly throughout the months of July and August in 2017.

To contribute to cleaning and administrative costs a small fee is proposed.

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

Background

In past years when the Ocean View Caravan Park was at 100% capacity, tourists have been directed to Discovery Park. When Discovery Park is unable to accommodate further guests, the Onslow Sports Oval carpark has been utilised as a temporary solution for overflow until a site becomes available at either of the two caravan parks.

Alternatively, person are reminded of the option at Old Onslow, being nature based camping - free of charge however some 40km away on unsealed roads.

While a fee has not been charged previously, a donation to the Onslow Visitor Centre and Goods Shed Museum was suggested last year in lieu of this.

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Whilst Council has been utilising the grounds for temporary overflow for many years, the origins of the matter appears to have come from a decision of Council on 18 July 2012:

“*MOVED: Cr D Wright*

SECONDED:

Cr I Dias

That Council gives in-principle approval to the concept of a caravan overflow area in Onslow.

CARRIED 8/1”

Comment

Ocean View Caravan Park (OVCP) and the Discovery Park (DP) tourist numbers are estimated to reach capacity 16 - 20 times during the months of June and August. The average length of stay (short stay tourists) during those months is four nights. Positive reviews of OVCP on social media platforms has resulted in increased tourist visitation without bookings, which cannot always be accommodated at either Park.

At the time of writing this report, both OVCP and DP are at 100% occupancy prompting the overflow site in the Onslow Sports Oval carpark to be opened. Guests utilising the overflow are only permitted to stay at the overflow for a maximum of three nights however, if a site becomes available at either OVCP or DP during this period, guests will be required to relocate to the Park.

Overflow sites are commonly located within a caravan park and charged accordingly, as is the case with the five overflow sites located within the OVCP boundary where the old manager’s residence was located (which are taken up first). The Onslow Sports Oval overflow presents a different scenario where it is located offsite, however still generates costs associated with cleaning (twice daily), bin collection and administration charges. It is proposed a small fee be charged to cover these expenses at the offsite Onslow Sports Oval overflow.

Cleaning duties at the Onslow Sports Oval overflow are carried out by the Shire’s Facilities team, bin collection through the Shire’s standard collection services, site management by the Shire’s Environmental Health team and bookings by staff at OVCP.

These changes are depicted blue in the table below which captures ‘Other Caravan Parks’ Fees and Charges.

G/L Code	Description	Basis of Charge	GST Y/N	Adopted Fees 2017/18
Tom Price				
132118	Tom Price Tourist Park	As per lease	Y	as per lease agreement
Pannawonica				
132298	Caravan Park Site Fees	Per night per bay	Y	\$30.00
All Towns				
TBA	Overflow Site Fee (2 Persons)	Per night per bay	Y	\$10.00
TBA	Overflow Site Fee (Additional Guest)	Per person	Y	\$5.00

There is currently no requirement for external overflow sites in Paraburdoo, Pannawonica or Tom Price. The fee is proposed to be applicable to all towns however, so if the demand is triggered in future years there is a mechanism to cover some of the costs associated with provision of the facilities and service.

Council endorsement is requested to apply these changes and approve of use of the site.

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Consultation

Director Strategic and Economic Development
Environmental Health Manager
Environmental Health Officer

Statutory Environment

The Local Government Act 1995, Section 6.16 (Imposition of fees and charges), 6.17 (Setting level of fees and charges) and 6.19 (Local government to give notice of fees and charges) relates.

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 3 days after the date of advertisement.

Local Government Act 1995, Section 1.7 (Local public notice).

Reserve 30686 is zoned "Parks, recreation and drainage" and managed by the Shire of Ashburton for the purpose of "Recreation" and approving the use of the land for temporary overflow purposes is considered ancillary and not contradictory to this.

The Caravan Parks and Camping Grounds Act 1995 and Regulations 1997 also relate in relation to licensing of overflow sites of existing licensed facilities and approving the use of land for such purposes.

The Planning and Development (Local Planning Scheme) Regulations 2015, states that a temporary use which is in existence for less than 48 hours, or any longer period agreed by the local government, in any 12 month period does not require planning approval.

Financial Implications

The Overflow charge will have minimal effect on the 2017/18 budget due to the low amount of revenue that is predicted and therefore no amendment will be required. As such, no amendments are suggested.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017 - 2027
Goal 02 – Economic Prosperity
E1. Strong Local Economies
E3. Well-managed 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 "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.

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Voting Requirement

Absolute Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Diver

That with respect to Overflow Camping Sites - Amendment of Fees and Charges, Council:

- 1. Approve the addition of the Overflow Site Fee of \$10.00 per night per caravan/camper, plus \$5.00 per person for persons in excess of two (2) in the Fees and Charges Schedule for Overflow Sites external to Caravan Parks; and**
- 2. Authorise the use of portion of Reserve 30686 for the use of overflow camping in Onslow during times that Onslow Caravan Park and Onslow Discovery Park are 100% full for Caravan Sites with appropriate rules and conditions of usage to be determined by the Acting Chief Executive Officer, with a maximum length of stay being 3 days, and maximum number of overflow sites subject to the capacity of the ablutions; and**
- 3. Authorise the Acting Chief Executive Officer to provide local public notice of the above fee which is to be imposed three (3) days after the date of advertisement.**

CARRIED BY ABSOLUTE MAJORITY 7/0
Councillor White, Rumble, Dias, Thomas, Foster, Lynch and Diver voted for the motion

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- 17. COUNCILLOR AGENDA ITEMS / NOTICES OF MOTIONS**
There were no Councillor Agenda Items or Notices of Motions for this meeting.
- 18. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

Council Decision

MOVED: Cr M Lynch

SECONDED: Cr D Diver

That Council considers the following New Business of an Urgent Nature:

18.1 CONSIDERATION OF DIFFERENTIAL RATES 2017/18

CARRIED 7/0

Councillor White, Rumble, Dias, Thomas, Foster, Lynch and Diver voted for the motion

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18.1 CONSIDERATION OF DIFFERENTIAL RATES 2017/18

MINUTE: 210/2017

FILE REFERENCE: GV04

AUTHOR'S NAME AND POSITION: John Bingham
Director Corporate Services

AUTHORISING OFFICER AND POSITION: Dale Stewart
Acting Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 10 July 2017

DISCLOSURE OF FINANCIAL INTEREST: The author and authorising officer have no financial, proximity or impartiality interests in the proposal.

PREVIOUS MEETING REFERENCE: Agenda Item 13.2 (Minute No. 178/2017) – Ordinary Meeting of Council 20 June 2017
Agenda Item 13.4 (Minute No. 180/2017) – Ordinary Meeting of Council 20 June 2017

Summary

Following the 20 June 2017 Ordinary Meeting of Council public notice was given (i) for Councils intention to adopt the 2017/18 Proposed Differential Rates; (ii) to advertise the Objects and Reasons for the Proposed Differential Rates; and (iii) to invite submissions for at least 21 days from Wednesday 21 June until midday of Friday 14 July 2017.

This report considers those submissions received after the deadline of 12.00pm Friday 14 July 2017 and recommends that Council endorse an increase of 1.75% on the 2016/17 rate in the dollar levels, instead of the original proposed increase of 2% as advertised.

Background

The following 2017/18 Proposed Differential Rates were advertised in The West Australian on Friday 23 June as well as exhibited on public notice boards in accordance with Section 1.7 of the Local Government Act 1995:

ATTACHMENT 18.1A

Rate Code Description	16/17 Rate in the \$	17/18 Rate in the \$	Change YOY	General Minimum	Lesser Minimum
GRV Residential/Community	0.050961	0.051980	2%	830.00	622.50
GRV Commercial/Industrial/Tourism	0.051060	0.052081	2%	1037.50	NA
UV General	NA	0.198959	NA	1037.50	NA
UV Mining/Industrial	0.382467	0.390116	2%	1037.50	NA

The rate revenue level is based on an increase in the rate in the dollar of 2 per cent on 2016/17 levels. The proposed rates model will yield \$31,024,534 before concessions of \$1,156,734 with total amounts raised from General Rates of \$29,867,800.

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Valuations

The valuations used in the proposed rates model have since been revised given recent notifications from the Valuer Generals Office. The following table indicates there has been a significant increase to the UV Mining/Industrial category with one property in particular accounting for the large increase (from \$1,965,000 to \$13,808,000). Changes to UV General include upwards re-valuations to several Pastoral properties.

Rate Category	June OMC Valuation	1/7/17 Valuations	Var. \$	Var. %
GRV Residential/Community	85,438,414	85,438,414	0	0.00%
GRV Commercial/Industry/Tourism	20,548,404	20,548,404	0	0.00%
UV Mining/Industrial	61,152,716	73,482,703	12,369,214	20.2%
UV General	6,661,147	6,995,147	334,000	5.01%
Non-Ratable	1,773,650	1,773,650	0	0.00%
Total Valuation	175,535,104	189,344,528	12,703,214	7.00%

With these upward revaluations for UV Mining/Industrial and UV General the proposed rates model will yield \$35,917,378 before concessions of \$1,214,570 with total amounts raised from General Rates of \$34,702,807.

Concessions

The Rating Strategy adopted by Council at the June OMC included the granting of a Concession on Application for Pastoral and Tourism property owners. This concession is equivalent to the difference payable between an increase of 2% on 2016/17 rate in the dollar levels and the proposed 2017/18 (i.e. a rate in the dollar of 0.198959 and 2016/17 valuations) rate in the dollar. On Tuesday 27 June correspondence was sent to Pastoral and Tourism property owners outlining detail of the proposed concession as well as inviting comment on other such matters relating to the Proposed Differential Rates. A copy of the letter and Application is attached.

ATTACHMENT 18.1B
ATTACHMENT 18.1C

As of writing this report four applications have been received. A copy of each is attached.

ATTACHMENT 18.1D

Comment

Submissions

The following submissions were received in the period Wednesday 21 June and Friday 14 July 2017:

1. Chevron Australia Pty Ltd

Indicates the Supporting Statement of Rating Information for 2017/18 does not acknowledge:

- (i) The additional contribution to the Shire by Chevron; and
- (ii) Does not acknowledge the unique circumstances of Chevron's operations particularly on Barrow Island which have no impact on the Shire.

It is noted within the submission that Chevron has committed more than \$250 million to social and critical infrastructure for the Onslow community.

The submission goes further to emphasise the self-sufficiency of operations run by Chevron in particular bearing all associated costs in relation to the Wheatstone and Barrow Island projects.

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In relation to applying the rating principles to the abovementioned Chevron claims the rationale of the Objects and Reasons to be inequitable given the Shires objective to 'raise a higher level of rate revenue from mining and related infrastructure properties than from other UV General category properties to contribute toward current and future costs associated with the provision of civil infrastructure for services and facilities including, but not limited to, transport, recreation, community etc. '.

Finally Chevron recommends no increase to the current rate for UV Mining/Industrial ratepayers.

A copy of their submission is attached.

ATTACHMENT 18.1E

In respect to the submission by Chevron Australia Pty Ltd, when new developments occur, it could be considered in a similar manner to a new shopping centre or a new suburb coming on-line in Perth. This is natural growth occurring within our district and the rate in the dollar is consistent with that paid in the past (and proposed for 2017/18) that other similar ratepayers will be levied.

The Shire is very appreciative of the \$250 million contribution to social infrastructure, but only 26% is applicable to Shire infrastructure and assets. Once these assets have been constructed it is the Shire's responsibility to operate and maintain those assets. The natural growth that occurs within our district assists in building, operating and maintaining those assets.

It is considered that natural resource projects have significant impacts on town sites, even when located some distance away. This occurs as a result of additional demands being made on Shire services; either directly as a result of activities generated by the facilities themselves, or indirectly as a result of the needs of town based supporting businesses.

A rate increase of 1.75% on 2016/17 rate in the dollar levels is now proposed. This represents a rate revenue yield reduction of \$86,535 and is favourably comparative to Pilbara Regional Councils proposed increase for 2017/18. Also rates are effectively a charge imposed by Council and the 1.75% aligns with the level Fees and Charges were increased for 2017/18.

The following table highlights the rate in the dollar levels for each category at 1.75% on 2016/17 levels:

Rate Code Description	Advertised 17/18 Rate in the \$	Proposed 17/18 Rate in the \$	Change YOY	General Minimum	Lesser Minimum
GRV Residential/Community	0.051980	0.051853	1.75%	830.00	622.50
GRV Commercial/Industrial/Tourism	0.052081	0.051954	1.75%	1037.50	NA
UV General	NA	0.198472	NA	1037.50	NA
UV Mining/Industrial	0.390116	0.389160	1.75%	1037.50	NA

ATTACHMENT 18.1F is a table showing the (i) the revaluations of properties since the June OMC; (ii) the rating model yields before concessions; and (ii) number of properties on minimum payments.

Consultation

Acting Chief Executive Officer
 Finance Manager
 Management Reporting Coordinator
 Rates Officer

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Statutory Environment

The Local Government Act 1995 following sections apply:

- S 6.32 provides Council with the power to apply rates to property;
- S 6.33 provides Council with the power to apply differential general rates although Ministerial approval is required where a Differential Rate is more than twice the lowest differential rate to be applied;
- S 6.35 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;
- S 6.36 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;
- S 6.47 indicates that a local government may resolve to waive or grant a concession for a rate or service charge (absolute majority required). In addition, Regulation 69A of the Local Government (Financial Management) Regulations 1996 also specifies that a local government cannot use its powers under section 6.47 LGA based on whether or not the land is occupied by a person who owns the land (so called absentee owner clause);
- S 5.63 (1) (b) specifically excludes the need for Elected Members to 'Declare a Financial Interest' in imposing a rate, fee or charge.

Local Government (Financial Management) Regulations 1996 Part 5.

The Department of Local Government and Communities prepared a Rating Policy in March 2016 giving guidance on Legislation (the Act S 6.33 and Financial Regulations 52A), the five key principles and the steps involved in submitting an Application to the Minister, if an application is / was required.

Financial Implications

The proposed Differential Rates will raise rate revenue of \$35,830,843 before proposed concessions of \$1,012,142 are granted. Total amount raised from General Rates for 2017/18 will be \$34,818,701. The Long Term Financial Plan (LTFP) rate revenue level is \$29,874,277.

The difference between the total amount raised from General Rates and the LTFP rate revenue level is proposed to be transferred to the Financial Risk Reserve in accordance with the Rating Strategy recommendations. This is complemented by the fact that there exist a single large ratepayer that is currently appealing last years UV valuation that, if successful could significantly reduce rate income this year and indeed require back rates to be refunded. The result of this appeal to the State's State Administrative Tribunal, is not expected to be finalised until approximately November 2017. Thus, the Financial Risk Reserve will create a buffer to shield the Council's income from the effects of a potentially large single valuation reduction, which would have a significant impact on forecast revenues, and severely undermine a balanced Budget approach and pose an extreme financial risk under Council's risk matrix.

Strategic Implications

Shire of Ashburton 10 year Strategic Community Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 1 – Effective Planning for the Future

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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 "High". As a high risk item the Director Corporate Services is monitoring the issue closely.

Policy Implications

There are no policy implications.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr M Lynch

SECONDED: Cr D Diver

That with respect to the proposed 2017/18 Differential Rates, Council:

- 1. Note the submission received and endorse the officer comments addressing the concerns contained within the report; and**
- 2. Consider during 2017/18 Budget deliberations adopting the 2017/18 Differential Rates with a 1.75% increase on 2016/17 rates in the dollar levels and not the 2.0% increase as advertised as follows;**

Rate Code Description	Rate in the \$	General Minimum	Lesser Minimum
GRV Residential/Community	0.051853	830.00	622.50
GRV Commercial/Industrial/Tourism	0.051954	1037.50	NA
UV General	0.198472	1037.50	NA
UV Mining/Industrial	0.389160	1039.50	NA

- 3. Consider during 2017/18 Budget deliberations adopting a concession on application to Pastoral owners equivalent to the difference payable between an increase of 2% on 2016/17 rate in the dollar levels and the proposed 2017/18 (i.e. a rate in the dollar of 0.198959 and 2016/17 valuations) rate in the dollar if they meet the following criteria;**
 - the property is used predominantly for Pastoral purposes; and**
 - is the predominant income generated for the owner of the property; and**
 - meets the Australian Taxation Office guideline of whether or not a person is carrying on the business of primary production per Subsection 995-1 (1) of the Income Tax Assessment Act 1936.**
- 4. Consider during 2017/18 Budget deliberations adopting a concession on application to UV Tourism property owners equivalent to the difference payable between an increase of 2% on 2016/17 rate in the dollar levels and the proposed 2017/18 (i.e. a rate in the dollar of 0.198959 and 2016/17 valuations) rate in the dollar if they meet the following criteria:**
 - the property is used predominantly for Tourism purposes; and**
 - is the predominant income generated for the owner of the property.**
- 5. Consider during 2017/18 Budget deliberations establishing a Financial Risk Reserve to hold rate revenue deemed at risk of being refunded due to a change in valuation methodology applied by the Valuer General; and**

6. Acknowledge the proposed Differential Rates aligns with the principles of the advertised 2017 Property Rating Strategy and the advertised 2017-32 Long Term Financial Plan.

CARRIED 7/0

Councillor White, Rumble, Dias, Thomas, Foster, Lynch and Diver voted for the motion

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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There were no Confidential Matters for this meeting.

20. NEXT MEETING

The next Ordinary Meeting of Council will be held on 15 August 2017, at the Council Chambers, Onslow Shire Complex, Second Avenue, Onslow commencing at 1.00 pm.

21. CLOSURE OF MEETING

There being no further business to discuss the Presiding Member closed the meeting at 2.48 pm.