

Ordinary Meeting of Council

Paraburdoo



Agenda – Public

20 June 2017

Ashburton Hall
Ashburton Avenue
Paraburdoo
1.00pm



The Shire of Ashburton 10 year Strategic Community Plan (2017-2027) provides focus, direction and represents the hopes and aspirations of the Shire.

Our Vision

We will embrace our unique Pilbara environment and lifestyle through the development of vibrant, connected and active communities that have access to quality services, exceptional amenities and economic vitality.



STRATEGIC DIRECTIONS

1. Vibrant and Active Communities
2. Economic Prosperity
3. Unique Heritage and Environment
4. Quality Services and Infrastructure
5. Inspiring Governance



The Shire of Ashburton respectfully acknowledges the traditional custodians of this land.



**SHIRE OF ASHBURTON
ORDINARY MEETING OF COUNCIL**

**AGENDA
(Public)**

**Ashburton Hall, Ashburton Avenue,
Paraburdoo
20 June 2017
1.00 pm**

AGENDA - ORDINARY MEETING OF COUNCIL 20 JUNE 2017

SHIRE OF ASHBURTON ORDINARY MEETING OF COUNCIL

Notice is hereby given that an Ordinary Meeting of Council of the Shire of Ashburton will be held on 20 June 2017 at Ashburton Hall, Ashburton Avenue, Paraburdoo commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.



Dale Stewart
ACTING CHIEF EXECUTIVE OFFICER

DISCLAIMER

The recommendations contained in the Agenda are subject to confirmation by Council. The Shire of Ashburton warns that anyone who has any application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Ashburton for any act, omission or statement or intimation occurring during a Council meeting.

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1. DECLARATION OF OPENING

The Presiding Person declared the meeting open at _____ pm.

1.1 ACKNOWLEDGEMENT OF COUNTRY

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

2. ANNOUNCEMENT OF VISITORS

The Presiding Person welcomed members of the public to the gallery.

3. ATTENDANCE

3.1 PRESENT

Members

Cr L Rumble	Deputy Shire President, (Presiding Person) Paraburdoo Ward
Cr D Dias	Paraburdoo Ward
Cr M Lynch	Tom Price Ward
Cr D Diver	Tom Price Ward
Cr L Thomas	Tableland Ward
Cr G Dellar	Ashburton Ward

Staff

Mr D Stewart	Acting Chief Executive Officer
Mr J Bingham	Director, Corporate Services
Mr T Davis	Director, Infrastructure Services
Ms A Serer	Director, Strategic & Economic Development
Ms L Reddell	Director, Development & Regulatory Services
Ms L O'Reilly	Director, Community Development
Ms J Smith	Executive Officer
Mrs M Lewis	CEO & Councillor Support Officer

3.2 APOLOGIES

There were no apologies.

3.3 APPROVED LEAVE OF ABSENCE

Cr K White	Shire President, Onslow Ward
Cr P Foster	Tom Price Ward
Cr M Gallanagh	Pannawonica Ward

4. QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 23 May 2017, no public questions were tabled.

4.2 PUBLIC QUESTION TIME

There were no questions from the public.

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. DECLARATION BY MEMBERS

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

Agenda Councillors are requested to give 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, Financial or Proximity in any matter to be discussed at a Council or Committee Meeting, that will be attended by the member, must disclose the nature of the interest:

- (a) In a written notice given to the Chief Executive Officer before the Meeting or;
- (b) At the Meeting, immediately before the matter is discussed.
A member, who makes a disclosure in respect to an interest, must not:
- (c) Preside at the part of the Meeting, relating to the matter or;
- (d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

NOTES ON 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.

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

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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	Share Holder with 4000 Rio Tinto shares.
Cr D Dias	Financial	Long Serving, loyal, dedicated and valued 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 Rio Tinto and I am paid a salary by Rio Tinto.

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

8. PETITIONS / DEPUTATIONS / PRESENTATIONS

8.1 PETITIONS

Nil

8.2 DEPUTATIONS

Nil

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8.3 PRESENTATIONS

Nil

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING OF COUNCIL HELD ON 23 MAY 2017

Officer Recommendation

That the Minutes of the Ordinary Meeting of Council held on 23 May 2017, as previously circulated on 30 May 2017, be confirmed as a true and accurate record, subject to the follow amendment:

- 1) Agenda Item 18.1, changing the voting in the resolution from:

“Councillors White, Rumble, Foster, Diver, Lynch, Gallanagh and Thomas voted for the motion”

to

“Councillors White, Rumble, Foster, Diver, Lynch and Gallanagh voted for the motion,

“Councillor Thomas voted against the motion”

10. AGENDA ITEMS ADOPTED "EN BLOC"

10.1 MOVE AGENDA ITEMS 'EN BLOC'

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

“Part 5 – Business of a meeting

Clause 5.6 Adoption by exception resolution:

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

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11. GOVERNANCE & EXECUTIVE SERVICE REPORTS

11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS STATUS REPORT FOR MAY 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:	08 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 10.1 (Minute: 11477) - Ordinary Meeting of Council 10 April 2013

Summary

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

Background

The 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

Consultation

Acting Chief Executive Officer
Executive Management Team

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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

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

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

FILE REFERENCE:	GV21 CM02
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Officer Sheree Selton Administration Assistant Planning
AUTHORISING OFFICER AND POSITION:	Dale Stewart Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	08 June 2017
DISCLOSURE OF FINANCIAL INTEREST:	The authors 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 May 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.

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

Consultation

Relevant officers as listed in the Attachment.

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Statutory Environment

Local Government Act 1995

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

Delegated Authority Register

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 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

That Council receive the reports relating to;

1. The use of the Common Seal and;
2. Actions performed under delegated authority for the month; and
3. The Tender Register.

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12. COMMUNITY DEVELOPMENT REPORTS

12.1 CASHLESS DEBIT CARD (CDC) TRIAL

FILE REFERENCE:	CS12
AUTHOR'S NAME AND POSITION:	Lynnette O'Reilly Director Community Development
AUTHORISING OFFICER AND POSITION:	Dale Stewart Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	6 June 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

This report canvasses whether the Council wishes to form a policy position on whether to support the principles of and or a trial of a Pilbara or Ashburton or indeed town specific Cashless Debit Card (CDC) Trial.

Background

At the Pilbara Regional Council's (PRC) 17 February 2017 meeting an agenda item addressed the CDC background, purpose and information about the trials currently under way in Ceduna South Australia and the Kimberley Western Australia. PRC's direction was sought regarding a Pilbara trial/implementation of the proposed CDC. The PRC Council resolved to draft an item for the Western Australian Local Government Association State Council for consideration. The resolution does not however clearly state the 'position' of the PRC, however from the basis of the Officer's Report, indicates and concludes (recommended) support for the concept.

The purpose of the CDC is to provide a lever to reduce some of the devastating harm seen in communities as a result of welfare fueled drug and alcohol abuse, while having as little impact on other people as possible. In some places, welfare cash payments are used in ways for which it was never intended. The trial is testing whether reducing the amount of cash in a community can reduce the overall harm caused at the individual and community level.

Since early 2016, the Federal Government, state governments and the community leaders in two remote regions (Ceduna in South Australia and the East Kimberley in Western Australia) have been working together to design and deliver the CDC. The program has now been

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underway for 14 months in Ceduna and 13 months in the East Kimberley, and to date, have delivered some very positive results. The trial has been designed in conjunction with community leaders, taking into account the community's experience of responding to alcohol related harm, including the implementation of alcohol restrictions.

Comment

In the Budget 2017-18, the Australian Government announced that the CDC would be expanded to two additional communities from July 2017 but did not announce which communities these would be or the timing of commencement. This will depend on the progress of the consultations between Government and communities and discussions within communities about the program. The following information provided by the Department of Social Services (DSS) provides a summary of the scope of the impact for the Pilbara and the Shire of Ashburton.

Income Support Payments

Under the trial, all recipients of working age income support payments who live in a trial location will receive a cashless debit card. The trigger payments are:

- A payment under the scheme known as ABSTUDY that includes an amount identified as living allowance,
- Austudy payment,
- Benefit Parenting Payment (PP) (partnered),
- Bereavement Allowance (BVA), so long as the recipient has not reached pension age,
- Carer payment,
- Disability support pension,
- Newstart allowance,
- Parenting Allowance (PgAC) (other than non-benefit allowance),
- Partner allowance,
- Pension Parenting Payment (PP) (single),
- Sickness allowance,
- Special benefit,
- Widow allowance,
- Widow B pension,
- Wife pension,
- Youth allowance.

People on the Age Pension, a veteran's payment or who earn a wage can volunteer to take part in the trial.

Data in the table below shows the number of people that are in receipt of one of the 'current trial' payments within the respective Pilbara Local Government.

As at 30 December 2016.

Shire of East Pilbara	928
Shire of Ashburton	302
City of Karratha	1525
Town of Port Hedland	1706
TOTAL	4461

The Shire of Ashburton makes up approximately 7% of the population in receipt of payments that would be impacted by the introduction of a CDC trial.

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Additional information

In Ceduna, under the trial, 80% of a participant's welfare payment is issued to their cashless debit card account. This money cannot be withdrawn as cash, or used to purchase alcohol or to gamble. The remaining 20% of their payment is sent to their regular account. The trial applies to all people on working age payments in trial sites with the exception of Age Pension and Veterans' Pension recipients.

Community Consultation in the East Kimberley and Ceduna

The Government views consultation on the CDC as ongoing as opposed to something that only happens at the beginning of engagement. Leading up to making a final decision with the community about whether or not the CDC would be appropriate the Government worked with the local shires, state government, community organisations and Indigenous organisations to define the CDC implementation parameters such as the geographical footprint and how to support individuals and families to transition on to the new system. Extensive discussions were also held with welfare recipients, industry and merchants.

Evaluation

Combined with findings from other similar programs, such as Income Management, the Cashless Debit Card trial has helped Government, and the communities involved, understand whether limiting the proportion of welfare payments that can be spent on harmful goods will reduce social harm at a community level.

The Government commissioned ORIMA Research to undertake a full, independent evaluation of the Cashless Debit Card trial. On 14 March 2017 the Government released the Cashless Debit Card Trial Evaluation, Wave 1 Interim Evaluation Report. The Report presents early stages of the evaluation conducted by ORIMA Research in the two trial sites. The report is based on analysis of the first wave of interviews with key stakeholders; surveys conducted between September and October 2016 of Trial participants, their family members, and non-participants of the Trial; as well as administrative data available.

Initial data analysis suggests that the first few months of the CDC Trial may have contributed to a reduction in all three targeted behaviours – alcohol consumption, gambling and use of drugs. Further, the evaluation data shows that a significant proportion (31%) of the trial participants surveyed indicated they had been better able to care for children and save more money.

At this interim stage there is only limited evidence of early impacts on crime, violence, injuries and perceptions of safety. As medium-term outcomes, these will be a focus of Wave 2 (final report) data collection. The final evaluation report by ORIMA Research is due mid-2017.

Further detailed information on the trial can be obtained from the Federal Government's Department of Social Services website - <https://www.dss.gov.au/families-and-children/programmes-services/welfare-conditional/cashless-debit-card-trial-overview>

Feedback from DSS is that it is important that prior to making a decision about being involved in a CDC trial extensive consultation, engagement and conversations with a broad range of stakeholders from the community, including those who speak for the individuals and families who will be directly affected by a rollout of the program occurs.

DSS confirmed there is no specific timing for formal requests for inclusion in a future trial and any requests should be made with confidence that there is a certain level of support from the community.

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Consultation

Acting Chief Executive Officer
Director Community Development
Department of Regional Development, Regional Services Reform unit
Department of Social Services

Statutory Environment

There are no relevant statutory implications in considering a policy position on the subject matter.

Financial Implications

There were no financial implications identified for the Council.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 01 – Vibrant and Active Communities

Objective 03 – Quality education, healthcare, childcare, aged care and youth services

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 the delivery and support of the Community Services Onslow team.

Policy Implications

Community Engagement Policy ADM08 relates, were the Council to seek to engage with the community regarding formation of a position on the subject.

There are no other relevant current policy implications, however the Officer Recommendation recommends not forming a policy position until such time as independent reviews of other Cashless Debit Card Trials have been undertaken.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the potential for a Pilbara Cashless Debit Card Trial, Council advise the Pilbara Regional Council that the Shire of Ashburton are not ready to support the principle as:

1. There has been little if any local (Pilbara wide) community consultation carried out to seek the views of the community and in particular any community groups or sectors on the community mostly impacted and;
2. This Council would like to see the conclusion of independent analysis of the benefits and non-benefits of other trials conducted elsewhere in Australia, before forming a policy position on the matter.

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13. CORPORATE SERVICES REPORTS

13.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID

FILE REFERENCE:	FM03
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:	8 June 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. Also included are proposed Budget Amendments for June 2017.

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 -\$2,784,383 higher than budget, made up of lower operating revenue -\$5,040,735 and lower operating expenditure of \$2,256,351.

There are a 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) to be claimed before end of financial year; Chevron funding for PUPP; and Chevron contribution of Airport Landside Facilities to be claimed in next financial year.

Operating expenditure is lower than budget predominantly due to the timing on invoices being submitted during cyclone preparation, a delay in recruitment of Onslow pool staff and infrastructure consultant projects yet to commence.

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:

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Operating Revenue is higher than budget on General Purpose Funding \$1,256,226; Law, Order, Public Safety \$26,474, Housing is lower than budget -\$112,934, Recreation and Culture is lower than budget -\$3,587,856, Economic Services is lower than budget -\$732,365, and Transport is lower than budget -\$1,924,215.

Operating Expenditure is lower than budget on Health \$139,036, Law, Order, Public Safety \$102,450, Other Property and Services \$475,344, and Housing is higher than budget -\$254,842.

The Capital Expenditure is overall lower than the budget due to the timing of those projects being later than expected when the Budget was developed and adopted. Specifically a lower than budgeted expenditure on Land and Building (Paraburdoo CHUB construction to occur next financial year), Roads (Roebourne Wittenoom Road and Stadium Road project to be completed), Drainage (Shanks Road Drainage and Drainage renewals project to be completed) and Park & Recreation (Playground upgrade at Onslow delayed and Ian Blair Boardwalk to be completed).

On 10 March 2017 the Shire received confirmation from the Valuer Generals Office that Assessment no. 51217 is to be rated as GRV and not UV, effective from 1 March 2015. With the reclassification to GRV the rates bill is as follows:

- 14/15 rates payable \$851.39
- 15/16 rates payable \$3,389.04 + \$124 ESL
- 16/17 rates payable \$3,439.87 + \$130 ESL

Total GRV payable of \$7,934.30. Subtracting this from the UV rates paid for this period will mean a refund from the Shire to the ratepayer of \$220,350.31 is now payable. As total revenue from budgeted rates and forecast rates with interims and adjustments is still above budget, no budget amendment is required to account for this refund.

Budget Amendments

It is recommended that the following budget variations to the Current Budget for 2016/2017 as outlined below be approved.

Lightning Protection Works - Pool Area (Tom Price)						
GL/Job Number	General Ledger Description	Current Budget	YTD Actuals / Committed	Forecast Year End	Variation Amount	Revised Budget proposed
C1603	Lightning Protection Works- Paraburdoo	\$65,000	\$9,670	\$35,000	(\$30,000)	\$35,000
C1607	Lightning Protection Works- Tom Price	\$65,000	\$0	\$95,000	\$30,000	\$95,000
Reason: Budget Lightning Protection Works – for Tom Price (C1607) to be Increased by \$30,000. Extra charges are envisaged to be incurred, as a larger plant equipment is required to drill 9 metre deep holes for electro rods installation. These rods serve as a protection against lightning strikes. Current plant equipment has a 2 metre reach. Note: There is no impact on the anticipated end of year financial position for the Municipal Account.						

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Consultation

Acting Chief Executive Officer
Director Corporate Services
Executive Management Team
Finance Manager
Finance Team
Consultant Accountant

Statutory Environment

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

The Local Government Act 1995 Part 6 Division 4 s 6.8 (1) requires the local government not to incur expenditure from its Municipal Fund for an additional purpose except where the expenditure:

(b) Is authorized in advance by resolution*

“Additional purpose” means a purpose for which no expenditure estimate is included in the local government’s annual budget.

*requires an absolute majority of Council.

Financial Implications

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

The impact of the proposed budget amendments is within the variation commentary.

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

There are no policy implications for this matter.

Voting Requirement

Absolute Majority Required

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Officers Recommendation

That with respect to the Monthly Financial Report Council:

1. Receives the Financial Reports for May 2017 **ATTACHMENT 13.1A**; and
2. Receives the Schedule of Accounts and Credit Card paid in May 2017 as approved by the Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds as per **ATTACHMENT 13.1B**; and
3. Receives the Capital Expenditures Progress Tracker for May 2017 per **ATTACHMENT 13.1C**; and
4. Receives the Reconciliation Report for May 2017 **ATTACHMENT 13.1D**; and
5. Approves budget variations for the 2016/2017 Budget as outlined below:
 - a. Increase Expenditure Account C1607 Lighting Protection Works (Tom Price, Pool Area) by \$30,000 from \$65,000 to \$95,000 and;
 - b. Decrease Expenditure Account C1603 Lighting Protection Works (Paraburdoo) by \$30,000 from \$65,000 to \$35,000.
 - c. Noting this results in nil change in net current assets as at 30 June 2017 which in turn, retains the forecast surplus at year end 30 June 2017 of \$21,639.

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13.2 RATING STRATEGY

FILE REFERENCE:	RV01
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:	8 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 13.3 (Minute 163) – Ordinary Meeting of Council 23 May 2017

Summary

At the 23 May 2017 Ordinary Meeting of Council (OMC) support was given for updating the rating principles and structure as outlined in the Strategic Rate Review and Property Rating Strategy (Rating Strategy). Council also workshopped the Rating Strategy and authorised it to be advertised for a minimum period of 21 days. This report considers submissions received and recommends Council adopt the Rating Strategy after taking into account these submissions.

Background

The Rating Strategy will provide Council with guidance when exercising its' discretionary rating powers per the Local Government Act 1995 and when it casts the Budget for 2017/18 and future years. The Rating Strategy can and should be reviewed for currency by officers in framing each successive Budget and annual reviews of the Long Term Financial Plan (LTFP).

Comment

The workshop provided Council with a conceptual framework for applying five key principles when exercising its discretionary rating power. These principles are those outlined in the Department of Local Government and Communities (DLGC) Rating Policy.

Also workshopped was the key strategic outcome of Council's 'Plan for the Future'. Informed by the LTFP this outcome is to raise a level of rate revenue necessary to provide for ongoing services and facilities. By selecting a rating structure for 2017/18 and future years this key outcome can be achieved.

A key discussion on the day was identifying strategic issues and risks as well as ways to mitigate those risks including but not limited to:

- UV Mining/Industrial properties:
- A financial risk to revenue due to the small number of high value properties i.e. a drop in property valuation or properties ceasing to be rated.

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- To mitigate Council can carefully consider the purposes to which it puts rate revenue, its sustainability and the impact of increasing service levels.
- State Administrative Tribunal Appeal:
- A financial risk to revenue if the current challenge to the valuation methodology applied by the Valuer General's Office for one particular assessment is upheld.
- To mitigate this, a Financial Risk Reserve can be created. Its purpose, amongst other things, would be to hold rate revenue that equates to the difference between the current valuation in force and a reasonable estimate of the potential change in the valuation should any appeal be successful.

The Shire has advertised the Rating Strategy for a minimum period of 21 days inviting comment from the public. No submissions were received at the time of writing this report with a deadline until Monday 19 June 2017.

ATTACHMENT 13.2

Consultation

Acting Chief Executive Officer
Rates Officer
Paul Breman – Moore Stephens

Statutory Environment

Sections in the Local Government Act 1995 that apply are:

- Section 6.32 provides Council with the power to apply rates to property;
- Section 6.33 provides Council with the power to apply differential general rates - although Ministerial approval is required where a differential rate is more than the lowest differential rate to be imposed;
- Section 6.35 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. It also provides Council with the power to apply a lesser minimum to a portion of the district;
- Section 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. If any of the rates in the dollar is more than twice the other in the valuation type (UV or GRV), then application for approval from the Minister Local Government, is also required;
- Section 5.63 (1) (b) specifically excludes the need for Elected Members to "Declare a Financial Interest" in imposing a rate, charge or fee; and
- Section 6.47 of the Local Government Act 1995 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 based on whether or not the land is occupied by a person who owns the land (so called absentee owner clause).

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

The Department of Local Government and Communities Rating Policies (Ministerial Circular No. 06-2013 and Ministerial Circular 13-2014) also apply:

- Valuation of Land
- Differential Rates

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- Minimum Payments
- Rateable Land
- Giving Notice
- Valuation of Land - Mining

Financial Implications

The Rating Strategy will underpin Council's ability to provide services and facilities for the 2017/18 financial year and into the future.

The Rating Strategy for 2017/18 aligns with the intent of previous LTFP and proposed new LTFP including the proposed average rate increase of 2 per cent per annum per ratepayer.

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 Ashburton's 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

Council Policy FIN10 – 'Wittenoom Properties (as per title deeds), Wittenoom Gorge and Yampire Gorge rates and services policy' applies. The policy states that 'irrespective of the zoning or purpose of the land Council will rate all properties in Wittenoom at the Residential Rate level set annually by Council in the Budget. This is in acknowledgement that local government rates do not pertain specifically to property but also relate to a range of services provided to the community on a non-geographic basis such as sporting facilities, libraries, roads, governance and economic development.'

Council Policy ELM10 – 'Financial Sustainability' applies as it establishes the financial sustainability framework for the Council.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the Rating Strategy, Council:

1. Note that there were no submissions received during the 21 days' notice period provided to the public for comment; and
2. Adopt the Strategic Rate Review and Property Rating Strategy.

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13.3 LONG TERM FINANCIAL PLAN 2017-2032

FILE REFERENCE:	FM28
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:	8 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 13.5 (Minute No.11917) – Ordinary Meeting of Council 18 March 2015 Agenda Item 13.4 (Minute No.164) – Ordinary Meeting of Council 23 May 2017

Summary

At the 23 May 2017 Ordinary Meeting of Council (OMC) the Long Term Financial Plan 2017-2032 (LTFP) was workshopped and endorsed for the purpose of local public notice advertising for a minimum of 21 days. This report considers submissions received and recommends Council adopt the LTFP, taking into account any submissions.

Background

The LTFP is an informing strategy within the Integrated Planning & Reporting Framework (IPRF) and as such guides both the Corporate Business Plan (CBP) and Annual Budget process.

Additionally it provides information on the Shire's financial sustainability in the context of the delivery of projects and services contained within the Strategic Community Plan 2017-2027.

The plan uses the most recent audited Annual Financial Report and adopted Annual Budget as a baseline. It forms the basis for the development of Councils Annual Budget for the following year 2017/18 and also the CBP, which has a minimum four year planning horizon. The LTFP should ideally be reviewed every year in conjunction with the CBP.

Comment

The workshop focused on key underlying assumptions including:

- A stable population;
- The level of borrowings is constrained to keep the debt service coverage ratio not less than 5;
- Current levels of service are maintained and increased only where financially prudent; and
- Operating revenue and expenditure are structured with the goal of achieving

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- the future renewal of its assets within a planned useful life; and
- An inflation rate of 2% is applied to rates.

Also discussed is the LTFP's recognition that the Shire is not in a position to be independently financially sustainable. To continue delivering its current service levels the Shire expects to receive external grants and contributions and does not rely solely on rate revenue.

Operationally the following was highlighted:

- Airport revenues will decrease \$5.2m between 2017-2019 and consideration needs to be given to reducing expenditure levels to ensure Council's desired rate of return is maintained for this business unit;
- Waste services will increase over the first 4 years and as with Airport revenues will need to be set at levels to provide Council with its agreed rate of return;
- Year 1 savings in discretionary expenditure areas will be necessary without which Capex will need to be reduced or borrowings increased.

Two borrowings are included in year 1 for the Paraburdoo CHUB (\$1.1m) and the Onslow Underground Power project (\$1.0m) the latter being a Self-Supporting Loan. The level of Reserves is due to increase over the life of the LTFP as well as being subject to financial techniques to provide for asset expenditure requirements.

Several scenarios were presented to Council to test the impact on the Shire of various reduced funding levels. The base scenario (2% increase in rates yield) was chosen for the life of the plan but does not achieve an improvement in the operating surplus ratio toward the target range level set out in the Department's published Advisory Standard. Scenario 1 however – a 1% increase on the base – shows the operating surplus ratio improve to target range and subsequently achieve the Department's Financial Health Index recommended level.

An estimated surplus of \$0.85m each year has been modelled throughout the plan to achieve the target for the current ratio. Maintaining a surplus of \$0.85m each year results in a ratio which is initially below 1 but as borrowings settle the ratio improves to above the target of 1 enhancing the Shire's Financial Health Index.

The Shire has advertised the LTFP for a minimum period of 21 days inviting comment from the public. No submissions were received at the time of writing this report with a deadline until Monday 19 June 2017.

ATTACHMENT 13.3A

Consultation

Acting Chief Executive Officer
Finance Manager
Russell Barnes - Moore Stephens WA

Statutory Environment

Section 5.56(1) of the Local Government Act 1995 requires local governments to develop a Plan for the Future.

Financial Implications

The LTFP will form the basis for the development of Council's Annual Budget for the following year 2017/18 and also the CBP which has a minimum four year planning horizon. The LTFP should ideally be reviewed every year in conjunction with the CBP.

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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". The high level of risk is being driven by the nature and level assumptions contained in the Plan. As a high risk matter, the Director of Corporate Services is monitoring progress.

Policy Implications

The ELM10 – 'Financial Sustainability Policy' applies as it establishes the financial sustainability framework for the Council.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the Long Term Financial Plan Council:

1. Note that there were no submissions received during the 21 days' notice period provided to the public for comment; and
2. Adopt the Long Term Financial Plan 2017-2032 incorporating a new appendix entitled '**ATTACHMENT 13.3B** Detailed Capital Expenditure Plan'; and
3. Note that the LTFP will be reviewed annually prior to forming each successive year's Budget.

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13.4 PROPOSED DIFFERENTIAL RATES 2017/18

FILE REFERENCE:	RV07
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:	12 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 13.5 (Minute No.12096) – Ordinary Meeting of Council 24 May 2016 Agenda Item 13.3 (Minute No.163) – Ordinary Meeting of Council 23 May 2017 Agenda Item 13.4 (Minute No.164) – Ordinary Meeting of Council 23 May 2017

Summary

At the May 2017 Ordinary Meeting of Council (OMC) both the Strategic Rating Review 2017 and Long Term Financial Plan 2017-2032 (LTFP) were workshopped and supported by Council. This report follows on from that meeting and recommends Council endorse the Objects and Reasons for the Proposed Differential Rates for the 2017/18 financial year and advertise the proposed Differential General Rates and General Minimum payments for public comment per Section 6.36 of the Local Government Act 1995 (the Act).

Background

The power to raise local government property rates is set out under the Act. The Council, using a defined process outlined within the Act, determines the level of rates annually. In adopting its annual budget the Council must consider its current Plan for the Future (comprised of the Strategic Community Plan and Corporate Business Plan) under Section 5.56 of the Act. Within this basic context and subject to the provisions of the Act, the Council is free to use its rating powers to raise rate revenue at the level it determines appropriate.

Determining the appropriate level for rate revenue requires the Council to assess the current and future service needs and aspiration of the community and its capacity and willingness to contribute to those services. The two property valuations available under the Act are Gross Rental Valuation (GRV) and Unimproved Valuation (UV). Council has the option to adopt a uniform general rate however it has chosen an alternative rating structure by applying a differential rate in the dollar to each valuation type. Additionally Council imposes a general

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minimum payment to ensure all properties pay at least a minimum contribution regardless of the property valuation.

Under the Act, the Minister for Local Government and Communities is required to approve the imposition of a differential general rate which is twice the lowest differential general rate imposed by the local government. In 2016/17 Council proposed differential rates which were subject to this provision (Section 6.33 of The Act). In 2017/18 the proposed differential rates are not intended to be subject to the same provision and therefore an application to the Minister will not be required.

Pursuant to Section 6.36 of the Act Council is required to give a minimum period of 21 days' notice of the proposed differential rates and minimum payments and to consider any submissions received. Council considers and responds to these submissions after receiving the Officers report on these submissions and the proposed differential rates and minimum payments can then be imposed without or without Council's modification.

Comment

Rating Structure

The Strategic Rating Review recommends a future rating structure to achieve strategic outcomes and ensure the LTFP rate revenue levels are met. In turn the Shires' rating structure seeks to apply the five rating principles included in the Department of Local Government and Communities (DLGC) March 2016 Rating Policy.

The rating structure for the proposed Differential Rates 2017/18 is as follows:

- GRV Properties
 - GRV Residential/Community
 - GRV Commercial/Industrial/Tourism
- UV Properties
 - UV General - new
 - UV Mining/Industrial

UV General is a new category amalgamating UV Pastoral and UV Tourism. UV General was also intended to amalgamate UV Residential however in March 2017 the Valuer General Office (VGO) advised the sole property categorized as UV Residential is to henceforth be rated GRV effective from March 2015.

Valuations

Aside from the change to the basis of rating for UV Residential the property valuations for 2016/17 have remained stable with usual fluctuations occurring throughout the year due to the VGO interim valuation changes.

Rate Category	2016/17 Valuation	2017/18 Valuation	Var. \$	Var. %
GRV Residential/Community	81,839,665	85,417,995	3,578,330	4.37%
GRV Commercial/Industry/Tourism	20,176,858	20,092,834	-84,024	-0.42%
UV Mining/Industrial	60,274,199	61,152,716	878,517	1.46%
UV General	9,280,769	7,085,866	-2,194,903	-23.65%
Non-Rateable	1,834,993	1,785,693	-49,300	-2.69%
Total Valuation	173,406,484	175,535,104	2,128,620	1.22%

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The valuation increase to GRV Residential/Community is mainly due to Barrada Estate. There are 51 new Chevron houses, 3 Onslow Salt properties and 6 new Housing Authority houses with a change in valuation from \$6,900 to \$67,500 each. There is also numerous subdivisions in Onslow that have markedly increased in valuation. These will be rated at full valuation and will not benefit from a discount. UV Mining/Industrial in 2016/17 saw around 200 tenements being handed back. However five new large mines opened resulting in a valuation increase for the year of around \$878,000.

It should be noted a new valuation roll is due in late June and UV properties will be updated.

2017/18 Budget Proposal

The following are the proposed Differential General Rates and Minimum Payments for the Shire of Ashburton for the 2017/18 financial year, to be effective from 1 July 2017.

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 dollar of 2 per cent (forecast inflation rate) 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. The LTFP rate revenue level for Year 1 (2017-18) is \$29,874,277.

ATTACHMENT 13.4A

Minimums

Section 6.35 of the Act provides Council the power to apply a minimum payment greater than the general rate. For 2017/18 it is proposed the 2015 Rating Strategy recommendations be retained i.e. 'increase the level of minimum payments from the current level of \$560 to one that reflects the net cost of basic services and facilities'. The overall increase for the five years to 2019/20 is 55% from the 2015/16 level with the increase to be phased in over time to provide relief to ratepayers.

Concessions

In the 2016/17 Budget Council exercised its legislative power under Section 6.47 of the Act and granted two concessions – one to GRV Residential/Community and the other to UV Mining/Industrial:

- GRV Residential/Community – the concession to be equivalent to the difference payable between 2014/15 GRV Residential/Community properties rate in the dollar (i.e. 0.0590961), and 2015/16 valuations and the proposed 2016/17 rate in the dollar. The dollar value of the concession is estimated to be \$272,146. The reason being as a result of the significant increase and variation between GRV valuations resulting from the 2014/15 General Revaluation the concession ameliorates the effect of this significant increase in valuations;
- The concession to Assessment A51050 of \$3,253,519 for 2016/17. That is, the equivalent to setting the valuation for the 2016/17 budget at \$7,953,333 (i.e. a one third phased in increase on the 2015/16 valuation, with a change to the rates yield to only result if the valuation increase is reduced upon appeal by more than 66.66%).

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The reason being as a result of the significant increase in UV valuation for assessment A51050 Council has offered a concession to ameliorate the effect of the increase.

For 2017/18 it is proposed Council grant two concessions:

- GRV Residential/Community – the concession to be equivalent to the difference payable between 2014/15 GRV Residential/Community properties rate in the dollar (i.e. 0.0590961), and 2016/17 valuations and the proposed 2017/18 rate in the dollar. The dollar value of the concession is estimated to be \$277,590. The reason being as a result of the significant increase and variation between GRV valuations resulting from the 2014/15 General Revaluation Council has offered a concession to ameliorate the effect of this significant increase in valuations;
- UV General – the concession to be 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. The dollar value of the concession is estimated to be \$867,667. The reason being in relation to the principles of fairness and equity and as a result of the new UV General category i.e. the rate in the dollar being set at a level that is greater than the intended increase of 2% in the rate in the dollar.

Objects and Reasons

A Statement is published by the Shire in accordance with Section 6.36 of the Act to advise its objectives and reasons for implementing differential rates. The following is a summary:

- Gross Rental Values apply to the following differential general rate categories - Commercial, Industrial, Tourism, Residential and Community;
- Unimproved Values apply to the following differential general rate categories - Mining, Industrial and General;
- Council proposes to grant concessions to GRV Residential/Community and UV General Pastoralists as discussed above;
- The base GRV valuation is effective from 1 July 2017 with the next full revaluation scheduled to be applicable from 1 July 2018;
- GRV Commercial/Industrial properties have a higher rate applied in the GRV category to reflect the additional financial impact these activities have on Shire infrastructure and services - the objective is to raise additional revenue to contribute toward higher costs associated with this impact;
- GRV Residential/Community properties have a lower rate applied in the GRV category to further the Shire's strategic goals to encourage and support residential development in the own sites and organisations that contribute to a safe, healthy, cohesive and vibrant community;
- UV Mining/Industrial properties have a higher rate applied to reflect the additional financial impact mining and related industries have on Shire infrastructure and services to other land use types. The higher level of rate revenue from these properties will contribute toward current and future costs identified in the 2017 LTFP such as civil infrastructure for services and facilities;
- UV General has a lower rate applied to reflect the lower level of impact these activities (i.e. properties with pastoral leases and tourism operators) have on general infrastructure and facilities including road infrastructure, recreation facilities etc. The objective is to raise less revenue from UV General properties, than Mining/Industrial.

ATTACHMENT 13.4B

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Notice of Intention to levy differential rates 2017/18

It is intended for the proposed differential general rates and general minimum rates to be placed on public notice boards at the Shire Administration offices and libraries, the Pilbara News and West Australian on Thursday 22 June as well as the Shires' website. The notice will invite submissions for 21 days as is required by Section 6.36 of the Act with a deadline for receiving the submissions at noon Friday 14 July 2017. A report on the submissions will then be prepared for Council.

ATTACHMENT 13.4C

Consultation

Acting Chief Executive Officer

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.

Financial Implications

The proposed Differential Rates will raise general rate revenue of \$31,024,534 before proposed concessions of \$1,156,734 are granted. Total amount raised from General Rates for 2017/18 will be \$29,867,800. This aligns strongly to the LTFP rate revenue level for 2017/18 of \$29,874,277. Attention has also been given to Financial Sustainability within the LTFP so that primary financial health indicators (i.e. financial ratios) fall within their respective target ranges. This is an important consideration as the Department of Local Governments Financial Health Index is seen as an ever increasingly important barometer of the Shires Governance and Administrative overall performance and accountability to its ratepayers and community.

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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". The high level of risk is being driven by the low number of high value properties in the UV Mining/Industrial category and the uncertainty of the valuations remaining at current levels as well as the possibility properties ceasing to be rateable. Additionally a State Administrative Tribunal (SAT) ruling into the methodology of UV valuations is due in late July which should the ruling be unfavourable to the Shire will potentially reduce the valuation of one property and hence the 2017/18 rate revenue for the Shire. To mitigate this risk a Financial Risk Reserve is to be created per recommendation of the 2017 Strategic Rating Review. As high risk items, the Director Corporate Services is monitoring the issues closely.

Policy Implications

- ELM10 – 'Financial Sustainability Policy' applies as it establishes the financial sustainability framework for the Council.
- FIN10 – Wittenoom Townsite, Wittenoom Gorge and Yampire Gorge Rates and Services Policy applies as it states Council is to cease waving rates for Wittenoom properties.
- Department of Local Government and Communities Rating Policy 2016 applies providing Council guidance on the five rating principles including (i) Objectivity; (ii) Fairness And Equity; (iii) Consistency; (iv) Transparency; and (v) Administrative Efficiency.

Voting Requirement

Absolute Majority Required

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Officers Recommendation

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

1. Advertise its' intention, in accordance with S 6.36 of the Local Government Act 1995, to adopt the following rates in the dollar and minimum rates for the 2017/18 financial year noting an average rate increase for ratepayers of 2%:

Rate Code Description	Rate in the \$	General Minimum	Lesser Minimum
GRV Residential/Community	0.051980	830.00	622.50
GRV Commercial/Industrial/Tourism	0.052081	1037.50	NA
UV General	0.198959	1037.50	NA
UV Mining/Industrial	0.390116	1039.50	NA

2. Adopts the Objects and Reasons for Proposed Differential Rates 2017/18.
3. Receive submissions for at least 21 days from Wednesday 21 June 2017 until midday of Friday 14 July 2017.
4. Consider a report on any submissions received at its Ordinary Meeting of Council on Tuesday 18 July 2017 prior to adopting the schedule of proposed Differential Rates 2017/18.
5. Has considered its' revenue and expenditure requirements to ensure operational efficiency.
6. Acknowledge the proposed Differential Rates align with the 2017 Property Rating Strategy and 2017-32 Long Term Financial Plan.

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13.5 PROPOSED SCHEDULE OF FEES AND CHARGES 2017/18

FILE REFERENCE:	FM28
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:	8 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 No.12105) – Ordinary Meeting of Council 6 June 2016

Summary

The Shire's proposed Fees and Charges are presented to Council for consideration for the Financial Year 2017/18. The proposal is required to be advertised prior to effect. It is proposed the new fees and charges will become effective from the start of the 2017/18 financial year (1 July 2017), dependent upon advertising requirements.

Background

A local government may impose and recover a fee or charge for goods or services it provides.

The proposed Fees and Charges have been collated and compiled in consultation with Department/Program Managers responsible for providing the relevant services to the community and ensuring appropriate levels of income/cost recovery are generated for the Shire.

Comment

The proposed Fees and Charges 2017/18 are based on the following assumptions:

- An increase of 1.75% has been applied to most services to reflect CPI (note that rounding of figures does occur and therefore the increase may in fact be +/- 0.25%);
- Any changes to Statutory Charges are per the relevant Act e.g. Dog Registration Fees per Dog Act 1976;
- Waste charges are based on a 'closed business unit' model and represent a staged approach to full cost recovery;
- New Fees and Charges in the Schedule have been highlighted in the workshop and include the following areas:
 - Staff Housing Leased Properties;
 - Cemetery – monument licenses and standard burials;
 - Animal Control – bond for dog collar; and

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- Building – private pools customer initiated compliance inspection and approval of battery powered smoke alarms.

- Community Facilities
 - Onslow Multi-Purpose Centre – consultation rooms;
 - Vic Hayton Swimming Pool – family entry;
 - Quentin Broad Swimming Pool – family entry; and
 - Onslow Swimming Pool – family entry.

- Waste Management
 - Commercial/Industrial refuse collection;
 - Other refuse collection – bin sales and pick-ups;
 - Tom Price Waste Disposal Facility – grease and Green waste;
 - Paraburdoo Waste Facility – grease, white goods and Green waste; and
 - Onslow Waste Transfer Station – grease and Green Waste.

The Schedule of the proposed Fees and Charges for 2017/18 has been workshopped prior to adoption and is subject to amendment if the Council so desires.

ATTACHMENT 13.5A

Once adopted by Council the intention to impose the schedule of Fees and Charges for 2017/18 will be advertised in accordance with Section 6.19 of the Local Government Act 1995 (the Act).

ATTACHMENT 13.5B

Consultation

Acting Chief Executive Officer
Directors and Managers of the Shire

Statutory Environment

The following sections of the Act apply:

- Section 6.16 sets out the Councils 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.
- 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

Fees and Charges income for 2017/18 is based on year 1 of the Long Term Financial Plan (LTFP).

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The level of Fees and Charges for 2017/18 is \$10,460,768 contributing 20% of revenue for the period. This is highly dependent on the level of mining (Waste fees) and oil and gas (Airport fees) activity. The level of uncertainty is considered to be medium with +/- \$1.7m to the value of non-operating grants and contributions per 1% movement in the value of the life of the LTFP.

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

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 a *“Low Risk: Managed by routine procedures”*.

If Council was to direct that fees/charges be modified significantly without complementary changes in other parts of the budget, then the level of risk would need to be reassessed.

Policy Implications

There are no specific policy implications related.

Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to the proposed Fees & Charges for the 2017/18 financial year, Council:

1. Pursuant to section 6.16 of the Local Government Act 1995 adopt the Fees & Charges Schedule as per the **ATTACHMENT 13.5A** and give local public notice of the changes with effect from the date of that notice.
2. Pursuant to section 53 of the Cemeteries Act 1986 adopt the Fees and Charges for all Cemeteries in the Shire of Ashburton included at page 2 and 3 in **ATTACHMENT 13.5A** with effect from the date of advertisement in the WA Government Gazette.
3. Pursuant to regulation 53 of the Building Regulations 2012 adopts a swimming pool inspection fee included at page 9 in **ATTACHMENT 13.5A**.
4. Pursuant to section 67 of the Waste Avoidance and Resources Recovery Act 2007, adopt the charges for the removal and deposit of domestic and commercial waste included at Page 26 and 27 in **ATTACHMENT 13.5A**.

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13.6 OFFICES AND FACILITIES CLOSURE 2017/18

FILE REFERENCE:	CR05
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:	8 June 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and the 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 the proposed dates the Shire Offices will be closed over the Christmas and New Year Period 2017/18, as well as the Waste Collection Services and Tip opening hours over the Christmas, New Year and Australia Day period 2017/18 and seek confirmation that the Council is again prepared to allow the facilities to be closed over that period.

Background

Previously Council has been in the practice of permitting the closure of its offices and having altered Waste Collection and Tip opening hours for the Christmas and New Year period. The report is to inform Council of the proposed closure/adjusted dates and, seek approval to facilitate advertising office arrangements over this period to the public.

Comment

Approval is sought for the closure of the offices in the various towns of the Shire for the period from 4pm Friday 22 December 2017 to 9am Tuesday 2 January 2018.

Experience over the past years has indicated there is little requirement from the general public for administrative staff assistance over the Christmas/New Year period. In any event, suitable after hours contact numbers will be made available to the general public.

The proposed waste collection services and tip opening/closing times for the Christmas, New Year and Australia Day period 2017/18 are listed in **ATTACHMENT 13.6**.

Consultation

Acting Chief Executive Officer
Executive Management Team
Waste Coordinator

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Statutory Environment

Section 2.7 and 3.1 *Local Government Act 1995*

Financial Implications

There are no known meaningful financial implications relative to this matter in excess of officer time and minor administrative costs. Officers will be required to take a combination of either public holidays, time in lieu or annual leave during the period of the closure.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 04 – Exemplary team and work environment

Risk Management

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

Policy Implications

Given it has been long practice to close the Offices each Christmas period, the following new Policy is proposed;

That Council authorise the closure of all Shire of Ashburton services and operations, with the exception of Emergency Services, Waste Services, Aquatic Facilities, Ranger Services and Cleaning Services, annually from the Christmas Day holiday until normal working hours on the day following the New Year public holiday inclusive, with employees required to use their leave entitlements and the closure being well publicised prior to this date.

Voting Requirement

Simple Majority Required

Officers Recommendation

In respect to Shire Office closures and Waste Collection Services over the Christmas, New Year and Australia Day period 2017/18, Council:

1. Approve the Shire Offices in each of the four Towns and Tom Price Library being closed from 4pm Friday 22 December 2017 until reopening at 9am Tuesday 2 January 2018 and;
2. Approve the variation to Waste Collection Services and Tip hours for that same period as per **ATTACHMENT 13.6** and;
3. Approve the following new Policy of Council:

That Council authorise the closure of all Shire of Ashburton services and operations, with the exception of Visitor Services, Emergency Services, Waste Services, Aquatic Facilities, Ranger Services and Cleaning Services, annually from the Christmas Day holiday until normal working hours on the day following the New Year public holiday inclusive, with employees required to use their leave entitlements and the closure being well publicised prior to this date and the CEO be required to ensure that the organisation has provisions in place to ensure that Council can reasonably respond in the event of unforeseen circumstances.

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14. DEVELOPMENT AND REGULATORY SERVICES REPORTS

There are no reports for this agenda.

15. INFRASTRUCTURE SERVICES REPORTS

There are no reports for this agenda.

16. STRATEGIC AND ECONOMIC DEVELOPMENT REPORTS

Declaration of Interest

Prior to consideration of this Agenda Item:

Sarah Johnston declared a (financial indirect financial, impartiality) interest.

Cr L Rumble declared an (indirect Financial) interest.

Cr D Dias declared a (financial) interest.

Cr D Diver declared a (financial) interest.

Cr M Lynch declared a (financial) interest.

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

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

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

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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.

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:

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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 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;

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- 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 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

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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

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

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Voting Requirement

Simple Majority Required

Officers Recommendation

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

1. Partnership Delivery and Governance Deed; and
2. Community Events and Festivals Funding Deed; and
3. Community Capacity Funding Deed.

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16.2 AUTHORISATION TO AFFIX COMMON SEAL TO NOTIFICATION, LOT 588 SECOND AVENUE, ONSLOW

FILE REFERENCE:	SEC.0588
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:	7 June 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial interest, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

In April 2017, retrospective Planning Approval was issued for the Shire of Ashburton managed Reserve 35889, being Lot 588 on Plan 190235, 60 Second Avenue, Onslow (Onslow Sun Chalets). A condition of approval requires a Section 70A Notification be prepared and lodged on the Certificate of Title advising the lot is located in a Vulnerable Coastal Area.

To register the documents, affixation of the Common Seal is required.

Background

Reserve 35889 being Lot 588 on Plan 190235 is under the care, control and management of the Shire of Ashburton. The premises are leased to Ashburton Investment Trusts for the operation of Onslow Sun Chalets. The lease expires in 2024 with an optional additional 10 year renewal.

A recent review of the Shire's building assets to ensure planning approvals were in place brought to light Onslow Sun Chalets had no planning approval on record. To rectify this, planning approval was issued in April 2017 with the following condition:

"A Notification under Section 70A of the Transfer of Land Act 1893 shall be prepared and lodged with the Registrar of Titles for endorsement on the Certificate prior to the commencement of development. The notification shall advise of the existence of a hazard or other factor affecting use or enjoyment of the land to the satisfaction of the Shire and at the applicant's cost. The memorial shall state as follow:

Vulnerable Coastal Area

"This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years."

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Comment

To ensure compliance with the condition of planning approval to have a notification registered on the Certificate of Title for Lot 588 on Plan 190235 advising of the vulnerable coastal area, a Section 70A Notification under the *Transfer of Land Act 1893* has been prepared for affixation of the Common Seal.

ATTACHMENT 16.2

Consultation

Principal Planner
Town Planner

Statutory Environment

Local Government Act 1995 – Section 9.49A – Affixing the Common Seal states in part:

“9.49A. Execution of documents

- (1) A document is duly executed by a local government if —
 - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.**
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) The common seal of the local government is to be affixed to a document in the presence of —
 - (a) the mayor or president; and*
 - (b) the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.”**

Transfer of Land Act 1893 – Section 70A – Factors affecting use and enjoyment of land, notification on title

Land Administration Act 1997 – Section 18 – Crown land transactions that need Minister’s approval and Section 46 – Care, control and management of reserves

Financial Implications

There are no known meaningful financial implications relative to this matter in excess of officer time and minor administrative costs.

Strategic Implications

Goal 04 – Distinctive and Well Serviced Places
Objective 01 – Quality Public Infrastructure
Objective 03 – Well Planned Towns

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance
Objective 3 – 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 “Low” risk and can be managed by routine procedures, and is unlikely to need specific application of resources.

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Policy Implications

ELM13 Use of Shire of Ashburton Common Seal Policy.

Voting Requirement

Absolute Majority Required

Officers Recommendation

In respect to Notifications required pursuant to Section 70A of the Transfer of Land Act 1893, Council:

1. Authorise the Shire President and Chief Executive Officer to execute and apply the Common Seal to a Notification under Section 70A, advising the Vulnerable Coastal Area for Lot 588 on Plan 190235, 60 Second Avenue, Onslow (Onslow Sun Chalets) and;
2. Delegate authority to the Chief Executive Officer to execute and apply the Common Seal with the Shire President to give effect to notifications required pursuant to Section 70A of the Transfer of Land Act 1893; and
3. Amend Council Policy ELM13 Affixing of the Shire of Ashburton Common Seal to reflect Part 2.

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17. COUNCILLOR AGENDA ITEMS / NOTICES OF MOTIONS

There are no reports for this agenda.

18. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

19. CONFIDENTIAL MATTERS

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

(2) *If a meeting is being held by a Council or by a committee referred to in subsection (1)(b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:*

(a) a matter affecting an employee or employees;

(b) the personal affairs of any person;

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;

(e) a matter that if disclosed, would reveal:

(I) a trade secret;

(II) information that has a commercial value to a person; or

(III) information about the business, professional, commercial or financial affairs of a person,

Where the trade secret or information is held by, or is about, a person other than the local government.

(f) a matter that if disclosed, could be reasonably expected to:

(I) Impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;

(II) Endanger the security of the local government's property; or

(III) Prejudice the maintenance or enforcement of any lawful measure for protecting public safety;

(g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1981; and

(h) such other matters as may be prescribed.

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19.1 CONFIDENTIAL ITEM DEBTORS WRITE OFF - BORAL ASPHALT

FILE REFERENCE:	FM17 RV13
AUTHOR'S NAME AND POSITION:	Felicity Scott Financial Services Coordinator
AUTHORISING OFFICER AND POSITION	John Bingham Director Corporate Services
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	8 June 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

Report/ Attachment is Confidential as per Local Government Act 1995, Section 5.23 (2)(e).

Officers Recommendation

That Council endorse the actions of staff in successfully negotiating a deed of commitment to paying \$60,000 in outstanding debts and agree to write off the disputed part of the debt totalling \$34,891, inclusive GST, and any accrued interest yet to be brought to account, owed by Debtor Number 756 against invoice number 1697.

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20. NEXT MEETING

The next Ordinary Meeting of Council will be held on 18 July 2017, at the Clem Thompson Sports Pavilion, Stadium Road, Tom Price commencing at 1.00 pm.

21. CLOSURE OF MEETING

There being no further business to discuss the Presiding Person closed the meeting at ____pm.