

Shire of Wiluna

MINUTES



Ordinary Meeting of Council

Wednesday 31 May 2017

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APPENDICES

- APPENDIX 7 Petition – Save Our Pub**
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AGENDA**1. Declaration of Opening and Announcement of Visitors**

The Chairperson declared the meeting open at 12.29pm and welcomed Councillors and staff to the meeting.

2. Record of Attendance / Apologies and Leave of Absence Previously Approved

Cr Jim Quadrio	President
Cr Graham Harris	Deputy President
Cr Stacey Petterson	
Cr Caroline Thomas	

Colin Bastow	Acting Chief Executive Officer
Warren Olsen	Acting Deputy Chief Executive Officer
Louka Shopov	Executive Manager Engineering & Development Services
Katrina Boylan	Senior Administration Officer

Apologies

Cr Chris Webb	
Cr Norma Ward	
Tracey Luke	Executive Manager Community & Economic Development

Leave of Absence Previously Approved

Nil

3. Response to Previous Public Question Taken on Notice

A letter has been written to Mrs Gill Marchant regarding the signage on Wongawol Road for the new Galaxy Pit Operations. Blackhams Resources have erected signage.

4. Public Question Time

Nil

5. Applications for Leave of Absence

Nil

6. Notations of Interest

6.1. Interest Affecting Impartiality Shire of Wiluna Code of Conduct

Councillor/Officer	Item	Nature of Interest	Extent of Interest
Cr Stacey Petterson	10.4.2..	Impartial	Subject is defacto partner

6.2. Financial Interest Local Government Act Section 5.60A

Councillor/Officer	Item	Nature of Interest	Extent of Interest
Cr Jim Quadrio	10.1.1.	Financial	Claiming reimbursement

6.3. Proximity Interest Local Government Act Section 5.60B

Nil

7. Petitions and Deputations

We have received a petition which is attached to this agenda as Appendix 7.

The prayer of the petition simply reads "save our Pub". Shire officers understand that saving the pub is the Council's intention in making an offer to purchase the property.

The petition is not in the usual form in that the name and address of the principal petitioner are not identifiable.

The usual way of dealing with petitions is to respond in writing to the principal petitioner, but that is obviously not possible in this case.

It is recommended that the Council merely resolves to receive the petition.

Officer Recommendation & Council Decision

Item 7

MOVED CR HARRIS

SECONDED CR PETERSON

That the petition be received.

CARRIED 4/0

Resolution 072/17

8. Confirmation of Minutes of Previous Meetings

8.1. That the minutes of the ordinary meeting held on 26 April 2017 be accepted as a true record of the meeting.

8.2. That the minutes of the special meeting held on 17 May 2017 be accepted as a true record of the meeting.

Council Decision**Items 8.1. & 8.2.****MOVED CR PETTERSON****SECONDED CR HARRIS**

That the minutes of the ordinary meeting held on 26 April 2017 and the special meeting held on 17 May 2017 be accepted as a true record of the meeting.

CARRIED 4/0**Resolution 073/17****9. Announcement Presiding Member without Discussion**

The Shire President wished to thank the Minderoo Foundation for allowing Dougall Ethell to come to Wiluna to facilitate the community meetings and forums. This has started a discussion on various topics and another meeting will be arranged at a later date.

10. Reports of Officers and Committees**10.1. Chief Executive Officer**

As Cr Quadrio declared a financial interest in this item which would result in the meeting having no quorum, therefore the item will be laid aside until the next Council Meeting in June 2017.

10.1.1. WA Freight and Logistics Summit

File:	ADM 0104
Reporting Officer:	Colin Bastow – Acting Chief Executive Officer
Author:	Katrina Boylan – Senior Administration Officer
Date of Report:	18 May 2017
Date of Meeting:	31 May 2017
Disclosure of Interest:	Nil

Purpose

Council to consider approving the attendance and registration expense incurred by the Shire President to attend the WA Freight and Logistics Summit.

Background

The Summit is in Perth on 25 May 2017 at the CCI Function Centre, East Perth. A copy of the programme is attached.

Attendance at this conference requires a formal resolution of Council, as per Policy 1.25 – Elected Members: Representation/Delegation and Professional Development.

Policy 1.25 states:

- (c) *Other: Often there are other local government conferences, seminars and so forth where it is desirable that the Shire have a delegate/s or where the attendance may be beneficial. The National General Assembly of Local Government and the National Local Roads and Transport Congress are included in this category. The term representative or delegate will be used here."*

Comment

The Shire President expressed an interest in attending this conference and he will be in Perth to meet with the Department of Regional Development along with the Acting CEO and Deputy CEO to discuss the Shire's Royalties for Regions Grant which was received for the renovation of the Heritage and Interpretative Centre.

The Summit will be covering a number of important issues that are very topical in Wiluna. Therefore, the Shire should support the Shire Presidents attendance at the Summit.

Consultation

Jim Quadrio, Shire President

Statutory Environment

Nil

Policy Implications

Policy 1.25 requires a Council resolution for attendance at this type of event.

Financial Implications

\$399 per attendee, travel and accommodation costs already being met by the Shire for attendance to meeting with Department of Regional Development.

Voting Requirement SIMPLE MAJORITY

Officer Recommendation

MOVED CR

SECONDED CR

That Council:

1. approve the attendance of the Shire President to the WA Freight and Logistics Summit, and
2. approve the reimbursement of the registration expense of \$399 to the Shire President.

10.1.2. Strategic Projects

File:	ADM0229
Reporting Officer:	Colin Bastow, Acting Chief Executive Officer
Date of Report:	18 May 2017
Date of Meeting:	31 May 2017
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to seek Council's approval of a list of Strategic Projects for final public consultation.

Background

The Shire had previously engaged with the local community to develop a draft list of strategic projects. The community strategic projects have been added to a list of projects that Council considers necessary to enhance the economic, social and recreational opportunities for residents and visitors to Wiluna.

Comment

The Shire should seek final feedback from the local agencies on the list of Strategic Projects attached as Appendix 10.1.2 before Council finalises the list.

As the Shire does not have the resources to undertake planning, pursue funding opportunities and deliver projects for a vast majority of the projects in a short period of time, e.g. three to four years, it is extremely important that the Shire undertakes planning on only a handful of projects at any one time. Projects will need to be planned to a 'shovel ready' standard before the Shire would be in a position to seek grant funding. The final stage of the project will be its delivery/completion. The estimated average cycle for each project to be delivered is likely to be three years but this could be longer for larger scale projects which may depend on a higher amount of funding or more complex planning.

Those projects that only involve the Shire advocating for them to third parties may be undertaken earlier, however the delivery of the project is entirely reliant on the actions of a third parties.

Council will be given another opportunity to consider the list of Strategic Projects once the final public consultation has taken place.

Consultation

Dean Taylor, previous Acting CEO

Warren Olsen, Acting Deputy Chief Executive Officer

Louka Shopov, Executive Manager Engineering & Development Services

Tracey Luke, Executive Manager Community & Economic Development Services

Jim Quadrio, Shire President

Council

Statutory Environment

Local Government Act 1995

Once the strategic projects have been approved by Council they will eventually be added to the Shire's Strategic Community Plan once it has been updated.

Risk Assessment

The Shire considers the major risk to the various projects that are listed in the attached List of Strategic Projects would be the lack of funding and/or lack of suitably qualified and experienced project management staff.

Policy Implications

Nil

Financial Implications

The individual projects will be more accurately costed once the appropriate planning has been completed. The Shire will seek external funding whenever possible to maximise the number of projects that can be completed.

However, it is currently estimated that the net cost to the Shire may be around \$37 million.

Strategic Implications

The list of strategic projects will be included in the revised Community Strategic Plan as well as other plans that are associated with the Shire's Integrated Strategic Plans which includes the Long Term Financial and Business Plans.

Voting Requirements SIMPLE MAJORITY**Officer Recommendation & Council Decision****Item 10.1.2.****MOVED CR THOMAS****SECONDED CR HARRIS****That the list of Strategic Projects attached to this agenda as Appendix 10.1.2 be approved for final public consultation with the local agencies.****CARRIED 4/0****Resolution 074/17**

10.1.3. CEO Position Description & Recruitment

File:	ADM0434
Reporting Officer:	Colin Bastow, Acting Chief Executive Officer
Date of Report:	18 May 2017
Date of Meeting:	31 May 2017
Disclosure of Interest:	Nil

Purpose

The purpose of this report is for Council to approve the Chief Executive Officer's (CEO) position description as well as determine the recruitment process to be used.

Background

Selecting and appointing a CEO is one of the most important tasks elected members may undertake during their term of office. Choosing the right person is critical to the success of the Council and the local government.

It is essential that correct processes are followed so that every opportunity is given to the candidates to put the appropriate information forward so the Council can choose the person most suited to the position. It is important that elected members understand that when they appoint a CEO they are entering into a contractual relationship with the CEO.

A commitment to trust and good faith by both parties will lead to an effective relationship between the Council and the CEO.

Council had appointed an Acting CEO until 30 June 2017, therefore the recruitment process for the appointment of a permanent CEO should be started in early June 2017 to ensure there is a timely transition.

Comment

The Position Description document, particularly the selection criteria and performance criteria should be reviewed prior to advertising. Council needs to determine what they want their CEO to do and whether the selection criteria will facilitate the appointment of a person with the appropriate set of skills.

For example, it may be very important that a CEO work with diverse elements of the community such as developers, mine operators, Indigenous communities or other specific interest groups. Therefore, a selection criterion might be "Proven ability to work and negotiate with diverse groups in the community" If such a criteria is not included an assessment of the applicants' abilities in this area may be overlooked. This is why Councils must ensure when commencing the task of appointing a new CEO that the skills and qualities required are well understood and documented.

Selection criteria are generally classified as 'essential' or 'desirable'. Applicants who are able to satisfy all the essential criteria should be considered for interview.

If an application does not fully address the essential selection criteria the applicant should not be considered for interview.

However, on occasions an application may be received where the applicant has the

skills and experience which indicate a capacity to satisfy the essential selection criteria even though it is not clearly elaborated in their address of the selection criteria in their application. In these circumstances the application may warrant further consideration.

Desirable criteria are not an essential requirement of the position. They are normally identified to attract applicants who may have a wider range of skills and experience which an employer would consider desirable.

Performance Criteria

Performance criteria are quantitative and/or qualitative measures of performance. There are two broad categories of performance criteria; those that have general application and apply at all times and specific criteria that apply for a limited period of time. An example of the first type would be, "Advice to Council is relevant, accurate and timely." An example of the second type of performance criteria would be, "Calling of tenders for the new recreation centre is undertaken on time and in compliance with the law" It is obvious that the first is always going to be required, whereas the second is specific to the project of the new recreation centre.

Council may set ongoing permanent performance criteria that will be included in the contract. The successful applicant needs to be informed that performance criteria relevant to a specific project/s will also be subject to annual negotiation. These will be assessed at least once during each year.

In setting performance criteria, Council will need to determine what it is they want their CEO to do over and above legislative requirements. Councils need to be realistic in terms of their expectations and provide appropriate resources to facilitate achievement of performance criteria.

The performance criteria must be consistent with the position description and the selection criteria.

It is not essential that performance criteria relating to a specific project/s are identified prior to the appointment but, if not, they must be identified very soon after so that the new CEO is aware of what is required of him or her in the coming year or years.

Contract of Employment

The Council should review and amend, where necessary, the existing terms and conditions of the CEO contract before proceeding to advertise the position.

It is also recommended that Council obtains advice on the contract where alterations or amendments are proposed and there is any (even slight) doubt as to the meaning of those alterations or amendments.

It should be noted that section 5.39 (3) of the Act provides that an employment contract is of no effect unless it contains:

- an expiry date; and
- performance criteria for the purpose of reviewing the person's performance.

Regulation 18B of the Local Government (Administration) Regulations 1996 also requires that the contract contains a provision that places a limit on the maximum amount of remuneration that can be paid to a person should the contract be terminated prior to its expiry date.

Amendments to Regulation 19A of the Local Government (Administration) Regulations 1996 now sets that limit to a maximum of one year salary termination payment or the value of the remuneration for the balance of the period of contract that is left to run, whichever is the lessor of the two amounts.

CEO Remuneration

Amendments to section 5.39(7) of the Act now provide for a CEO's remuneration to be determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975.

The Shire of Wiluna is currently on Band 4 of the Salaries and Allowances Tribunal. This means the Shire must offer a remuneration package of \$126,956 to \$198,210 plus a maximum Regional/Isolation Allowance of up to \$40,000.

As per the current Salary & Allowance determination a Housing Allowance will not be included in the Total Reward Package which is offered to the CEO. A motor vehicle is considered a tool of the trade and not considered part of the Total Reward Package.

Advertising the Vacancy

Ideally, the position should be advertised as widely as possible to attract the best possible field of candidates. The minimum requirement for advertising under Local Government (Administration) Regulation 18A(1) is for the position to be advertised in a newspaper circulating generally throughout the State.

Regulation 18A(2) prescribes the minimum requirements to be included in an advertisement for the position of CEO. Those requirements are:

- the details of the remuneration and benefits offered;
- details of the place where applications for the position are to be submitted;
- the date and time for the closing of applications for the position;
- the duration of the proposed contract; and
- contact details for a person who can provide further information about the position.

In addition to the above, a local government is to include any other information in the advertisement which it believes is relevant.

The content and context of advertisements should be carefully considered.

An attractive and well-constructed advertisement is more likely to attract the interest

of potential candidates.

A comprehensive application kit comprising documentation relevant to the vacant position should be developed and provided to potential applicants on request. Reference to, and instructions on how to access the kit should be included in the advertisement.

Allow sufficient time within the advertisement for potential applicants to prepare and forward applications.

It is recommended that the position be open for a minimum of two weeks with a definite date and time after which applications will not be considered.

Confidentiality

From the beginning to the conclusion of the process, absolute confidentiality must be maintained by every person involved in the selection process. This cannot be emphasised enough as any information which finds its way into the public domain before a recommendation is made to Council may well compromise the selection process.

Council should consider the use of a confidentiality agreement which requires all persons involved in the selection process to agree to appropriate levels of confidentiality.

Selection and Appointment Process

The selection and appointment process to be applied to a CEO position must be approved by Council prior to advertising as prescribed under *Local Government (Administration) Regulation 18C*.

A check list is provided at Attachment 1 in this guideline to assist local governments with following an appropriate sequence in the selection and appointment process.

Extensive consideration should be given to the overall process, especially the shortlisting, as to whether preliminary interviews will be conducted and whether final interviews will be with full Council.

Council must be very clear about the methods, techniques and questions used during the selection process.

It is essential that the Council manages the process professionally and that members involved in the process have a thorough understanding of their roles and responsibilities.

Council may decide to establish a committee or panel to coordinate the preliminaries of the selection process.

This committee or panel should liaise with the employment consultant if one is appointed.

If Council establishes a formal committee (in accordance with the Act), then it can delegate its powers and duties to that committee.

It should be noted that, unlike Council committees established under the Act, any selection panel that is appointed cannot be delegated any powers or duties by

Council, nor can the Mayor or President be delegated any power to make decisions on behalf of Council, i.e. approve the conditions of the contract.

The respective roles of a consultant, Council committee/panel, full Council and individual elected members must be clear.

Applicants should be shortlisted according to their capacity to address the relevant selection criteria. Where there is a large pool of applicants, the most competitive should be shortlisted for interview. It is the responsibility of the selection panel/committee to determine how many applicants it will interview.

Their assessment must involve detailed consideration of the applications and may involve a preliminary interview. The selection panel/committee should be provided with the full list of applicants, not just those recommended for short listing and interviews.

Elected members may act as referees for applicants. This most often occurs when a person already employed by the local government applies for the CEO position. When this occurs it is recommended that the member provide a written referee report prior to interview (assuming the applicant is granted an interview).

Elected members should declare any previous association with a potential applicant at the time of shortlisting if they are part of the selection panel/ committee established for the purpose. Similarly, if the interviews involve the full Council, the elected member should make an appropriate declaration before the interviews commence. If a member's relationship with an applicant is significant and may result in claims of nepotism, patronage or bias the member should exclude themselves from the selection process.

Where rating scales and other scoring tools are used to assess the relative performance of applicants, it is important that all elected members and other members involved in the interview understand how these are applied so they produce meaningful results. The selection panel/committee may also consider using psychological or other testing as part of the selection process.

Conducting the Interview

The interview process can be challenging for both panel members and applicants.

It is a practice in local government that the full Council be involved with the final interview and selection. This is perfectly understandable, as all members of Council have to work closely with this person and trust them.

Often, all elected members feel they need to be involved in the assessment and final selection.

If this does not occur it is desirable that at the very least, all members of Council have the opportunity to meet the recommended applicant prior to the appointment being considered by Council.

Applicants should be provided with at least five working days' notice of the impending interview wherever possible to allow them to adequately prepare. Obviously, if you are a Council in regional Western Australia and are expecting an

applicant to travel, then sufficient time needs to be allowed. Interviewing over a weekend may be an option.

It is important to provide an environment that puts the interviewee at ease and allows them to perform at the highest possible level. In this regard, consideration should be given to environmental factors such as location and lighting.

A well organised process will ensure that everything runs smoothly.

The importance of the chairperson in managing the interview process cannot be overstated. The chairperson is responsible for ensuring that the interview is managed efficiently and effectively.

Ideally, all elected members who are to be in attendance at the final interview should be involved in planning the interview process.

Each applicant must be subject to the same assessment method, i.e. the interview questions or any tests to be undertaken. It is quite acceptable for the panel to ask additional questions to clarify a point or tease out further information during the interview. It is not necessary for all elected members to have the opportunity to ask a question. Often, it is best to allocate the questions to a small group of elected members (a maximum of 3 is ideal) which ensures consistency of approach. At the conclusion of the interview it is appropriate to provide the applicant with an opportunity to clarify any issues with the selection panel/committee.

Making a Decision

The Council should not make a decision to appoint an applicant until all available information has been considered. This includes, but is not limited to, assessment of interview performance, quality of application, referee reports, copies of reports written by the applicant and the results of any psychological or other tests (if used).

The Council must be satisfied regarding the claims by the applicant about their relative experience and qualifications.

Local Government (Administration) Regulation 18E makes it an offence for a person to provide false information relating to their academic qualifications.

A police clearance should be sought and considered, given the importance of the position of CEO.

Referee reports are an important part of the process and should be in writing and address the relevant selection criteria for the position.

The Council may source a referee who is not one nominated by an applicant, providing they advise the applicant of their intention to do so. In the event that a referee who was not nominated by the applicant provides a report that contains negative comments, the applicant should be given the opportunity to respond to any such comments.

Other Matters

Once Council has selected a preferred candidate then it will be necessary to appoint someone such as the Shire President to undertake negotiations of an employment

contract and remuneration. The Council would still have the final say on the employment contract and remuneration package.

Consultation

Jim Quadrio, Shire President

Statutory Environment

Local Government Act 1995.

S. 5.36(2)(a) and (b) of the Act prohibits the appointment of a CEO unless Council believes that the person is suitably qualified for the position.

S 5.39 contains provision for the contact of the CEO (already resolved).

S 5.40 requires that all employees are to be selected in accordance either the principles of merit and equity.

Local Government (Administration) Regulations 1996

Reg 18A, 18B, 18C 18E, 18F and 19A also deal with advertising, contracts, and the selection and appointment process.

This report was heavily based on extracts from the Local Government Operational Guidelines Number 10 – Appointing a CEO which a full copy can be obtained from the Department of Local Government and Communities website. Although copies of this guideline has been previously provided to elected members.

Risk Assessment

The major risk to the Shire is the recruitment of the wrong person to the position of CEO.

Policy Implications

Nil

Financial Implications

The advertising of a CEO is estimated to cost between \$2,000 to \$5,000 depending on where the advertising is displayed and how prominent the ad is.

The estimated cost of outsourcing the recruitment process would like be between \$6,000 to \$10,000 depending on who is engaged and what role they are expected to undertake.

Strategic Implications

Nil

Voting Requirements ABSOLUTE MAJORITY

Officer Recommendation & Council Decision**Item 10.1.3.****MOVED CR HARRIS****SECONDED CR PETERSON****That Council:**

1. Approves the attached CEO's Position Description.
2. Undertakes the recruitment of a new CEO in-house and does not outsource this process.
3. Authorises the CEO Performance Review Committee to approve all advertising material and related information required to recruit of a new CEO.
4. Authorises the CEO Performance Review Committee to set the closing date for applications for the recruitment of the new CEO.
5. Authorises the Shire President to be appointed as the Council's contact person with regard to responding to enquires and to receive all applications relating to the CEO recruitment.

CARRIED 4/0 by Absolute Majority**Resolution 075/17****10.1.4. Unbudgeted Expenditure – Fuel Storage Facility**

File:	ADM0055
Reporting Officer:	Colin Bastow, Acting Chief Executive Officer
Date of Report:	23 May 2017
Date of Meeting:	31 May 2017
Disclosure of Interest:	Nil

Purpose

The purpose of this report is for Council to consider authorising the Shire to purchase a replacement fuel bowser and storage facility which had not been included in the current budget.

Background

In the 2015/16, financial year Council approved \$70,000 towards the purchase of a self-bunded fuel storage facility. Unfortunately, this purchase was never undertaken and the funds were not carried forward into the 2016/17 financial year.

Comment

The current diesel storage facility requires the renewal of its bunding to enable any escaping fuel to be appropriately captured.

The fuel bowser also requires maintenance as it no longer records the accumulative fuel usage total. Repairs of this nature can be very expensive as the current Acting Deputy Chief Executive Officer had experienced at the Shire of Halls Creek where a similar type of bowser cost over \$15,000 to repair.

Due to the age of the current diesel storage facility and the fact that it requires substantial works to bring the facility up to the appropriate standard, it is recommended that the Shire replace its current fuel storage facility with a modern sea-container style bowser and fuel storage container that includes a self-bunding design. This will remove the need to upgrade the current bunding with a concrete structure that can hold at least 110% of the maximum volume of diesel fuel. The current bowser is an older style and is exposed to direct sunlight which in Wiluna does reduce its life expectancy.

The modern fuel storage facility will allow for a more efficient way to record fuel usage than the current manual method.

Consultation

Louka Shopov, Executive Manager Engineer and Development Services
Warren Olsen, Acting Deputy Chief Executive Officer.

Statutory Environment

Local Government Act 1995

S. 6.8 Expenditure from municipal fund not included in annual budget.

Risk Assessment

If the Shire cannot contain a diesel fuel spill in the storage tank bunding then it is likely that the environmental damage could be well in excess of \$300,000 due to the required environmental investigation, reports and mitigation works.

Policy Implications

Nil

Financial Implications

The purchase of a new sea-container style diesel bowser and storage facility is expected to be under \$70,000.

Asset Replacement Reserve balance as at 30 June 2016 was \$3,163,590 and no funds have been taken from the Reserve this financial year.

Only the actual cost of purchasing a new fuel storage facility will be taken out of Reserve.

Strategic Implications

Nil

Voting Requirements ABSOLUTE MAJORITY

Officer Recommendation & Council Decision**Item 10.1.4.****MOVED CR THOMAS****SECONDED CR HARRIS****That:**

- 1. The purchase of a new fuel bowser and storage container costing up to \$70,000 be authorised; and**
- 2. The purchase be funded by a transfer from the Asset Replacement Reserve of up to \$70,000.**

CARRIED 4/0 by Absolute Majority**Resolution 076/17****10.2. Deputy Chief Executive Officer****10.2.1. Financial Report & Accounts Paid by Authority – April 2017**

File:	ADM 0071
Reporting Officer:	Warren Olsen – Acting Deputy CEO
Date of Report:	22 May 2017
Date of Meeting:	31 May 2017
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to present the financial reports and the accounts paid by authority for the period ending 30 April 2017.

Background

Section 6.4 of the Local Government Act 1995 requires the CEO to prepare monthly/quarterly financial reports in accordance with the provisions of regulation 34 and 35 of the Local Government Act (Financial Management) Regulations 1996.

The financial reports, including the Statement of Financial Activity, for the period ending 30 April 2017, and the list of accounts paid in April 2017 is listed as Appendix 10.2.1.

Comment

The net current assets as at 30 April 2017 are \$13,101,553. The Statement of Financial Activity and Net Current Asset reports details the composition of this surplus.

Note 6 (Receivables) shows that, largely as a result of debt collection action over the past three months, Net Rates Collectable has reduced from \$545,303 as at 31 January to \$137,695 at the end of April. Similarly, long-term General Receivables (<90 days) has reduced from \$40,540 as at 31 January to \$10,183 at the end of April.

A report for variances between budgeted and actual expenditure including the required material variances is included in the monthly financial statements.

Consultation

Nil

Statutory Environment

Local Government Financial Management Regulations 1996 – Regulations 34-35.

Risk Assessment

Nil

Policy Implications

Nil

Financial Implications

Specific financial implications are outlined in the Statement of Financial Activity.

Strategic Implications

Effective governance and administration of Shire's services and prudent financial management underpin the ability of the Shire to effectively deliver services and programmes.

Voting Requirement SIMPLE MAJORITY***Officer Recommendation & Council Decision******Item 10.2.1.*****MOVED CR THOMAS****SECONDED CR HARRIS****That:**

- 1. The financial reports, including the Statement of Financial Activity for the period ending 30 April 2017; and**
- 2. The list of accounts paid by authority for April 2017, totalling \$837,362.63 be received and noted.**

MOVED 4/0**Resolution 077/17**

10.2.2. Financial Investments Report

File:	ADM 0071
Reporting Officer:	Warren Olsen – Acting Deputy CEO
Date of Report:	2 May 2017
Date of Meeting:	31 May 2017
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to present to Council information regarding the current investments – April 2017.

Background

The Council policy no. 2.20 - Financial Investment Policy requires that monthly report is to be presented to “Council detailing the performance of all investments”. Further, it requires that investment register is to be maintained.

The current investments of both reserves and municipal funds are presented as Appendix 10.2.2.

Comment

Municipal Funds: The funds are currently deposited in “call deposit” and fixed term accounts. Both types of deposits yield higher interest than the normal checking account.

During the month of April, our call deposit earned interest of \$6,384.42.

The call account balance as at 31 March 2017 was \$6,074,907.15.

Reserve Funds: Our term deposit balances are unchanged from the end of March, as there were no deposit maturities or interest payments during April.

Consequently, the reserve fund balances remain as follows:

Asset Replacement Reserve	\$ 3,238,321.40
Leave Reserve	\$ 74,537.75
Computer Reserve	\$ 103,146.99
Airport Reserve	\$ 1,108,716.62
Wiluna Telecentre Reserve	\$ 16,203.71

A term deposit earning 2.45%pa will mature on 6 June 2017 and will earn \$7,869.16. These earnings will be distributed among the Leave Reserve, Computer Reserve, Airport Reserve and Wiluna Telecentre Reserve funds.

Another term deposit earning 2.75%pa will mature on 28 August 2017 and with expected earnings of \$59,618.59 to be distributed between the Asset Replacement Reserve (\$44,404.93) and the Municipal Fund (\$15,213.66).

Consultation

Nil

Statutory Environment

The power to invest is derived from section 6.14 of the Local Government Act 1995. The funds can only be invested in ways approved for the investment of trust funds under Part III of the *Trustees Act 1962*.

Regulation 19 of the Local Government (Financial Management) Regulations 1996 requires the establishment of control procedures to enable the identification of –

- the nature and location of all investments; and
- the transactions related to each investment.

Policy Implications

All investments are made in compliance with Policy No. 2.20 - Financial Investments Policy.

Financial Implications

Interest earned from investments is an income for the Shire.

Interest attributable to the investment of Reserve Funds is credited to those reserves. Interest on investment of surplus general funds is treated as general revenue.

Strategic Implications

Effective governance and administration of Shire's services and prudent financial management underpin the ability of the Shire to effectively deliver services and programmes.

Voting Requirement SIMPLE MAJORITY***Officer Recommendation & Council Decision******Item 10.2.2.*****MOVED CR HARRIS****SECONDED CR PETERSON****That the report be received and the information be noted.****CARRIED 4/0****Resolution 077/17**

10.2.3. Write-off of Sundry Debt – Boundaries Australia

File:	ADM 0263
Reporting Officer:	Warren Olsen – Acting Deputy CEO
Date of Report:	3 May 2017, updated 22 May 2017
Date of Meeting:	31 May 2017
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to recommend that an apparently irrecoverable sundry debt of \$700.00 be written-off.

Background

We are working through all our outstanding rates and sundry debts, and have made significant recoveries. However, not all these debts will be recoverable and some need to be written off.

Comment

The subject debt arose in October 2013 and relates to the hire of a petrol cement mixer at \$50 per day and a trailer at \$20 per day. Both items of equipment were hired for 10 days, from 29 October 2013 to 8 November 2013.

Unfortunately, the documentation obtained at the time was somewhat deficient. No pre-payment or purchase order was obtained from the hirer, although a Shire of Wiluna “Equipment Loan Request Form” was completed and signed by a Mr Damien Hancock.

On the “Equipment Loan Request Form”, Mr Hancock stated that:

1. Charges were to be invoiced to “Boundaries Australia”.
2. The transaction was authorised by “Alan Doring – Projects Manager”

Invoice no. T114-93 was raised on 19 February 2014. Internal email correspondence indicates that the delay in raising the invoice was due to delays in getting confirmation of the details of the hire from the then Works Manager (who appears to have been involved in arranging the hiring).

The invoice was originally mailed to Boundaries Australia at a PO Box in Karratha, and was returned by Australia Post on 11 March 2014. A copy of the invoice was then emailed to A Doring at aland@boundariesau.com.au

It appears that no further recovery action was taken until February 2017, when the matter was referred to our debt collection agency.

Since first writing this report, we have received a report from Melsom Robson, joint and several liquidators of Boundaries Australia Pty Ltd (In Liquidation). The Liabilities of the company included:

Secured Creditors	\$101,037.98	Satisfied from realisation of Receivership
Priority Creditors	\$107,561.82	Have received payments from liquidators of \$0.258 in the dollar
Unsecured Creditors	\$661,219.42	
	<u>\$869,819.22</u>	

The Director of the company may have breached his duty to prevent the company from trading while insolvent. The Director has become bankrupt by way of a debtors petition.

The Liquidators subsequently lodged an insolvent trading claim against the Estate of the bankrupt Director in the amount of \$780,878.07 but were only able to recover \$8,589.65 from the bankrupt estate.

It is apparent from the Liquidators' report that, as an unsecured creditor, the Shire is unlikely to recover any part of this debt. Consequently, it is recommended that the debt be written off.

Consultation

Finance Officer

Senior Finance Officer

CEO

AMPAC Debt Recovery Pty Ltd

Statutory Environment

Another problem identified was that there was no basis for raising these equipment hire charges in the first place.

Section 6.16 of the Local Government Act 1995 empowers a local government (by absolute majority) to impose and recover a fee or charge for any goods or service it provides or proposes to provide . . .

So only fees and charges that have been adopted by the Council (by absolute majority) or which have some other statutory basis can be invoiced and collected – it is not up to Shire officers to impose charges or issue invoices as they see fit.

The Schedule of Fees and Charges for 2013/14 has been reviewed, and there were no charges listed for the hiring out of concrete mixers or trailers. This implies that it was most likely the intention of the Council that such items not be hired out (or, less likely, that such items should be loaned out for free).

Risk Assessment

There is no risk associated with the recommendation in this report. There is little chance of us collecting the money, and writing-off this debt will result in our collectible sundry debts being more accurately stated.

However, there are lessons to be learnt about entering into transactions without first receiving an advance payment or (at the very least) obtaining some official

documentation (such as a purchase order) to demonstrate the existence and identity of the other party.

Policy Implications

The lessons learned suggest that some policy is required to ensure that we avoid a recurrence of extending credit in similar circumstances in the future. Such policy (or policies) will be the subject of a separate report.

Financial Implications

Our “collectibles” will be reduced by \$636.37 (net of GST). However, as there is little or no prospect of ever collecting the money, this will serve to make our financial statements more realistic.

Strategic Implications

Nil

Voting Requirements SIMPLE MAJORITY

<i>Officer Recommendation & Council Decision</i>	<i>Item 10.2.3.</i>
MOVED CR HARRIS	SECONDED CR PETERSON
That the sundry debt in the amount of \$700.00 represented by invoice number TI14-93 be written-off.	
<u>CARRIED 4/0</u>	Resolution 078/17

10.2.4. Draft Disability Access and Inclusion Plan	
File:	ADM 0056
Reporting Officer:	Warren Olsen – Acting Deputy CEO
Date of Report:	22 May 2017
Date of Meeting:	31 May 2017
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to present the draft Shire of Wiluna Disability and Inclusion Plan (DAIP) 2017-2022 and seek approval to use the draft as the basis for public consultation.

Background

The Disability Services Act 1993 requires local authorities to produce a Disability Access and Inclusion Plan (DAIP). These plans must be lodged with the Disability Services Commission for 5-year periods. The current Shire of Wiluna was adopted in 2012 and is due to expire shortly.

Comment

The current Shire of Wiluna Disability Access and Inclusion Plan 2012-2017 has been reviewed (with some assistance from the Disability Services Commission) and updated to produce a consultation draft Shire of Wiluna Disability Access and Inclusion Plan 2017-2022, which is attached to this agenda as Appendix 10.2.4.

Since the current DAIP was last reviewed, Schedule 2 of the Disability Services Regulations 2004 has been amended to include a seventh requirement; namely, a means of reducing barriers to people with disability obtaining and maintaining employment. Consequently, this additional requirement has been provided for within the new draft.

There is a legislative requirement to undertake a consultation process before adopting the new DAIP, and the minimum is to invite public submissions. As we do not have the resources for a more extensive consultation process, it is proposed to invite public submissions on the new draft DAIP closing on 22 June so that the new DAIP can be adopted at the June Council meeting.

It is also proposed to invite a submission from NAHS as the local institution that has the most dealings with and knowledge of local persons with disabilities.

This is the same level of public consultation that was undertaken prior to the adoption of the current DAIP.

It is recommended that a DAIP implementation plan be subsequently devised. The purpose of a DAIP implementation plan is to provide a plan that can be readily amended from time to time in response to the Shire's changing programs and operating environment. Although a DAIP can be reviewed and amended at any time, there is a statutory process for doing this whereas there is no statutory process required for the review and amendment of a DAIP implementation plan.

Consultation

Disability Services Commission

Statutory Environment

Disability Services Act 1993

Disability Services Regulations 2004

Risk Assessment

There are no inherent risks in publishing the draft Shire of Wiluna Disability Access and Inclusion Plan 2017-2022 for public comment and submissions.

Policy Implications

To be assessed.

Financial Implications

The cost of giving public notice of the draft plan and inviting submissions can be accommodated within the current budget.

Strategic Implications

Nil

Voting Requirements SIMPLE MAJORITY**Officer Recommendation & Council Decision****Item 10.2.4.****MOVED CR THOMAS****SECONDED CR PETERSON****That:**

1. The draft Shire of Wiluna Disability Access and Inclusion Plan 2017-2022 attached to this agenda as Appendix 10.2.4 be approved as the basis for inviting public submissions.
2. Public submissions be invited, closing on 22 June 2017.
3. NAHS also be invited to make a submission on the draft Shire of Wiluna Disability Access and Inclusion Plan 2017-2022.
4. A further report be presented to the June 2017 ordinary Council meeting, including any public submissions received.

CARRIED 4/0**Resolution 079/17****10.2.5. Policy on Applications and Requests from Corporations**

File:	ADM 0318
Reporting Officer:	Warren Olsen – Acting Deputy CEO
Date of Report:	23 May 2017
Date of Meeting:	31 May 2017
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to recommend adoption of a new policy in relation to applications from corporations.

Background

We recently received an application from a significant corporate ratepayer to have interest charges on overdue rates waived and refunded.

The application was made by a relatively junior officer of the corporation, who was unable to be dissuaded from applying for such special treatment.

When the request was reported to the Council, it resulted in some adverse publicity to the corporation. That was most unfortunate and was certainly not the intention of Council officers.

With hindsight, it would have been better not to report that request to the Council unless it was signed by the chairperson or the managing director or the CEO of the Corporation. It is therefore considered appropriate to recommend that any future

such applications or requests from corporations not be reported to the Council unless they have been signed by an officer at the highest level who would appreciate the broader implications of the request.

Comment

The intent of the proposed policy is to ensure that our valued corporate ratepayers are not embarrassed due to ill-conceived requests or applications for special treatment made by officers of the corporation that do not have a sufficiently broad perspective to understand the potential implications of their actions.

As a general rule, corporate chairpersons and managing directors and CEOs have a much broader perspective on the interests of the whole corporation and its shareholders than is sometimes exhibited by officers of the corporation who have a narrower function about which they could be somewhat skewed in their perspective.

It would, therefore, be appropriate that such applications which, under our legislation, must be reported to the Council for determination be signed by an executive of the corporation at the highest level.

The Shire wants to have positive relationships with all its stakeholders including its corporate ratepayers, so a policy that seeks to avoid situations that might be potentially embarrassing has much to recommend it.

Consultation

CEO

Statutory Environment

Nil

Risk Assessment

The proposed policy is aimed at reducing the risk of adverse publicity being caused to corporations due to applications and requests being put before the Council that have not been authorised at an appropriate level within the corporation.

Policy Implications

This report recommends the Adoption of a new policy.

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements SIMPLE MAJORITY

Officer Recommendation & Council Decision**Item 10.2.5.****MOVED CR THOMAS****SECONDED CR HARRIS**

That, as a matter of policy, requests or applications from corporations for waiving of rates, fees, charges, penalty interest or such-like requests or applications not be reported to the Council for determination unless the requests or applications have been signed by the chairperson or the managing director or the CEO of the corporation.

CARRIED 4/0**Resolution 080/17****10.2.6. 2017-18 Differential Rates**

File:	ADM 0161
Reporting Officer:	Warren Olsen – Acting Deputy CEO
Date of Report:	22 May 2017
Date of Meeting:	31 May 2017
Disclosure of Interest:	Nil

Purpose

The purpose of this report is for the Council to consider and endorse the proposed differential rates-in-the-dollar and minimum rates for 2017-18 rating year.

Background

The Council has adopted the differential rating since the 2014-15 financial year, when it was first introduced and was carried on in 2015-2016 and 2016-2017. This form of rating has worked well and it is intended that this continues into 2017-18.

Local Government Act

When applying differential rating, there are certain requirements of the Local Government Act 1995 to which the Shire must comply.

Two key requirements:

1. The highest rate-in-the-dollar for a particular rating type (UV or GRV) cannot be more than twice the lowest rate-in-dollar for a differential category of the same rating type; and
2. No more than 50% of properties in a differential rating category can be on a minimum rate.

However, the Act allows a local government to apply to the Minister to set rates outside of these parameters if there is an appropriate reason for doing so.

The Local Government Act also requires that a local government advertise its intended/proposed differential rates-in-the-dollar and minimum rates and provide a 21 day submission period from the public. That is why it is important to seek the Council approval in May to advertise proposed differential rates so that the budget can be adopted as soon as possible in the new financial year.

At the end of the submission period, any submissions received are to be considered by the Council and the Council must then:

1. Consider the submissions and make changes to the proposed rates-in-the-dollar and minimums; or
2. Consider the submissions but make no changes.

If the Council wishes to make changes, there is no need for a second advertising period.

Alternatively, if there are no submissions at end of 21 day period (or the Council chooses not to change based on those submissions), those rates-in-the-dollar and minimums can be used as the basis for setting and adopting the 2017-18 budget; however, the Council is also able to adopt the coming Budget with rates-in-the-dollar and minimum rates that are different to the advertised ones, as long as its reasons are noted within the budget document. The Council would also need to satisfactorily defend any significant changes it may choose to adopt.

Comment

For the purposes of rates modelling based on budget estimates, an increase of 7% has been used, in line with the discussion at the Council forum held on 10 May 2017.

Proposed 2016/17 Differential Rates

The following table outlines the recommended proposed individual rates-in-dollar and minimum rates:

	Rate in \$	Number of Properties	Rateable Value \$	2017/18 Budgeted Total Revenue \$
RATE TYPE				
Differential General Rate				
GRV Wiluna Townsite	9.2769	69	1,078,928	100,091
GRV Mining	18.3430	6	6,380,000	1,170,283
UV Rural/Pastoral	12.5037	27	1,209,951	151,289
UV Mining	16.4234	208	12,346,660	2,027,741
UV Exploration & Prospecting	24.2697	177	1,941,410	471,174
Sub-Totals		487	22,956,949	3,920,579
Minimum Payment				
	Minimum \$			
GRV Wiluna Townsite	440	19	8,018	8,360
GRV Mining	335	3	60	1,005
UV Rural/Pastoral	335	2	1,698	620
UV Mining	335	194	74,707	64,990
UV Exploration & Prospecting	335	55	44,106	18,425
Sub-Totals		273	128,589	93,400
Total Rates				\$4,013,979

These rates are within the parameters set down in the legislation, and will not require an application to the Minister.

A draft of the proposed differential rating notice (inviting public submissions) is attached as Appendix 10.2.6 (for reference only).

It is possible that other possible rating regimes could be implemented; we have not completed detailed modelling at this stage. In particular, it is not apparent why mining is rated at a lower rate in the dollar than exploration and prospecting.

Objectives and Reasons

We have reviewed the reasons for differential rating, which have probably changed over time. We believe the following adequately summarises the reasons for differential rating in the current environment:

1. To attempt to ensure revenue is collected on an equitable basis, enabling the Shire to provide facilities, infrastructure and services to the entire community.
2. The Shire of Wiluna provides services to a diverse region consisting of Wiluna townsite, rural/pastoral, mining and exploration & prospecting. All sectors benefit from the services provided by the Shire, though it is inevitable that some sectors may benefit more from any particular service. Persons operating within all sectors have the right to use the services provided and the Shire does not seek to restrict the use of its services by any sector, though some will have a greater capacity to contribute to the Shire's revenue than others.
3. To levy an appropriate minimum rate that more closely reflects the costs of servicing lots within the townsite and the whole Shire area, and to ensure that a minimum contribution is made by all ratepayers for the benefit of the district.
4. As a means to maintain a balanced budget position with a reasonable contribution from all rating categories and a reasonable approach by the Council in regard to increases.

Consultation

Councillors

CEO

Statutory Environment

Part 6, Division 6, Local Government Act 1995.

Risk Assessment

There is no risk in following this correct statutory process.

Policy Implications

None identified.

Financial Implications

Broadly speaking, the proposed rating yield is what the Council will use to balance the shortfall between income and expenditure in the 2017-18 Budget.

The rating yield is predicted to increase as a consequence of adopting the proposed rates. The full financial implications cannot be assessed until the 2017-18 budget has been completed and we have assessed the rate setting statement.

Strategic Implications

It is essential that the Shire makes a reasonable rating effort in order to adequately fund its operations and the reasonable aspirations of the community.

Voting Requirements SIMPLE MAJORITY

Officer Recommendation

MOVED CR

SECONDED CR

That:

- The following differential rating categories, rates-in-dollar and minimum rates be endorsed for advertising as the 2017-18 Notice of Intention to levy differential rates:**

RATE CATEGORY

Non-Minimum	Rate/\$ (c)
GRV Town	9.2769
GRV Mining	18.3430
UV Rural	12.5037
UV Mining	16.4234
UV Exploration and Prospecting	24.2697
Minimum	Minimum Rates
	\$
GRV Town	440
GRV Mining	335
UV Rural	335
UV Exploration and prospecting	335
UV Mining	335

- The following objectives and reasons be cited for the proposed differential rating structure:**

- To attempt to ensure revenue is collected on an equitable basis, enabling the Shire to provide facilities, infrastructure and services to the entire community.**
- The Shire of Wiluna provides services to a diverse region consisting of Wiluna townsite, rural/pastoral, mining and exploration & prospecting. All sectors benefit from the services provided by the Shire, though it is inevitable that some sectors may benefit more from any particular**

service. Persons operating within all sectors have the right to use the services provided and the Shire does not seek to restrict the use of its services by any sector, though some will have a greater capacity to contribute to the Shire's revenue than others.

- To levy an appropriate minimum rate that more closely reflects the costs of servicing lots within the townsite and the whole Shire area, and to ensure that a minimum contribution is made by all ratepayers for the benefit of the district.
- As a means to maintain a balanced budget position with a reasonable contribution from all rating categories and a reasonable approach by the Council in regard to increases.

Officer Recommendation & Council Decision

Item 10.2.6.

MOVED CR HARRIS

SECONDED CR PETTERSON

That:

1. The following differential rating categories, rates-in-dollar and minimum rates be endorsed for advertising as the 2017-18 Notice of Intention to levy differential rates:

RATE CATEGORY

Non-Minimum	Rate/\$ (c)
GRV Town	9.2769
GRV Mining	18.3430
UV Rural	12.5037
UV Mining	18.3850
UV Exploration and Prospecting	24.2697
	Minimum
Minimum	Rates
	\$
GRV Town	440
GRV Mining	335
UV Rural	335
UV Exploration and prospecting	335
UV Mining	335

1. The overall objective for differential rating is an attempt to ensure revenue is collected on an equitable basis, enabling the Shire to provide facilities, infrastructure and services to the entire community.
2. The Shire of Wiluna provides services to a diverse region consisting of Wiluna townsite, rural/pastoral, mining and exploration & prospecting. All sectors benefit from the services provided by the Shire, though it is inevitable that some sectors may benefit more from any particular service. Persons operating within all sectors have the right to use the services provided and the Shire does not seek to restrict the use of its services by any sector, though some will have a greater capacity to contribute to the Shire's revenue than others.
3. To levy an appropriate minimum rate that more closely reflects the costs of servicing lots within the townsite and the whole Shire area, and to ensure that a minimum contribution is made by all ratepayers for the benefit of the district.
4. As a means to maintain a balanced budget position with a reasonable contribution from all rating categories and a reasonable approach by the Council in regard to increases.
5. To correct over time a disparity between the UV rates applicable to mining and the UV rates applicable to exploration and prospecting.

CARRIED 4/0**Resolution 081/17**

Reason for change: the rate for UV mining was changed an allow for a four-year movement to parity between UV mining and UV Exploration and Prospecting

10.3. Executive Manager Engineering & Development Services

10.3.1 Introduction of an Hourly Rate for Gardening Services

File:	ADM 0085
Reporting Officer:	Louka Shopov - Executive Manager Engineering and Development Services
Date of Report:	22/05/2017
Date of Meeting:	31/05/2017
Disclosure of Interest:	Nil

Purpose

The purpose of this report is for Council to approve an hourly rate for mowing, pruning snipping and other gardening services to be undertaken by shire outside workers as private works.

Background

Many Shire houses backyards and lawns are not kept up to reasonable shape and condition. There is a room for improvement to make our living-place inviting and pleasant to look at and set up an example for all citizens in Wiluna to follow on.

Not all staff are able to maintain the grounds of the Shire dwellings allocated to them for various reasons:

- They may lack the skills
- They may lack the equipment
- They may be too aged or infirm or suffer from disabilities
- They may spend excessive amounts of time in the Shire office, in an effort to deal with the requirements of the job.

In a larger population centre, it would be up to such tenants to pay a private sector grounds maintenance firm to maintain the grounds in a satisfactory condition. However, in Wiluna, there is no branch of “Jim’s Mowing” or such similar firm to undertake this work.

Comment

There is a room for improvement to make our living-place inviting and pleasant to look at and set up an example for all citizens in Wiluna to follow on. However, it is difficult and unsafe for inexperienced person to operate small plant like mowers or whipper-snippers, especially women and young or aged tenants.

Therefore, an hourly rate for gardening services, provided by external workers, is proposed here for approval.

Consultation

Chief Executive Officer
Senior management team

Statutory Environment

Local Government Act-Private works

Risk Assessment

The proposal to allow staff to contract-out grounds maintenance at their Shire dwellings will reduce the risk of injury from tasks such as lawn-mowing etc being undertaken by people without the appropriate skills, equipment or physical fitness.

Job Safety Analyses (JSA) and risk assessment will be established for each work request.

Policy Implications

Nil

Financial Implications

Nil. The proposed charge is estimated to be cost-neutral to the Shire.

Strategic Implications

Make Wiluna a better place to live and work.

Voting Requirements ABSOLUTE MAJORITY

Officer Recommendation & Council Decision**Item 10.3.1.****MOVED CR THOMAS****SECONDED CR HARRIS****That:**

1. **The Schedule of Fees and Charges be amended to include a charge of \$100 per hour plus GST to provide gardening services to Shire Staff living in a Shire dwelling.**
2. **That notice be given of the new gardening fee in accordance with section 6.19 of the Local Government 1995.**
3. **The CEO be authorised to approve, where appropriate, applications to salary-sacrifice the charge as rent provided it is at nil cost to the Shire.**

CARRIED 4/0 by Absolute Majority**Resolution 082/17****10.3.2. Disposal of Shire Machinery**

File: ADM0192
 Reporting Officer: Louka Shopov-Executive Manager
 Engineering and Development Services
 Date of Report: 22/05/2017
 Date of Meeting: 31/05/2017
 Disclosure of Interest: Nil

Purpose

The purpose of this report is for Council to approve a list of machinery for disposal

Background

Since the reconstruction of rural roads in the Shire has been contracted out to external contractors, a number of items of heavy machinery have become surplus to the Shire's requirements. Although they are not being used, they continue to lose value and they generate "idle plant costs" such as registration fees, depreciation and maintenance expenses.

Comment

The following heavy construction machinery is not needed for the Shire operations:

Table 1- Mobile Plant Fair Value at 30 July 2016 listed for sale.

No.	Make & Description	Model/Serial No.	Year	Fair Value
3	2 Berth FABCO - Caravan	Fabco	2004	\$30,000.00
4	JOHN DEERE- Grader	672 CH	2004	\$140,000.00
8	CASE - Tractor	CASE III C x 60	1999	\$7,000.00
9	CATERPILLAR - Loader	950G	2003	\$65,000.00
12	BOBCAT - Utility Buggy	2200D on Engine 0722	2004	\$1,000.00
7	Old Roller	Pacific	1996	\$6,000.00

13	ISUZU - Green Bus	NPS	2006	\$40,000.00
19	HOWARD PORTER - Dolly	Howard Porter	2013	\$26,000.00
20	HOWARD PORTER - Tri axle side tipper/semi	Howard Porter	2013	\$75,000.00
21	HOWARD PORTER - Tri axle Float	Howard Porter	2013	\$95,000.00
22	HAMM - Road roller	HAMM3412HT	2012	\$100,000.00
23	VOLVO - Prime Mover	FM13-500	2012	\$170,000.00

A catalogue of these items appears as Appendix 10.3.2 (to be separately circulated or tabled).

There is no intention to use the plant in a foreseeable future.

The last valuation of all assets was undertaken in July 2016. Market value, however, could vary significantly due to high supply from the mining industry and low demand due to lack of civil engineering projects.

Another reason to dispose of this surplus machinery is that the concessional registration fees that used to apply to local governments are being withdrawn by the State government.

Consultation

Chief Executive Officer
Senior management forum

Statutory Environment

Local Government Act-Part 6 Financial Management

Risk Assessment

There is a high risk that plant could be sold at price much under the previously estimated fair value. However, this risk can be mitigated to a certain extent by implementing a sensible disposal plan.

Policy Implications

Nil

Financial Implications

Disposal of unused machinery would save future registration and maintenance cost and preserve Shire capital. It is recommended that the proceeds of the sale be transferred to the Asset Replacement Reserve, where they will grow in value instead of continuing to lose value.

Strategic Implications

Better use of resources.

Voting Requirements SIMPLE MAJORITY

Officer Recommendation**Item 10.3.2.****MOVED CR THOMAS****SECONDED CR HARRIS****That:**

1. The CEO be authorised to dispose of the plant and machinery listed in Table 1 of this report by tender or public auction in compliance with Local Government Act and Regulations.
2. The proceeds of the sale of the items listed in Table 1 of this report be transferred to the Asset Replacement Reserve.

LOST 2/3**Resolution 083/17*****Due to a tied vote the Shire President had cast a deciding vote.*****Cr Quadrio had moved the following Foreshadowed Motion****Council Decision****Item 10.3.2.****MOVED CR QUADRIO****SECONDED CR PETERSON****That:**

1. The CEO be authorised to dispose of the plant and machinery listed in Table 1 of this report by tender or public auction in compliance with Local Government Act and Regulations.
2. The proceeds of the sale of the items listed in Table 1 of this report be transferred to the Asset Replacement Reserve.
3. The equipment to be have a reserve price.
4. Remove and review items 19-23 in 6 months

CARRIED 3/2**Resolution 084/17*****Due to a tied vote the Shire President had cast a deciding vote.***

10.4. Executive Manager Economic and Community Development

10.4.1. Youth Advisory Committee

File:	ADM0435
Reporting Officer:	Tracey Luke, Executive Manager Community & Economic Development
Date of Report:	21 May 2017
Date of Meeting:	31 May 2017
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to seek Council's endorsement of a Youth Advisory Committee.

Background

The youth of Wiluna aged 12 to 18 represent a demographic which have some maturity to advocate ideas of their own. Council has expressed a desire to receive input from teenagers in this age group so as to be better informed how best to implement policy which best suits their specific needs.

Comment

The establishment of a Youth Advisory Committee will provide a forum for the youth of Wiluna to raise concerns and ideas related specifically to their age demographic. The Youth Advisory Committee will provide opportunities for young people to develop leadership skills and be part of a decision-making process. The committee will allow interested youth in Wiluna to play a proactive role in how Council views and makes decisions affecting Youth based issues within the Shire.

Consultation

CEO, Council

Statutory Environment

Local Government Act 1995

5.8 A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

- *Absolute majority required*

Risk Assessment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Leading Wiluna- Ensure that the community is part of the decision-making processes about the future of Wiluna. Support the diversity of its community and ensure that the needs of all are at all times considered.

Voting Requirements ABSOLUTE MAJORITY

Officer Recommendation & Council Decision

Item 10.4.1.

MOVED CR HARRIS

SECONDED CR PETTERSON

That the forming a Youth Advisory Committee in accordance with the Youth Advisory Committee Charter attached to this agenda as Appendix 10.4.1 be hereby approved.

MOVED 4/0 by Absolute Majority

Resolution 085/17

Cr Petterson declared in Impartiality interest but remained in the meeting and voted

10.4.2. Ranger Authorisation

File:	ADM
Reporting Officer:	Tracey Luke, Executive Manager Community & Economic Development
Date of Report:	21 May 2017
Date of Meeting:	31 May 2017
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to request the Council to appoint Mr Pita Domoni as Ranger for the Shire of Wiluna and to endorse him as an Authorised Person under the various Acts.

Background

The Council is required to authorise and gazette the ranger to be an Authorised Person to administer the following acts:

- *Dog Act 1976 & Regulations*
- *Control of Vehicles (Off-Road Areas) Act 1978 & Regulations*
- *Litter Act 1976 & Regulations*
- *Shire of Wiluna Local Laws*
- *Cat Act 2011*
- *Local Government (Miscellaneous Provisions) Act 1960 – section 449 – Ranger & Pound Keeper*
- *Bush Fires Act 1954 – section 38 – Fire Control Officer, section 59(2) (a) – Issue of Infringement Notices*
- *Cemeteries Act 1986 – section 64(1) – Authorised Persons*

- *Caravan Parks and Camping Grounds Act 1995, Pt 3, section 17*
- *Emergency Management Act 2005*

Comment

Mr Domoni has commenced training in Ranger duties. In order to be able to administer the various regulatory Acts, he is required to be an Authorised Person under each of the Acts.

Administratively the simplest method of establishing an Authorised Person is to advertise the appointment in the State Government Gazette.

Consultation

CEO

Statutory Environment

Dog Act 1976 & Regulations

Control of Vehicles (Off-Road Areas) Act 1978 & Regulations

Litter Act 1976 & Regulations

Shire of Wiluna Local Laws

Cat Act 2011

Local Government (Miscellaneous Provisions) Act 1960 – section 449 – Ranger & Pound Keeper

Bush Fires Act 1954 – section 38 – Fire Control Officer, section 59(2) (a) – Issue of Infringement Notices

Cemeteries Act 1986 – section 64(1) – Authorised Persons

Caravan Parks and Camping Grounds Act 1995, Pt 3, section 17

Emergency Management Act 2005

Risk Assessment

Nil

Policy Implications

Nil

Financial Implications

The 2016-17 budget includes an allocation for advertising in the Gazette

Strategic Implications

- A Green Wiluna – Safe streets and places
- A Healthy, Safe and Fun Wiluna – Housing and living standards that meet community expectations
- A healthy environment managed in accordance with best practice standards and regulatory controls.

Voting Requirements SIMPLE MAJORITY

Officer Recommendation & Council Decision**Item 10.4.2.****MOVED CR HARRIS****SECONDED CR PETERSON**

That the Shire's Ranger Mr Pita Domoni be hereby appointed as an Authorised Person, Ranger and Poundkeeper for the purposes of the following legislation:

- Dog Act 1976 & Regulations
- Control of Vehicles (Off-Road Areas) Act 1978 & Regulations
- Litter Act 1976 & Regulations
- Shire of Wiluna Local Laws
- Cat Act 2011
- Local Government (Miscellaneous Provisions) Act 1960 – section 449 – Ranger & Pound Keeper
- Bush Fires Act 1954 – section 38 – Fire Control Officer, section 59(2) (a) – Issue of Infringement Notices
- Cemeteries Act 1986 – section 64(1) – Authorised Persons
- Caravan Parks and Camping Grounds Act 1995, Pt 3, section 17
- Emergency Management Act 2005

CARRIED 4/0**Resolution 086/17****10.4.3. 48-Hour Rest Spot**

File:

Reporting Officer: Tracey Luke, Executive Manager Community and Economic Development

Date of Report: 19 May 2017

Date of Meeting: 31 May 2017

Disclosure of Interest: Nil

Purpose

The purpose of this report is to request approval from the Council to develop a 48 Hour Rest Spot (including approval of the location).

Background

The Shire of Wiluna has received a small community chest grant of \$26,765 to develop a 48-hour rest spot. Currently, there is no dedicated 'rest spot' for tourists who are self-sufficient and simply wish to park somewhere. Creating a dedicated 'rest spot' may encourage tourists to stay longer in town and create a better impression of tourist experiences about Wiluna and available services.

Comment

This grant will allow for clearing of a rest spot area, installation of shade shelters, provision of bins and signage. The proposed rest spot is a relatively flat area of land to the south-east of the current truck bay which runs off Goldfields Highway approximately 1 kilometre south of town. The area is part of Reserve 31830 and part

of a roads reserve. Permission from Main Roads WA has been sought and granted subject to certain conditions being met.

Consultation

CEO, Council, Main Roads WA, Louka Shopov.

Statutory Environment

Nil

Risk Assessment

No risk assessment has been undertaken at this stage. Proper planning of the project will serve to identify and mitigate the risks associated with the project.

Policy Implications

Nil

Financial Implications

Although a grant has been obtained toward the capital cost of developing the facility, the Shire will be exclusively responsible for the ongoing operating, maintenance and depreciation costs.

These have not yet been quantified but will be included in a more detailed report to the Council when proper project plans have been developed.

Such costs will also need to be provided for in the 2017-18 annual budget.

Strategic Implications

- Green Wiluna- Responsible management of the natural and built environment and improve the attractiveness of Wiluna streets and public spaces.
- Leading Wiluna- Strong leadership in addressing challenges, providing services and driving sustainable development across the shire.

Voting Requirements SIMPLE MAJORITY

Officer Recommendation

MOVED CR

SECONDED CR

That approval be given to develop project plans for a 48-hour rest spot on the area south-east of the truck bay south of town, in the location shown in Appendix 10.4.3 as attached to this agenda.

LOST – DUE TO NO MOVER/SECONDER TO THE MOTION

10.4.4. Outdoor Museum

File:	
Reporting Officer	Tracey Luke; Executive Manager Community and Economic Development
Date of Report:	19 May 2017
Date of Meeting:	31 May 2017
Disclosure of Interest:	Nil

Purpose

The purpose of this report is to request the Council's approval to install historical objects on Reserve 31830 to create an outdoor museum.

Background

Reserve 31830 is vested with the Shire of Wiluna with its purpose listed as 'Historical'.

Situated on this Reserve are the old railway goods shed (Reserve 41878) and crane which is also vested with the Shire. Reserve 31830 extends to the North and South of the goods shed. This request is for the Council to approve the installation of historical objects and/or equipment and other pieces of interest around the goods shed area on Reserve 31830 to create an outdoor museum.

Comment

A map showing the subject areas is attached to this agenda as Appendix 10.4.4.

With the Heritage and Interpretive Centre nearing completion, an outdoor museum will enhance the visitor experience on the south side of town by adding to a 'points of interest' walk trail to grow tourism. As well, the aesthetic value of the museum will visually enhance the town.

Consultation

CEO, Council

Statutory Environment

Nil

Risk Assessment

No risk assessment has been undertaken at this stage. In due course, at least a safety assessment will need to be undertaken.

Policy Implications

Nil

Financial Implications

Fairly minimal at this stage. We anticipate that a lot of artefacts will be donated.

To the extent that Shire wages staff and/or plant may be required for the movement or placement of artefacts, a cost centre should be established for the sake of transparent accounting.

Strategic Implications

- Proud Wiluna- Celebrate Wiluna's rich cultural diversity and heritage and support the community to share its unique stories and culture and drive positive change.
- Green Wiluna- Responsible management of the natural and built environment and improve the attractiveness of Wiluna streets and public spaces.

Voting Requirements SIMPLE MAJORITY

Officer Recommendation & Council Decision	Item 10.4.4.
MOVED CR HARRIS	SECONDED CR PETERSON
That approval be given for the use of Reserve 31830 to develop an outdoor museum.	
<u>CARRIED 4/0</u>	Resolution 087/17

10.5. Principal Environmental Health Officer and Building Surveyor

Wiluna Health/ Building Service- April 2017

Completed an Environmental Health Indicators survey for Wiluna to assist the Health Department with the introduction of the new Public Health Act.

Made enquiries with Worksafe WA around responsibilities regarding demolition of Council structures. The Worksafe legislation requires a demolition contractor to hold a Worksafe licence to demolish any buildings or structures other than a single storey dwelling not constructed with asbestos cement materials. In effect, Local Authorities may build an administration office or depot shed without the need to be a registered builder however is not able to demolish the same building under the current Worksafe WA legislation.

Investigated if the Hotel and Caravan Park are connected to the Water Corporation effluent scheme. Currently the water corporation operate an effluent scheme in Wiluna. That is the scheme only accepts waste water after faecal materials are captured in backyard septic tanks. The scheme effectively replaces the need for leach drains in back yards. The hotel and caravan park connect into the scheme to the north of the caravan park.

The Hotel septic system was again noted as operating effectively without any further blockages or overflow occurring. If Council was to take ownership of the hotel in the future the existing septic tank and pump pit will require replacement to ensure effective operation with the buildings new use.

The owner of Lot 102/18 Lennon Street Wiluna has carried out a clean up of his property in accordance with Council correspondence forwarded in April.

Spoke with proprietor of the new café regarding the removal of the purple soaker hoses associated with the approved Aerobic Treatment Unit at the back of the shop. The soaker hoses have been removed during a clean up which is resulting in reticulated water that was previously pumped through the soaker hoses to now being released onto the ground surface to puddle in one area. The proprietor has been advised that the soaker hoses must be reinstalled and buried as soon as possible. The ATU system was originally approved to service the accommodation units that were planned at one stage. The shop and toilets at the back were connected to the ATU when it was installed. Effectively the soaker hoses replace the need for a leach drain system or soak wells and are not allowed to be added to or changed without Health Department of WA approval.

Dealt with various other enquiries.

Officer Recommendation & Council Decision

Item 10.5.

MOVED CR THOMAS

SECONDED CR HARRIS

That the report be received and the information be noted.

CARRIED 4/0

Resolution 088/17

10.6 Committee Reports

Nil

11. Elected Members Motion of Which Previous Notice Has Been Given

Nil

12. Urgent Business Approved by the Person Presiding or by Decision of Council

Council Decision

MOVED CR HARRIS

SECONDED CR PETERSON

That the following late item be accepted by the meeting for consideration in order to adopt: -

Item 12.1 New Reserve Accounts

CARRIED 4/0

Resolution 089/17

12.1. New Reserve Accounts

File

Reporting Officer: Colin Bastow, Acting Chief Executive Officer

Date of Report: 30 May 2017

Date of Meeting: 31 May 2017

Disclosure of Interest: Nil

Purpose

The purpose of this report is for Council to consider establishing the following reserve accounts:

- Caravan Park Reserve,
- Heritage & Interpretive Centre Reserve,
- Unspent Grant & Contribution Reserve, and
- Community Development Reserve

Background

The reason why a local government creates a reserve account is to allow for the setting aside of money for use towards a specific purpose in a future financial year.

Comment

Council should consider the establishment of the following reserve accounts:

- **Caravan Park Reserve** – To set aside money for future capital works and major upgrades.
- **Heritage & Interpretive Centre Reserve** – To set aside money for future capital works and major upgrades including the interpretation of historical events and to provide safety information to travellers of the Canning Stock Route and Gunbarrel Highway.
- **Unspent Grant & Contribution Reserve** – To set aside unspent grants and contributions at the end of each financial year. This practice is to assist with the financial management of unspent grants and is especially useful when the funding is received in a prior financial year to that of the capital expenditure.
- **Community Development Reserve** – To set aside funds for future community based projects such as the provision of more residential housing in Wiluna.

Consultation

Warren Olsen, Acting Deputy Chief Executive Officer.

Statutory Environment

Local Government Act 1995

- S 6.11 Reserve Accounts

Risk Assessment

The risk associated with the Shire not using a reserve account to store funds is that those funds are used for other purposes in future financial years.

Policy Implications

Nil

Financial Implications

Council had budgeted \$45,000 towards the establishment of a caravan and camping site. As these funds are likely to remain unspent at year end, it would be prudent for the Shire to transfer this funding to a Caravan Park Reserve Account so that the funds are not reallocated to other purposes and will allow for the building up of additional funds.

It would be beneficial for the Shire to transfer the balance of the \$2.7m Heritage and Integrative Centre renovations project to reserve at year end. This action will indicate to the Department of Regional Development (DRD) that the Shire is committed to completing this project. This commitment is needed due to the expected delay in completing the Interpretive stage of the project.

The Shire will be able to transfer any unspent grant and/or contributions to Reserve at year end. This will ensure there is better financial recording of unspent grants.

The purpose of the Community Development Reserve is to set aside funding for future capital projects such as residential housing in Wiluna.

Strategic Implications

Go Ahead Wiluna

Voting Requirements ABSOLUTE MAJORITY***Officer Recommendation & Council Decision******Item 12.1*****MOVED CR THOMAS****SECONDED CR HARRIS****That Council:**

1. As per Section 6.11 of the Local Government Act 1995 establish the following Reserve Accounts:
 - a. Caravan Park Reserve – For the purpose of funding capital works and major maintenance,
 - b. Heritage & Interpretive Centre – For the purpose of funding capital works and major maintenance including the historical interpretation of Wiluna’s history and safety information about the Canning Stock Route/Gunbarrel Highway,
 - c. Unspent Grants & Contribution Reserve – For the purpose of keeping any unspent grants and contributions at year end, and
 - d. Community Development Reserve – For the purpose of funding important community based infrastructure projects.
2. Approve the following transfer to Reserve at year end:
 - a. Caravan Park Reserve \$45,000, and
 - b. Heritage & Interpretive Centre balance of unspent funds.

CARRIED 4/0 by Absolute Majority**Resolution 090/17**

13. Matters Behind Closed Doors

Confidential Report no. 13.1 – Wiluna Airport Passenger Fee Review – Separately Circulated

Officer Recommendation**MOVED CR HARRIS****SECONDED CR PETERSON**

Procedural recommendation that the meeting is closed to the public, pursuant to S5.23(d), to consider Confidential Item 13.1. which contains legal advice obtained by the local government and which relates to a matter to be discussed at the meeting

CARRIED 4/0**Resolution 091/17*****Officer Recommendation & Council Decision******Item 13.1*****MOVED CR PETERSON****SECONDED CR HARRIS****That Council:**

1. Having regard to the requirements of Section 6.17 of the Local Government Act 1995 amend and confirm the following passenger fees:
 - a. Royal Flying Doctor Service – Free
 - b. Regular Passenger Transport - \$15.00 (Including GST) per person per trip (no change)
 - c. Charter and Other Air Services - \$21.00 (Including GST) per person per trip.
2. Confirm the current Landing Fees:
 - a. 6am to 6pm – per 1,000kg certified maximum take-off weight of \$16.50 (Including GST), and
 - b. 6pm to 6am – per 1,000kg certified maximum take-off weight of \$44.00 (Including GST),
3. Authorise the CEO to negotiate a settlement in relation to any passenger fees outstanding since the amended fees came into effect on 26th October 2016.
4. That the Shire reviews its Wiluna Airstrip fees and charges at least once every six months.
5. The Shire to advertise the change to Passenger Fees & Charges as per Section 6.19 of the Local Government 1995.

At the end of each financial year, Wiluna Airstrip surplus funds will be transferred to the Airport Reserve with deficits being funded by transfer from the Airport Reserve

CARRIED 4/0 by Absolute Majority**Resolution 091/17**

Officer Recommendation

MOVED CR PETERSON

SECONDED CR HARRIS

Procedural recommendation that the meeting be re-opened to the public

CARRIED 4/0

Resolution 092/17

14. Closure

There being no further business the Chairperson closed the meeting at 2.41pm.

These minutes were confirmed at the Ordinary Meeting of Council on the 28 June 2017

Signed _____

(Presiding Person at the meeting of which the minutes were confirmed.)

Date: _____