



Western Australia

Agenda for the Ordinary Meeting of the Murchison Shire Council,
To be held in the Council Chambers, Carnarvon Mullewa Road, Murchison,
On Wednesday 24th April 2019, commencing at 12 Noon.

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

4.1 Standing Orders

Council Decision:

Moved: Councillor

Seconded: Councillor

That the following Local Law-Standing Orders 2001 be stood down:

8.2 Limitation on the number of speeches

8.3 Duration of speeches

Carried/Lost

For:

Against:

5. NEXT MEETING

Thursday, 23 May 2019

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Discuss two items pursuant to LGA s. 5.23 (2) (c) and (e) – 1. Roadhouse Lease, 2. Award of Concrete panel Tender.

8. CONFIRMATION OF MINUTES

8.1 Ordinary Council Meeting – 28 March 2019

Background:

Minutes of the Ordinary Meeting of Council have previously been circulated to all Councillors.

Recommendation:

That the minutes of the Ordinary Council meeting held on 28 March 2019 be confirmed as an accurate record of proceedings

Voting Requirements:

Simple majority

Council Decision:

Moved: Councillor

Seconded: Councillor

That the Minutes of the Ordinary Council meeting of 28 March 2019 be confirmed as an accurate record of proceedings.

Carried/Lost

For:

Against:

9. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

11. ACTION LIST

No	Item	Action	Status
1	Community Project Officer	Working Group held a telephone conference to discuss funding.	Awaiting release of grant funding. Grant applications close Sept 2019.
2	Cemetery and Remembrance Walk	Community Advisory Group inspected niche wall area and marked layout.	Wall design sketched. Awaiting quote.
3	Review of Road Network	Council to conduct a whole of shire road review. Establish roads to be closed/position of roads etc. and work with Landgate and surrounding shires. The status (ie a road defined by description; a dedicated road; a gazetted road; a closed road) of roads no longer maintained needs to be identified before the Shire can progress with this.	Working with Paul Dean of Landgate. Partial report received. Followed up 15 th April 2019. Report from Landgate should be received by 8 th May 2019.

Recommendation:

That the Action List be accepted.

Voting Requirements:

Simple majority

Council Decision:		
Moved: Councillor		Seconded: Councillor
That the Action List be accepted.		
Carried/Lost	For:	Against:

12. DISCLOSURE OF INTERESTS

13. REPORTS OF OFFICERS

13.1 Monthly Plant Report – Works Supervisor

Plant No	Plant Description	Total Cost	Total Recovery	Plant Hours YTD	Plant Hours March
P001	John Deere 770G	43580.04	75705	1081.5	151
P004	Ford New Holland	1493.64	0	0	0
P005	Dolly MU 2003	4898.39	0	0	0
P007	UD Nissan Prime M	31846.5	28755	639	180
P008	Dolly MU 2009	2581.07	5930	593	48
P009	Iveco Prime Mover	11285.19	26640	592	0
P010	Iveco Tipper 2004	3804.2	0	0	0

P011	Komatsu D85A Bull	56420.64	21636.5	198.5	0
P013	Low Loader Float	11121.51	7200	120	3
P014	Low Loader Float	5432.69	0	0	0
P017	Trailer Evertra	6414.32	11333.5	596.5	108
P018	Trailer Side Ti	8411.35	11523.5	606.5	83.5
P021	Caravan Construct	130.19	60	2	0
P022	Caravan Construct	1669.73	0	0	0
P024	Water Tanker Trai	17051.85	20567.5	1082.5	176.5
P027	Volvo L110E Load	36025.9	22002.5	338.5	69
P028	LV Isuzu D Max 4x	9714.26	367.5	24.5	18
P030	Trailer John Papa	62.34	40	2	0
P031	Trailer John Papa	23.09	0	0	0
P032	Genset Construction	13926.51	0	0	0
P033	Genset Maintenance	8294.8	0	0	0
P034	Genset Perkins On	4600.49	0	0	0
P035	Genset Power House	146145.68	146145.68	0	0
P037	Forklift	1162.45	0	0	0
P041	Loader CAT 938 GI	20637.41	7962.5	122.5	0
P043	BOMAG Roller (Rub	14345.58	12780	319.5	79.5
P045	Box Trailer with	30.94	0	0	0
P046	Towable Cement Mi	26.66	0	0	0
P047	2 Axle Elross 28'	543.29	0	0	0
P048	Howard Porter Fla	1644.48	0	0	0
P049	Howard Porter Fue	992.16	0	0	0
P050	Custom Made Box T	28.8	0	0	0
P052	Various Small Plant	8490.53	8490.53	0	0
P053	John Papas GR Box	26.66	0	0	0
P055	Toyota Prado 3.0l	9237.33	9237.33	10	0
P057	Great Wall 2012 G	3273.64	0	0	0
P058	Elross Caravan	1769.06	0	0	0
P059	Trailer 45ft Flat Top	3488.88	627	33	0
P060	Patient Transfer	2979.08	2979.08	0	0
P061	Kenworth T604 Prime Mover	84003.41	32692.5	726.5	108
P062	Heavy Maintenance	0	200	10	0
P064	Isuzu FRR500 5 To	53170.07	14274	183	10.5
P065	Generator 9 KVA K	4705.6	0	0	0
P067	Trailer Side Ti	8106.57	12131.5	638.5	108
P068	2013 BOMAG Padfoot	23874.77	19240	481	47
P069	Elross Caravan 20	5541.02	0	0	0
P070	Elross Caravan 20	5979.97	0	0	0
P072	2013 Isuzu Fire T	14337.97	14337.97	0	0
P073	2014 Toyota Fire	12188.9	12188.9	0	0
P074	Elross Caravan L/	5554.52	180	6	0
P076	Dolly (New Plant	1567.38	705	70.5	0
P077	Kubota U25-3 Mini	7288.95	4975	99.5	23
P080	Fuso Canter	9489.51	10218	131	60

P081	John Deere 670G M	47512.47	77840	1112	143
P082	Isuzu/Dmax Sx Single cab	14541.81	5572.5	371.5	72
P083	John Papas Trailer	22.09	0	0	0
P084	Flat Top Coastmac trailer	23.09	200	10	0
P085	Remote area caravan	6307.89	0	0	0
P086	Maxitrans Tandem	390.97	5080	508	83.5
P087	Kubota Generator	305.68	0	0	0
P088	Triaxle Flat Top	2466.55	0	0	0
P089	Toyota Prado GXL	2085.44	0	0	0
P11076	Mower Ride on JDZ	225.13	225.13	0	0
P13043	Steam Cleaner Die	683.8	0	0	0
P15003	Grader John Deere	43563.36	68005	971.5	163
P15006	Truck Isuzu NPR	15607.35	14430	185	23.5
P16063	2016 Toyota Prado	10276.3	0	0	0
P16075	Kubota Tractor B2	2693.48	1988	142	19.25
	TOTAL	876125.38	714466.62	12007.5	1777.25

13.2 Works Report – Works Supervisor

Construction Crew

The Construction crew made a start on the Carnarvon Mullewa Road resheet SLK 118.80 to 122.80 on Thursday 21st of March. On Monday and Tuesday the 25th and 26th they did the final prep for the 1km seal and the two grid approaches north and south of the Settlement on the Carnarvon Mullewa Road. They then returned to the resheet job. This appears to be going well apart from a serious electrical issue on the UD which has gone to Geraldton to be repaired. At the time of writing this report I do not have any further information on the truck. The magnificent rain that fell on the 12th, 13th and 14th of April has halted all roadwork for several days, possibly until the crew return after the Easter break. Mt Narryer gauged 102mm, and looking at the water around the worksite I would say it too received a similar fall. The grader and roller are doing some maintenance work on the Carnarvon Mullewa Road, north of the Muggon Road turnoff while we have favourable moisture content on the road. Ivor and Glen are catching up with maintenance and tyre repairs etc. The prime mover that was hired to stand in for the UD will be returned over the Easter break and with some luck the UD will be ready when the crew return after Easter.

Maintenance Crew

Finished the last 20 kms on the Carnarvon Mullewa Road, then moved back to the Beringarra Pindar Road and graded north from the Boolardy Nookawarra boundary to the Mileura Nookawarra Road SLK 82.40 to SLK 34.00. 10kms have been graded on the Muleura Nookawarra Road from SLK 34.20 to SLK 23.70. All drains and batters have also been done while the rollers are off the graders. Now that it has rained the rollers will be put back when the graders pass through the Settlement. Kilometres graded at the time of writing are approximately 80.

Flood Damage Works

A handover of flood damage work was done on 10th, 11th and 12th of April. All works are progressing well with the standard of work being done is good.

Airstrip Reseal, New Seal and Grid Approaches

Fulton Hogan started with the 1km new seal on Thursday 4th April. They then moved to the Settlement – did the 2 grid approaches and commenced with the airstrip reseal. This was completed on Sunday 7th April. The line marking has been delayed due to the weather. An alternate date has not yet been set.

RRG Meeting

I attended the Regional Road Group meeting on Friday 12th April. Issues concerning the Murchison Shire are:

- 1) The road upgrade from the Carnarvon Mullewa Road intersection to MRO via Twin Peaks Wooleen and Wooleen Boolardy is awaiting ministerial approval, once this has been received it should be all systems go as MRWA appear keen to get the ball rolling.
- 2) Clearing on verges and for new pits is an ongoing issue. Six days is apparently the time it takes. The catch is they can stop the clock. So if they work for 2 hours on an application and then take 10 days to work on it again they have only taken 2 hours. This is causing huge frustration as most applications for clearing permits are running between 75 and 90 days.

Recommendation:

That the Work’s Supervisor’s report be accepted.

Voting Requirements:

Simple majority

Council Decision:		
Moved: Councillor	Seconded: Councillor	
That the Work’s Supervisor’s report be accepted.		
Carried/Lost	For:	Against:

14. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

14.1 Shire President

14.2 Councillors

15. REPORTS OF COMMITTEES

15.1 Annual Electors Meeting – 29 March 2019

Background:

The Annual Electors Meeting of the Shire of Murchison was held on Friday 29th March 2019.

Comment:

The 2017/18 Annual Report was received by the meeting.

Recommendation:

That Council receive the unconfirmed minutes of the Annual Electors Meeting of the Shire of Murchison which was held on Friday 29th March 2019.

Voting Requirements:

Simple majority

Council Decision:		
Moved: Councillor	Seconded: Councillor	
That Council receive the unconfirmed minutes of the Annual Electors Meeting of the Shire of Murchison which was held on Friday 29th March 2019.		
Carried/Lost	For:	Against:

16. FINANCE

16.1 Accounts Paid during the period since the last list was adopted/endorsed by Council

File:	4.37.1
Author:	Rose Jones – Deputy Chief Executive Officer
Interest Declared:	Nil
Date:	12 April 2019
Attachments:	List of payments made in March 2019

Matter for Consideration:

Endorsement of accounts paid during the month of March 2019.

Background:

If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, then the CEO is to prepare a list of accounts paid by the CEO during the month to present to Council.

Comment:

A list of payments made during the month March 2019 is attached.

Statutory Environment:

Local Government (Financial Management) Regulations 1996

Regulation 13 states:

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee’s name; and
 - (b) the amount of the payment; and
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - (a) for each account which requires council authorisation in that month —
 - (i) the payee’s name; and
 - (ii) the amount of the payment; and
 - (iii) enough information to identify the transaction; and
 - (b) the date of the meeting of the council to which the list is to be presented
- (3) A list prepared under sub regulation (1) or (2) is to be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

Strategic Implications:

None

Policy Implications:

None

Budget/Financial Implications:

Payment from the Municipal, Trust and Reserve Bank Accounts.

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations
- **Economic:**
There are no known significant economic considerations
- **Social:**
There are no known significant considerations

Consultation:

Moore Stephens

Recommendation:

That the accounts for the month of March 2019, as per the attached Schedules presented to this meeting including \$3,194,521.39 from Municipal Account, repayments of \$885,651.22 to WA Treasury in respect of the short term advance, \$32.00 from Oasis Roadhouse and \$44.55 from Trust and \$67,661 from Reserve account totalling \$3,262,258.94 be endorsed by Council.

Voting Requirements:

Simple majority

Council Decision:		
Moved: Councillor	Seconded: Councillor	
Carried/Lost	For:	Against:

16.2 Financial Activity Statements to 31 March 2019

File:	4.37
Author:	Rose Jones – Deputy Chief Executive Officer
Interest Declared:	Nil
Date:	11 April 2019
Attachments:	Financial Activity Statements to 31 March 2019 Statement of Financial Position Operating Statement by Program Operating Statement by Nature & Type Accounts Activity General Ledger Trial Balance

Matter for Consideration:

Council is to consider adopting the Monthly Financial Statements for the period to March 2019.

Background:

The Local Government (Financial Management) Regulations 1996. Regulation 34 requires that local government report monthly and prescribes what is required to be reported.

Comment:

The Current Position at 31 March is a surplus of \$3,600,564

	Budgeted closing surplus YTD	\$5,799,146
Less	Variance to Opening Funding Surplus	0
Less	Operating revenue down	-196,533
Plus	Operating Expenditure up	-1,957,390
Less	Operating activity excluded	-120,027

Plus	Investing activities down	1,233,565
Plus	New Debentures up	0
Less	Transfers from reserve down	0
Less	Repayment of Debentures up	0
Plus	Transfers to reserves down	0
	Total Variances	-2,198,582
	Actual Surplus as at 31 March 2019	\$3,600,564

The significant difference between the actual and budgeted YTD position is in the treatment of the borrowings from Treasury in relation to flood damage works as fully budgeted (no variance) whilst the corresponding expenditure is over budget.

The following Term Deposits are held as at 31 March 2019:

Muni

Term Deposit 531423	\$500,000.00	2.22%	Maturity 28/06/2019
Term Deposit 531431	\$1,000,000.00	2.51%	Maturity 08/04/2019
Term Deposit 529817	\$500,000.00	2.50%	Maturity 08/06/2019

Trust

Crosslands MCF Term Deposit	\$375,194.91	2.34%	Maturity 25/05/2019
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Reserve

Term Deposit 531458	\$750,000.00	2.32%	Maturity 28/05/2019
Term Deposit 531466	\$1,000,000.00	2.52%	Maturity 29/04/2019
Beringarra Cue Road Reserve Term Deposit 468161	\$3,479,853.50	2.52%	Maturity 21/04/2019

Statutory Environment:

Local Government Act 1995

Section 6.4—Specifies that a local government is to prepare “such other financial reports” as is prescribed.

Local Government (Financial Management) Regulations 1996

Regulation 34 states:

(1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:

- (a) Annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1) (b) or (c);
- (b) Budget estimates to the end of month to which the statement relates;
- (c) Actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) Material variances between the comparable amounts referred to in paragraphs (b) and
- (e) The net current assets at the end of the month to which the statement relates.

Strategic Implications:

Nil.

Policy Implications:

Nil.

Budget/Financial Implications:

Reports showing year to date financial performance allow monitoring of actual expenditure, revenue and overall results against budget targets.

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations
- **Economic:**
There are no known significant economic considerations
- **Social:**
There are no known significant considerations

Consultation:

Moore Stephens

Recommendation:

That Council adopt the financial statements for the period ending 31 March 2019 as attached.

Voting Requirements:

Simple majority.

Council Decision:		
Moved: Councillor	Seconded: Councillor	
Carried/Lost	For:	Against:

16.3 Differential Rates for 2019-20

File:	4.29
Author:	Rose Jones - Deputy Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	15 April 2019
Attachments:	Department of Local Government and Communities – Rating Policy Comparison with 2018-19 Budget and 2018-19 Actual

Matter for Consideration:

Council is to consider its rating strategy for the 2019-20 Financial Year and the supporting objects and reasons for differential rates.

Background:

The quantum of rates payable to a local government is determined by the method of valuation of the land, the valuation of the land and improvements and the rate in the dollar applied to the valuation by the local government.

Method of Valuation:

Land is rated according to:

- a) unimproved value for land use predominately for rural purposes; or
- b) gross rental value for land used predominately for non-rural purposes.

Valuation of Land and Improvements

The Valuer General values the land in accordance with the provisions of the Valuation of Land Act 1978. The local government sets a rate in the dollar which is applied to this valuation to give the rates liability for each property.

Rate in the Dollar:

- a) A local government may impose a single general rate which applies to all of the properties in the unimproved value or gross rental value category; or
- b) Alternatively the local government can distinguish between land in either category on the basis of its zoning, use or whether or not it is vacant land (or a combination of these factors) and apply a differential rate to each.

Comment:

The Shire of Murchison considers the key values of objectivity, fairness, consistency, transparency and administrative efficiency, when setting rates each year.

All land in the Shire of Murchison is rated according to its unimproved value and historically the Shire of Murchison has adopted the rating practice of differentiating between lands used for pastoral purposes, mineral exploration or mining. Council rates all properties used for the same purpose in the same way and aligns its annual rates with the rates strategy in the Corporate Business Plan/Long Term Financial Plan, as long as economic factors align with predictions.

It is important that Council considers rate strategies in neighbouring Shires as part of its deliberations. The table below shows rating information (rate in the \$) for the Shires of Shark Bay, Mount Magnet, Upper Gascoyne, Yalgoo and Cue compared to the Shire of Murchison for the 2018-19 financial year.

Rate Type	Murchison	Shark Bay	Mount Magnet	Yalgoo	Upper Gascoyne	Cue
General Rates						
UV Pastoral	0.0312	0.137028	0.070348	0.06672	0.04550	0.08430
UV Mining	0.2940	0.272901	0.328689	0.3743	0.13930	0.3100
UV Exploration	0.07675	0.262395	0.328689	0.19882	0.13930	0.3100
Minimum Rates	Murchison	Shark Bay	Mount Magnet	Yalgoo	Upper Gascoyne	Cue
UV Pastoral	291	890	425	280	400	451
UV Mining	440	890	482	280	420	451
UV Exploration	440	890	482	280	420	451

Council is satisfied that the services and facilities it provides are managed efficiently and effectively and that it is appropriate to rate differentially in order to meet the budget deficiency. As part of its drive to ensure efficiency and transparency within the organisation, Council recently completed its review of the 2018-19 budget to ensure income and expenditure targets will be met for the 2018-19 year. Also, it recently reviewed the appropriateness and effectiveness of its risk management, internal control and legislative compliance as required under Local Government (Audit) Regulations 1996 and reviews the appropriateness and effectiveness of the financial management systems and procedures of the Shire as per regulation 5 (2) (c) of the Local Government (Financial Management) Regulations 1996.

The Corporate Business Plan and Long Term Financial Plan have been based on an assumption that rates will increase by 5% every year. The rating strategy for 2018-19 was that the overall increase of 5% is the target but this can be achieved by an increase of only 1.5% on the actual rate raised in 2017-18 as a result of two new mining tenements created in April 2018 but not included in the differential rate budget for 2017-18. The emphasis on recovery is reallocated between the three categories of differential rates to more accurately reflect the objects and reasons closely associated with the strategic objectives of the Shire.

The recommendation for 2019-20 continues the objective of narrowing the differential between pastoral and mining in that the Mining rate in the \$ will be maintained as per 2018-19. The Pastoral rate is to be increased by 5.6% and Exploration rates by around 4.4%. This begins to align the Shire of Murchison rate in the \$ with its neighbours noting that the rate in the \$ for both categories was considerably below comparative shires in the region. Pastoral rate in \$ is approximately 65% of its closest neighbour and Exploration and prospecting around 50%.

If Council decides to continue to rate on a differential basis in 2019-20, then the objects and reasons for imposing each differential rate is to be set out by the local government in a publicly available document and local public notice is required to be given of its intention to impose differential rates, giving details of each rate or minimum payment and inviting submissions within 21 days of the notice. If there are less than 30 ratepayers in a sector, then each rate payer is to be written to individually, inviting submissions.

Any submissions received will be considered at the May 2019 Ordinary Council Meeting, before making the final decision regarding the imposition of the rate or minimum payment, with or without modification. This year, as in the past, the proposed differential rates for mining and exploration will be more than twice the lowest differential rate (pastoral) and Ministerial approval will be required before the rates can be imposed as part of the 2019-20 budget.

Statutory Environment:

Local Government Act 1995

3.18 Performing Executive Functions

3) (c) A local government is to satisfy itself that services and facilities that it provides are managed efficiently and effectively.

6.2 Local government to prepare annual budget

(1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

* Absolute majority required.

6.33 Differential General Rates

(1) and (2) A local government can impose differential general rates according to the purpose for which the land is zoned, the purpose for which the land is held or used, whether or not the land is vacant or any other characteristic as prescribed by the Regulations.

(3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential rate which is more than twice the lowest differential rate imposed by it.

6.35 Minimum Payments

(6) A local government can impose a minimum rate separately to each differential rating category where a differential general rate is imposed.

6.36 Local government to give notice of certain rates

(1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.

(2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).

(3) A notice referred to in subsection (1) —

(a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency; and

(b) is to contain —

(i) details of each rate or minimum payment the local government intends to impose; and

(ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed

rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and

(iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may

be prescribed; and

(c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.

Local Government (Financial Management) Regulations 1996

5 CEO's duties as to financial management

2) The CEO is to —

(c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews.

Strategic Implications:

The Corporate Business Plan 2017-2021 allows for an average 5% rate increase each year. This is based on the estimated budget deficiency and has been set to help fund community services and amenities as outlined in the plan.

Sustainability Implications

- **Environmental:**
There are no known significant environmental considerations
- **Economic:**
There are no known significant economic considerations
- **Social:**
There are no known significant social considerations

Policy Implications:

Nil

Financial Implications:

Proposed differential rates are set to meet the estimated budget deficiency in the 2019-20 financial year.

Consultation:

N/A

Recommendation:

That Council:

1. seeks Ministerial approval for the proposed differential rates and minimum rates for the 2019-20 Financial Year as shown in the following table:

RATE TYPE	2018-19		2019-20			
	RATE IN \$	BUDGETED TOTAL REVENUE	NO OF PROPS	RATEABLE VALUE \$	RATE IN \$	REVENUE
Differential Rate UV						
Pastoral	0.0312	45,541	23	1,459,657	0.03295	48,096
Mining	0.2940	344,584	9	1,295,782	0.2940	380,960
Exploration/Prospecting	0.07675	22,701	20	295,775	0.07675	26,768
Minimum Rates						
Pastoral	291	1,746	6	13,263	320	1,920
Mining	440		0	0	450	
Exploration/Prospecting	440	5,720	14	37,330	450	6,300
		420,292		2,978,079		\$464,044

2. endorses the giving of local public notice of the proposed differential rates for 2019-20 to be advertised for a period of 21 days 6.35(6)(c).
3. decides that payment of rates charges may be made in a single payment or by four instalments at dates to be set as part of the budget adoption; and
4. decides that an administration fee of \$15 will apply to the instalment option and an 8% penalty interest will apply to late payments; and
5. notes that the ESL Levy and interest will be charged in accordance with instructions from DFES;
and
6. adopts the following Objects of and Reasons for Differential Rates:

Objects of and Reasons for Proposed Differential Rates and Minimum Payments for the 2019-20 Financial Year

Overall Objective

The purpose of levying rates is to meet a local governments' budget deficiency in each financial year in order to deliver services and facilities as detailed in the Strategic Community Plan and Corporate Business Plan.

The Shire of Murchison is in a unique position of being the only shire without a town, therefore having no residential, commercial or industrial rate base to draw upon. It does, however, have an important responsibility for the maintenance of a vast network of inland roads, as well as providing support for travellers and locals through the provision of fuel services, a caravan park, recreational services, power, water and an aerodrome.

Historically, the Shire of Murchison has imposed differential rates on the basis of whether land is used for pastoral purposes, mineral exploration or mining, as it considers that this is more equitable than a flat rate, drawing more revenue from those enterprises that may cause degeneration of infrastructure through higher use.

Reasons

Council is satisfied that the services and facilities it provides are managed efficiently and effectively and that it is appropriate to rate differentially in order to meet the budget deficiency.

As part of its drive to ensure efficiency and transparency within the organisation, Council recently completed its review of the 2018-19 budget to ensure income and expenditure targets will be met for the 2018-19 year. Also, it recently reviewed the appropriateness and effectiveness of its risk management, internal control and legislative compliance as required under Local Government (Audit) Regulations 1996 and reviews the appropriateness and effectiveness of the financial management systems and procedures of the Shire as per regulation 5 (2) (c) of the Local Government (Financial Management) Regulations 1996.

For consistency, Council has ensured that properties that are used for the same purpose are rated in the same way and has considered the rates charged by neighbouring councils in its deliberations. The rates in the \$ for both Pastoral UV and Exploration UV are currently well below that of most surrounding Shires and it is proposed to increase them at a higher rate this year than Mining UV.

It should be noted that the proportion of total rates paid by each sector has not varied significantly from 2018-19.

Rating category	Budget 2018-19	% of total	Budget 2019-20	% of total
Pastoral UV	50,426	11.3	50,016	10.8
Mining UV	342,077	82.0	380,960	82.1
Exploration	28,020	6.8	33,068	7.1
Total rates budget	420,523	100	464,044	100

The Shire of Murchison's reasons for differentially rating according to land use are shown below:

UV – Pastoral

Pastoral UV applies to any land that currently has a pastoral lease granted. While recognising reduced viability caused by many years of droughts and floods and the devastation caused by the wild dog problem this category is rated to reflect the infrastructure maintenance cost to the Council as well as increased operational costs to address issues such as vermin control, fire mitigation and enhanced accessibility to pastoral properties. It also recognises the long term commitment of pastoralists to the region and their stewardship of Crown Land. Further, an annual biosecurity rate is linked to the valuations provided by the Valuer General. This biosecurity rate is payable by the pastoral sector only, even though the mining/exploration sectors pose a significant biosecurity risk.

UV – Mining

Mining UV applies to land for which a mining lease has been granted. The mining sector tends to be transitory in nature and benefits from established Shire services and infrastructure which is maintained in the long term by those rate payers who are established long term in the region. The purpose of setting the UV - Mining rate at a higher level than the benchmark UV – Pastoral is to ensure that the mining sector’s contribution towards the maintenance of that infrastructure is proportionate to the advantage it gains.

UV – Exploration/Prospecting

Exploration/Prospecting UV applies to land for which an exploration/prospecting lease has been granted. As with the UV – Mining sector, the UV - Exploration/Prospecting sector tends to be transitory and the category has been rated to reflect that exploration lease holders are significant beneficiaries of established Shire services and infrastructure and is also in recognition of the future benefits that accrue to exploration lease holders though they contribute very little or no enterprise to the community.

Voting Requirements:

Absolute Majority

Council Decision:		
Moved: Councillor	Seconded: Councillor	
Carried/Lost	For:	Against:

17. DEVELOPMENT

17.1 Call For Tender – Supply of Staff housing

File:	4.52
Author:	Peter Dittrich – Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	17 April 2019
Attachments:	Nil

Matter for Consideration:

Council to consider calling Public Tenders for the supply of staff housing.

Background:

Local Government (Functions and General) Regulations 1996 Regulation 12 states:

12. *Anti-avoidance provision for r. 11(1)*

- (1) *This regulation applies if a local government intends to enter into 2 or more contracts (the **contracts**) in circumstances such that the desire to avoid the requirements of regulation 11(1) is a significant reason for not dealing with the matter in a single contract.*
- (2) *If this regulation applies, tenders are to be publicly invited according to the requirements of this Division before the local government enters into any of the contracts regardless of the consideration.*

The Department of Local Government issued Circular No. 16-2015 in which it states:

Anti-avoidance provisions

Reports prepared by the CCC made recommendations that the anti-avoidance provisions be strengthened to ensure that contracts were not split for the purposes of avoiding the tender threshold.

Regulation 12 has been amended to clarify this. It is expected that if a local government reasonably believes that the purchase of a good or service from one supplier will exceed the tender threshold of \$150,000 they should publically (sic) invite tenders.

No timeframe for the tender threshold has been included in the regulations. However, local governments should consider the importance of testing the market through a public tender process for low value, repetitive contracts. A best practice suggestion is that if the tender threshold is reached within three years, then a public tender is invited for that good or service.

The Shire of Murchison has complied and **continues to comply with Local Government (Functions and General) Regulations 1996 Regulation 12.**

Comment:

With the changes in staff movement and the restructure within the organisation the Shire will need to provide additional staff housing if it is to continue to provide improved service levels to the community.

It is put forward for Councils consideration that two residences be established in the settlement.

One of the residences should be a 3 Bedroom, 2 Bathroom home. It should contain the following:

Feature	Area (minimum)
Living Area	4050 x 4325
Dining	4050 x 3500
Kitchen	3000 x 2750
Bedroom 1	4050 x 3900
Bedroom 2	4050 x 3000
Bedroom 3	3000 x 3600
En suite BR1	2200 x 1800
Bathroom	2325 x 1800
Laundry	2325 x 1675

The house should also feature verandas, carport, alfresco area, separate toilet, built in robes, a linen closet, and pantry.

The second residence should be a 2 Bedroom, 1 Bathroom home. It should contain the following:

Feature	Area (minimum)
Living Area/Kitchen	4050 x 5250
Bedroom 1	4050 x 3000
Bedroom 2	4050 x 2400
Bathroom	To fit design
Laundry	To fit design

The house should also feature verandas, carport, alfresco area, built in robes, a linen closet, and pantry.

Statutory Environment:

Local Government Act 1995

3.57. Tenders for providing goods or services

(1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

(2) Regulations may make provision about tenders.

Local Government (Functions and General) Regulations 1996

Division 2 – Tenders for Providing Goods and Services (s.3.57)

11. When tenders have to be publicly invited

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150 000 unless subregulation (2) states otherwise.
- (2) Tenders do not have to be publicly invited according to the requirements of this Division if —
 - (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or
 - (b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or
 - [(ba) deleted]
 - (c) within the last 6 months —
 - (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or
 - (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer; or
 - (d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or
 - (e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or
 - (ea) the goods or services are to be supplied —
 - (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and
 - (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;
 - or
 - (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or
 - (g) the goods to be supplied under the contract are —
 - (i) petrol or oil; or
 - (ii) any other liquid, or any gas, used for internal combustion engines;
 - or
 - (h) the following apply —
 - (i) the goods or services are to be supplied by a person registered on the Aboriginal Business Directory WA published by the Small Business Development Corporation established under the Small Business Development Corporation Act 1983; and
 - (ii) the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and
 - (iii) the local government is satisfied that the contract represents value for money;
 - or
 - (i) the goods or services are to be supplied by an Australian Disability Enterprise; or
 - (j) the contract is a renewal or extension of the term of a contract (the original contract) where —

- (i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and
- (ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and
- (iii) the original contract contains an option to renew or extend its term; and
- (iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised; or
- (k) the goods or services are to be supplied by a pre-qualified supplier under Division 3.

12. *Anti-avoidance provision for r. 11(1)*

- (1) *This regulation applies if a local government intends to enter into 2 or more contracts (the contracts) in circumstances such that the desire to avoid the requirements of regulation 11(1) is a significant reason for not dealing with the matter in a single contract.*
- (2) *If this regulation applies, tenders are to be publicly invited according to the requirements of this Division before the local government enters into any of the contracts regardless of the consideration.*

[Regulation 12 inserted in Gazette 18 Sep 2015 p. 3806.]

13. *Requirements when local government invites tenders though not required to do so*

If a local government, although not required by this Division to invite tenders before entering into a contract for another person to supply goods or services, decides to invite tenders, the tenders are to be publicly invited according to the requirements of this Division.

[Regulation 13 amended in Gazette 2 Feb 2007 p. 245-6.]

14. *Publicly inviting tenders, requirements for*

- (1) *When regulation 11(1), 12(2) or 13 requires tenders to be publicly invited, State-wide public notice of the invitation is to be given.*
- (2) *If the CEO has, under regulation 23(4), prepared a list of acceptable tenderers, instead of giving State-wide public notice the CEO is required to give notice of the invitation to each acceptable tenderer listed.*
- (2a) *If a local government —*
 - (a) *is required to invite a tender; or*
 - (b) *not being required to invite a tender, decides to invite a tender,*

the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

Strategic Implications:

Nil

Policy Implications:

Nil

Budget/ Financial Implications:

Nil.

Sustainability Implications:

- **Environmental**

There are no known significant environmental implications associated with this decision

- **Economic**
There are no known significant economic implications associated with this decision
- **Social**
There are no known significant social considerations associated with this decision

Consultation:

WALGA - Strategic Sourcing Manager, Business Solutions

Recommendation:

1. That Council invites Public Tenders for the Supply of Staff Housing with the assistance of WALGA.
2. That Council establish a Tender Evaluation Panel(s) (minimum 3 members) to assess the above-referenced tender.

The Tender Evaluation Panel for the evaluation of the Provision of Staff Housing is made up of the CEO (or Acting CEO), the Works Supervisor, and Cr E Foulkes-Taylor.

3. That Council includes the following assessment criteria and weightings in the Tender the Supply of Staff Housing:

COMPLIANCE CRITERIA

Tenders will be assessed for compliance with the requirements of the conditions of Tender and any Contract Requirements, including responses shown in the Tender Schedules. Compliant tenders will proceed for further assessments as follows:

Comparative Price Assessment

The comparative price for each tender will be calculated by applying applicable regional price preference imposts.

Qualitative Assessments

The tender is called under the local government (Functions & General) Regulations 1996. The prime consideration in the evaluation of received tenders is to establish the tender that clearly demonstrates an understanding of the tasks required under the tender and in the Shire’s opinion represents the best value for money.

The Qualitative Assessment component of the assessment process is designed to take into account those aspects of the Tender that do not readily translate into absolute dollar values, but do however have socio-economic benefits in accordance with the table below.

The criteria on which tenders will be assessed, the maximum weighted score for each criteria and the scoring methodology is as follows:

Qualitative Criteria	Weighting
<p>A) Capability and Methodology</p> <ul style="list-style-type: none"> i) Provide the anticipated project timeline (Gantt Chart or similar) and project methodology highlighting key hold points for all stages of the construction phases of the project, from contract award through to practical completion. ii) Detail how each stage of the project is intended to be performed by the Tenderer to ensure that the project deliverables are met in accordance with the requirements of the Contract. 	25%
<p>B) Organisation Experience</p> <ul style="list-style-type: none"> i) Provide examples of three (3) recent and relevant projects to demonstrate the Tenderers' performance in providing construction of similar projects. References must be provided. ii) Provide examples that demonstrate how issues that arose on these projects were rectified to ensure the project was delivered in a quality, timely and cost effective manner. iii) Detail the Tenderers understanding and appreciation of the construction requirements for this project, by describing the key elements to be taken into consideration specifically for this project, including whole of project costing and sustainability factors, regulatory requirements, local environmental and societal factors, disability access requirements and other factors that contribute to meeting and exceeding the Principal's requirements. 	45%
<p>C) Organisational Capacity and Personnel</p> <ul style="list-style-type: none"> i) Provide a list of the personnel from your organization that will be involved in this project, specifying their particular roles and relevant experience. Contractors should supply a CV for each key personnel. (Note: Please only include relevant personnel not a full organizational listing.) ii) Provide a list of key organizations/subcontractors and personnel contributing to this project, specifying their particular roles and relevant experience. 	30%

Value for Money Assessment

The Principal reserves the right to take into consideration any feature of a tender that provides a benefit to the Shire of Murchison and the community. Any additional features will be evaluated in accordance with the value-for-money assessment process outlined below:

In formulating the recommendation for any acceptance of any Tender, value for money will be assessed by:

- a) Identifying the lowest Comparative Price Tender (this tender then becomes the Benchmark for the value-for money assessment);

- b) If the next highest priced Comparative Price Tender has a higher Qualitative Assessment Score than the benchmark, identifying the additional benefits (if any) offered and assessing if the additional benefit is worth the additional price;
- c) Repeating Step b) with the remaining tenders;
- d) Determining which of the remaining Tenders, if any, offers the best value-for-money.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

Voting Requirements:

Simple Majority

Council Decision:		
Moved: Councillor	Seconded: Councillor	
Carried/Lost	For:	Against:

18. ADMINISTRATION

Nil

19. NOTICE OF MOTION

Nil

20. CEO ACTIVITY REPORT

Date	Activity
27.03.2019	Innovation Day and Tender Opening
29.03.2019	Annual Meeting of Electors
03.04.2019	Modular Housing – discussions of potential options for Staff Housing
03.04.2019	Tender opening Trades Panel
10.04.2019	Concrete Panel – Consensus Meeting

Recommendation:

That the CEO’s Activity Report be accepted.

Voting Requirements:

Simple Majority

Council Decision:		
Moved: Councillor	Seconded: Councillor	
Carried/Lost	For:	Against:

21. URGENT BUSINESS

22. ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Discuss two items pursuant to LGA s. 5.23 (2) (c) and (e) – 1. Roadhouse Lease and 2. Award of Concrete Panel Tender.

Motion to close the meeting to the Public

Recommendation:

That the meeting move behind closed doors to discuss two items pursuant to LGA s.5.23 (2) (c) and (e) – 1. Roadhouse Lease and 2. Award of Concrete Panel Tender.

Voting Requirements:

Simple Majority

Council Decision:		
Moved: Councillor	Seconded: Councillor	
Carried/Lost:	For:	Against:

22.1 Roadhouse Lease

Council Decision:		
Moved: Councillor	Seconded: Councillor	
Carried/Lost:	For:	Against:

22.2 Award of Concrete Panel Tender

Council Decision:		
Moved: Councillor	Seconded: Councillor	
Carried/Lost:	For:	Against:

Motion to open the meeting to the Public

Recommendation:

That the meeting move out from behind closed doors.

Voting Requirements:

Simple Majority

Council Decision:		
Moved: Councillor	Seconded: Councillor	
Carried/Lost:	For:	Against:

23. MEETING CLOSURE