

I hereby certify that the Minutes of the Ordinary Council Meeting held are a true and accurate record of the proceedings contained therein.

Commissioner

Date



SHIRE OF WYNDHAM | EAST KIMBERLEY

MINUTES ORDINARY COUNCIL MEETING

13 June 2017

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**SHIRE OF WYNDHAM EAST KIMBERLEY
ORDINARY COUNCIL MEETING AGENDA
KUNUNURRA COUNCIL CHAMBERS
HELD ON 13 JUNE 2017 AT 5:00PM**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Members of the Public are advised that recommendations to Council contained within this Agenda and decisions arising from the Council meeting can be subject to alteration. Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

Members of the Public are also advised that everyone attending Council Meetings, be they members of the public, staff or Councillors, are bound by the Meeting Procedures Local Law 2016.

Commissioner opened the meeting at 5:00pm.

**2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE
(PREVIOUSLY APPROVED)**

R Yuryevich	Commissioner
C Askew	Chief Executive Officer
D Klye	Director Infrastructure
L Gee	Director Community Development
V Lawrence	Director Community Development
M Le Riche	Executive Assistant (Minute Taker)

Gallery

K Roche	SWEK
P Bracegirdle	SWEK
S Sibly	SWEK
M Davidson	SWEK
K Wright	
S Rushby	
A Petherick	
R Storey	
D Spackman	
M Northover	
L Ellis	Guerinoni & Son

3. DECLARATION OF INTEREST

- Financial Interest
Nil
- Impartiality Interest

Councillor/Officer	Item	Title	Description of Interest
C Askew	12.3.2	Community Lease – Ewin Centre	My daughter attends the Ewin Centre
D Klye	16.4	T22 16/17	I have a personal relationship with a respondent to this tender

- Proximity Interest
Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS

Nil

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 23 May 2017.

COUNCIL DECISION

Minute No: 13/06/2017-11691

Commissioner resolved:

That Council confirms the Minutes of the Ordinary Council Meeting held on 23 May 2017.

Carried 1/0

Note: The Minutes of the Ordinary Council Meeting held on 23 May 2017 are provided under separate cover via www.swek.wa.gov.au

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

The Commissioner advised the gallery that it was the minute taker's last Council Meeting after seven years working at the Shire and thanked her for her service to the Shire and the community and her help during his tenure.

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Seven confidential items are listed in the agenda and that part of the meeting will be closed to the public.

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

12.1.1. Consideration of Recommendations Contained Within the Minutes of the Audit (Finance and Risk) Committee Meeting of 27 February 2017

DATE:	13 June 2017
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
ASSESSMENT NO:	Various - As Detailed in the Minutes of the 22 May 2017 Audit (Finance and Risk) Committee meeting
FILE NO:	Various - As Detailed in the Minutes of the 22 May 2017 Audit (Finance and Risk) Committee meeting
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

COMMITTEE'S RECOMMENDATION 1

That Council, with reference to Item 7.3 "Standing Item - Sundry Debtors" as detailed in the 22 May 2017 Audit (Finance and Risk) Committee Minutes, accept that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.

COUNCIL DECISION

Minute No: 13/06/2017-11692

Commissioner resolved:

That Council, with reference to Item 7.3 "Standing Item - Sundry Debtors" as detailed in the 22 May 2017 Audit (Finance and Risk) Committee Minutes, accept that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.

Carried 1/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE'S RECOMMENDATION 2

That Council, with reference to Item 7.1 "*Standing Item - Rates Debtors*" as detailed in the 22 May 2017 Audit (Finance and Risk) Committee Minutes, accept the report that the actions being undertaken by the administration in regard to rates debtors, including rates debts in legal process are sufficient and appropriate.

COUNCIL DECISION

Minute No: 13/06/2017-11693

Commissioner resolved:

That Council, with reference to Item 7.1 "*Standing Item - Rates Debtors*" as detailed in the 22 May 2017 Audit (Finance and Risk) Committee Minutes, accept the report that the actions being undertaken by the administration in regard to rates debtors, including rates debts in legal process are sufficient and appropriate.

Carried 1/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE'S RECOMMENDATION 3

That Council, with reference to Item 7.4 "*Standing Item - Leases*" as detailed in the 22 May 2017 Audit (Finance and Risk) Committee Minutes, note the Confidential Lease Schedule and the New and Renewal Lease Schedule attached to the Agenda of the 22 May 2017 Audit (Finance and Risk) Committee Meeting.

COUNCIL DECISION

Minute No: 13/06/2017-11694

Commissioner resolved:

That Council, with reference to Item 7.4 "*Standing Item - Leases*" as detailed in the 22 May 2017 Audit (Finance and Risk) Committee Minutes, note the Confidential Lease Schedule and the New and Renewal Lease Schedule attached to the Agenda of the 22 May 2017 Audit (Finance and Risk) Committee Meeting.

Carried 1/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE'S RECOMMENDATION 4

That Council, with reference to Matters Behind Closed Doors Item 8.1 *“Update on the Recovery of Outstanding Rates - Assessments A2574, A2569 and A411”* as detailed in the 22 May 2017 Audit (Finance and Risk) Committee Minutes, notes:

1. The further investigations and actions undertaken regarding options for the recovery of outstanding rates for Assessments A2574, A2569, and A411 in accordance with relevant legislation; and
2. That with Assessments A2574 and A2569, negotiations continue with the relevant Administrators and Rate Payers representatives and an updated report will be included in the next Audit (Finance and Risk) Committee Agenda
3. That a further updated report on A411 will be included in the next Audit (Finance and Risk) Committee Agenda after consultation with the occupant.

COUNCIL DECISION

Minute No: 13/06/2017-11695

Commissioner resolved:

That Council, with reference to Matters Behind Closed Doors Item 8.1 *“Update on the Recovery of Outstanding Rates - Assessments A2574, A2569 and A411”* as detailed in the 22 May 2017 Audit (Finance and Risk) Committee Minutes, notes:

1. The further investigations and actions undertaken regarding options for the recovery of outstanding rates for Assessments A2574, A2569, and A411 in accordance with relevant legislation; and
2. That with Assessments A2574 and A2569, negotiations continue with the relevant Administrators and Rate Payers representatives and an updated report will be included in the next Audit (Finance and Risk) Committee Agenda
3. That a further updated report on A411 will be included in the next Audit (Finance and Risk) Committee Agenda after consultation with the occupant.

Carried 1/0

PURPOSE

To consider the recommendations from the Audit (Finance and Risk) Committee made at its meeting held on 22 May 2017.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The background and details supporting the recommendations are contained in the Audit (Finance and Risk) Committee meeting minutes of 22 May 2017.

STATUTORY IMPLICATIONS

Various - detailed within the Minutes of the 22 May 2017 Audit (Finance and Risk) Committee meeting.

POLICY IMPLICATIONS

Various - detailed within the Minutes of the 22 May 2017 Audit (Finance and Risk) Committee meeting.

FINANCIAL IMPLICATIONS

Various - detailed within the Minutes of the 22 May 2017 Audit (Finance and Risk) Committee meeting.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational sustainability

Objective 1.4: Business innovation, efficiency and improved services

Strategy 1.4.1 : Ensure legislative compliance and follow best practice principles in planning and service delivery

Strategy 1.4.3 : Maintain Council's long term financial viability

RISK IMPLICATIONS

Various - detailed within the Minutes of the 22 May 2017 Audit (Finance and Risk) Committee meeting.

COMMUNITY ENGAGEMENT

Various - detailed within the Minutes of the 22 May 2017 Audit (Finance and Risk) Committee meeting.

COMMENTS

Various - detailed within the Minutes of the 22 May 2017 Audit (Finance and Risk) Committee meeting.

ATTACHMENTS

Nil

12.2. CHIEF EXECUTIVE OFFICER

12.2.1. Policy review CP GOV-3350 Designation of Senior Employees

DATE:	29 May 2017
AUTHOR:	Senior Officer Governance
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the reviewed Policy CPGOV-3350 - Designation of Senior Employees as at Attachment 1

COUNCIL DECISION

Minute No: 13/06/2017-11696

Commissioner resolved:

That Council adopt the reviewed Policy CPGOV-3350 - Designation of Senior Employees as at Attachment 1

Carried 1/0

PURPOSE

For Council to adopt the revised Policy CPGOV-3350 - Designation of Senior Employees. The Shire has a process of reviewing all Council Policies on a scheduled basis. This Policy has been reviewed and updated to remove duplication of references already included in the Local Government Act 1995.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Council adopted the original policy by resolution (10739) on 16 December 2014 in order to designate senior employees in respect of the Local Government Act 1995 (s.5.37 - 5.39).

STATUTORY IMPLICATIONS

Alleviates potential conflict with federal legislation.

POLICY IMPLICATIONS

Policy would be redesignated CPGOV-3350 from CPHR-3350.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational sustainability

Objective 1.1: Strong community engagement

Objective 1.2: Alignment of regional and local priorities with other agencies and community groups

Strategy 1.4.1 : Ensure legislative compliance and follow best practice principles in planning and service delivery

RISK IMPLICATIONS

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Control: Review policies and procedures in accordance with review schedule.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The designation of senior employees is not in itself required to achieve legislative compliance.

ATTACHMENTS

Attachment 1 - Updated Policy CPGOV-3350 Designation of Senior Employees

12.2.2. Standing Item - Use of the Common Seal

DATE:	13 June 2017
AUTHOR:	Executive Assistant
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 17 May 2017 to 9 June 2017.

COUNCIL DECISION

Minute No: 13/06/2017-11697

Commissioner resolved:

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 17 May 2017 to 9 June 2017.

Carried 1/0

PURPOSE

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 17 May 2017 to 9 June 2017.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

STATUTORY IMPLICATIONS

Local Government Act 1995

9.49A. Execution of documents

- (1) A document is duly executed by a local government if —
- (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or

- (b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of —*
- (a) *the mayor or president; and*
 - (b) *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.*
- (4) *A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*
- (5) *A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.*
- (6) *A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.*
- (7) *When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational sustainability

Objective 1.4: Business innovation, efficiency and improved services

Strategy 1.4.1 : Ensure legislative compliance and follow best practice principles in planning and service delivery

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The following documents have had the Shire of Wyndham East Kimberley Common Seal applied:

Date of Use	Document
23/05/2017	Lease - Reserve 52813 (Lot 375 on Plan 92081) - Ord Pistol Club

ATTACHMENTS

Nil

12.2.3. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	13 June 2017
AUTHOR:	Executive Assistant
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council notes the report - Outstanding Actions from Council Resolutions.

COUNCIL DECISION

Minute No: 13/06/2017-11698

Commissioner resolved:

That Council notes the report - Outstanding Actions from Council Resolutions.

Carried 1/0

PURPOSE

To report to the Council on the progress and provide comment on outstanding actions from Council resolutions.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At each meeting of Council, resolutions are made which require actions to be taken by officers to implement those resolutions. This monthly update advises the Council as to the status of the implementation of resolutions.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Not applicable as referenced in individual reports presented to the Council.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational sustainability

Objective 1.4: Business innovation, efficiency and improved services

Strategy 1.4.1 : Ensure legislative compliance and follow best practice principles in planning and service delivery

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

This report includes actions from the May 2017 Council resolutions (Attachment 1). Attachment 2 summarises all other actions that are outstanding from previous Council resolutions.

ATTACHMENTS

Attachment 1 - Council Action Register Current

Attachment 2 - Outstanding Actions from Previous Council Resolutions

12.3. COMMUNITY DEVELOPMENT

12.3.1. Temporary Caravan Park Licence Application - Kununurra Rodeo Grounds

DATE:	13 June 2017
AUTHOR:	Environmental Health Officer
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
FILE NO:	PH.12.5
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council grant a temporary caravan park licence to Kununurra Campdraft and Rodeo Association for 30 camp sites at the Kununurra Rodeo Grounds from 30 July 2017 to 6 August 2017 subject to the following conditions:

- 1. Only event participants and staff associated with the Campdraft are to be accommodated in the park.**
- 2. The following minimum ablution facilities are to be available for the duration of the licence: 2 toilets, 1 hand basin, and 1 shower.**
- 3. All wastewater (including sullage water) is to be collected and removed from site to be disposed of at an approved wastewater dump point.**
- 4. Rubbish bins are to be sealed and provided within 90 metres of every site. All rubbish to be removed from site.**
- 5. Fire extinguisher/s are to be located within 90 metres of every site.**

COUNCIL DECISION

Minute No: 13/06/2017-11699

Commissioner resolved:

That Council grant a temporary caravan park licence to Kununurra Campdraft and Rodeo Association for 30 camp sites at the Kununurra Rodeo Grounds from 30 July 2017 to 6 August 2017 subject to the following conditions:

- 1. Only event participants and staff associated with the Campdraft are to be accommodated in the park.**
- 2. The following minimum ablution facilities are to be available for the duration of the licence: 2 toilets, 1 hand basin, and 1 shower.**
- 3. All wastewater (including sullage water) is to be collected and removed from site to be disposed of at an approved wastewater dump point.**
- 4. Rubbish bins are to be sealed and provided within 90 metres of every site. All rubbish to be removed from site.**
- 5. Fire extinguisher/s are to be located within 90 metres of every site.**

Carried 1/0

PURPOSE

For Council to consider an application made by Kununurra Campdraft and Rodeo Association for a Temporary Caravan Park and Camping Ground Licence at the Kununurra Rodeo Grounds.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Kununurra Campdraft and Rodeo is an annual event held at the Kununurra Rodeo Grounds in August. In 2017, the event will run from 4 August to 6 August. The Kununurra Campdraft and Rodeo Association have applied for a temporary caravan park and camping ground licence from Sunday 30 July to Sunday 6 August 2017 at the Kununurra Rodeo Grounds in order to meet the accommodation needs of Campdraft competitors.

STATUTORY IMPLICATIONS

Caravan Parks and Camping Grounds Act 1995 (the Act)

- s. 7(5) Before granting a licence a local government must ensure that —
- (a) the applicant has complied with the requirements of this Act;
 - (b) the applicant is the owner of the land on which the facility is situated, or is to be situated, or has the written approval of the owner of that land to apply for a licence.

Caravan Parks and Camping Grounds Regulations 1997 (the Regulations)

r. 47. Applications not dealt with within time are taken to be refused

(1) If within —

- (a) 63 days of receiving an application for a licence; or
- (b) 35 days of receiving an application for a renewal of a licence, the local government to which the application was made has not informed the applicant whether or not the application has been granted, the applicant may give the chief executive officer of the local government a notice requiring the local government to inform the applicant, within 14 days, whether or not the application is granted.

(2) If within 14 days after receiving a notice referred to in subregulation (1), the local government has not informed the applicant whether or not the application is granted, the local government is to be taken to have refused the application and the applicant may make an application for review to the State Administrative Tribunal under section 27 of the Act.

r. 54 Temporary licence

(1) A local government may, on payment of the fee set out in item 3 of Schedule 3, grant a temporary licence for a facility which is to remain in force for such period of less than one year, as is provided in the licence.

(2) A local government is to endorse on a temporary licence for a facility as conditions of the licence —

- (a) the maximum number of sites that may be used at the facility;
- (b) the maximum number of sites of particular types that may be used at the facility and

(c) the services and facilities that are to be provided.

POLICY IMPLICATIONS

Council Policy CP/HTH-3762 Licensing of Temporary Caravan Parks and Camping Grounds provides guidelines for the approval of temporary licences. The Policy provides for reduction in amenity and requirements of the Regulations which is considered appropriate as temporary licences are usually issued only for a short time.

FINANCIAL IMPLICATIONS

If Kununurra Campdraft and Rodeo Association is granted a temporary licence they will be invoiced for a licence fee to be calculated in accordance with Schedule 3 of the Regulations. For 30 camp sites for 8 days the minimum fee of \$100 will be applicable.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure

Objective 2.4: Access to appropriate health, family and community services

Strategy 2.4.2 : Ensure community compliance with Environmental Health regulations

RISK IMPLICATIONS

Risk: Failure to comply with minimum health and safety standards resulting in illness or injury to members of the public.

Control: Inspection by Shire officer and compliance with minimum requirements based on legislative requirements for Nature Based Parks

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The proposed licence meets the requirements and intentions of *Council Policy CP/HTH-3762 Licensing of Temporary Caravan Parks and Camping Grounds*. The licenced area will be occupied only by event staff and participants who stay on site with their equipment.

ATTACHMENTS

No attachments

C Askew, Chief Executive Officer, declared an impartiality interest item 12.3.2 as his daughter attends the Ewin Centre.

12.3.2. Community Lease- Ewin Centre

DATE:	13 June 2017
AUTHOR:	Manager Community Services
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
ASSESSMENT NO:	A2529
FILE NO:	CP.16.48
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council authorise the Chief Executive Officer to defer the existing lease expiry date of 17 July 2017 for a period of 1 year and consider a further optional 1 year extension if required after this date, to the lease currently held by the Ewin Centre for Lot 506 on Deposited Plan 61898, Reserve 50120, 1 Chestnut Avenue, Kununurra, subject to the approval of the Minister of Lands.

COUNCIL DECISION

Minute No: 13/06/2017-11700

Commissioner resolved:

That Council authorise the Chief Executive Officer to defer the existing lease expiry date of 17 July 2017 for a period of 1 year and consider a further optional 1 year extension if required after this date, to the lease currently held by the Ewin Centre for Lot 506 on Deposited Plan 61898, Reserve 50120, 1 Chestnut Avenue, Kununurra, subject to the approval of the Minister of Lands.

Carried 1/0

PURPOSE

To inform Council of the intent to offer a one year lease extension, with an option for a further 12 month extension period to the Ewin Centre for Lot 506 on Deposited Plan 61898, the whole of Land in Certificate of Title Volume LR 3156 Folio 764, Reserve 50120, 1 Chestnut Avenue, Kununurra, subject to the approval of the Minister of Lands.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader- plan and provide direction through policy and practices

BACKGROUND

The Ewin Centre is located on Lot 506 (1) Chestnut Avenue, Kununurra, being Reserve 50120 for the purpose of 'Child Care Centre'. Prior to this reserve being created, the Centre was established on a portion of former Lot 77, being Reserve 29799.

The organisation's existing 10 year lease is set to expire on 17 July 2017. The Centre's Management Committee are seeking what equates to a two year extension of the lease while they undertake preparatory works and planning for a major centre extension.

The Centre's existing financial obligations to the Shire were also reviewed in 2014 with the existing viability payment clause and all associated outstanding payments from 2009/10-2012/13 waived, as per Council resolution:

COUNCIL DECISION

Minute No. 10634

Moved: Cr S Cooke

Seconded: Cr G King

That Council:

- 1. Authorise Officers to offer the Ewin Early Learning Centre Inc. an amendment to the existing lease to remove clause 3.2 (e).**
- 2. Waive the amount outstanding to the Shire under this viability payment clause from 2009/10 to 2012/13, calculated at \$14,526.00.**

**Carried Unanimously
8/0**

The Centre is the town's largest child care provider and is currently licensed for 84 places, with a current waiting list of 103 families for places over the next 18 months. Given the current and envisaged future demand for places the Centre is currently exploring a range of options to expand their facilities on the existing site.

A meeting was held with representatives from the Centre's Management Committee in April and May 2017 to discuss general lease terms, the proposed site redevelopment and the option of a lease extension for an initial six month period, taking into account the fact that the Centre's current lease expires on 17 July 2017. The planning and funding required for the proposed redevelopment project will be significant and after discussion it was agreed that a one year extension would be more appropriate. A further 12 month optional extension period

was also discussed as an option if required from the new proposed 17 July 2018 lease extension.

The Centre have now made a request in writing to defer their existing lease expiry date for 12 months and then apply for a further 12 month extension of their existing lease.

STATUTORY IMPLICATIONS

The *Local Government Act 1995* provides for leasing under *section 3.58 Disposing of Property* and the *Land Administration Act 1997* provides for the leasing of crown land reserves for one or more purposes of public interest.

Local Government Act 1995

Under section 3.58 of the Local Government Act 1995 (LGA), the leasing of land is included as a form of disposal of property and is required to be undertaken in accordance with this section of the LGA.

However, there are exemptions from the requirements outlined in *regulation 30 of the Local Government (Functions & General) Regulations 1996*, which sites that a disposition of land is an exempt disposition if –

- (i) the land is disposed of to a body, whether incorporated or not -
- (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
- (iii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.”

As such, the proposed lease to the Ewin Centre would be considered an exempt disposition and the Shire can directly enter into a lease negotiation.

POLICY IMPLICATIONS

There are no policy implications.

FINANCIAL IMPLICATIONS

The Ewin Centre will continue with the current schedule of lease payments and terms and conditions of tenancy as stipulated by the existing lease, noting that this incorporates an annual CPI increase each year. When a new lease is negotiated with the centre either before or after any redevelopment, any new lease terms will be based on Council Policy *CP/PMG-3780 Leasing of Council Managed Reserve Land - Community*.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure

Objective 2.1: A highly valuable East Kimberley economy that maximises social benefits

Strategy 2.1.1: Encourage a mix of businesses that meet community needs

Objective 2.3: Facilities are appropriate for their intended purpose and factor in whole of life costing and maintenance

Strategy 2.3.1: Manage and maintain assets in a strategic and cost effective manner

Objective 2.4: High standard of health and community facilities and services available to all residents

Strategy 2.4.3 : Support early childhood and family support services

RISK IMPLICATIONS

Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

COMMUNITY ENGAGEMENT

Engagement has taken place in accordance with the Shire' Community Engagement Guidelines and included:

- Open communication with the Ewin Centre Management Committee throughout the lease extension process.

COMMENTS

The Ewin Centre has provided the local community with a quality child care service for 10 years (in its current location) and is now proposing to increase the scope of their services to better support the needs of the community. The proposed two year extension will provide the Centre with surety as they fully explore options to develop the full capacity of their existing lease site.

ATTACHMENTS

Attachment 1 - Ewin Centre Letter for Lease Extension

Attachment 2 - Ewin Centre Amended Lease 2015

12.3.3. Policy Review - CP/PMG 3780 Leasing of Council Managed Reserve Land - Community

DATE:	13 June 2017
AUTHOR:	Manager Community Services
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
FILE NO:	CP.08.28
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the revised *CP/PMG 3780 Leasing of Council Managed Reserve Land - Community* as outlined in Attachment 1, noting the amendment made to criteria relating to profit generating uses (point 3 of Clause 7).

COUNCIL DECISION

Minute No: 13/06/2017-11701

Commissioner resolved:

That Council adopt the revised *CP/PMG 3780 Leasing of Council Managed Reserve Land - Community* as outlined in Attachment 1, noting the amendment made to criteria relating to profit generating uses (point 3 of Clause 7).

Carried 1/0

PURPOSE

For Council to adopt the draft revised *CP/PMG 3780 Leasing of Council Managed Reserve Land - Community*.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND

Changes to Council's Community Leasing Policy were last endorsed at the 30 August 2016 Ordinary Council Meeting, and that the policy has recently been reviewed again to:

- Revise provisions in relation to commercial use/ generating profit; and
- To state that all leases will be invoiced lease rent from 1 July - 30 June each year.

At the 28 March 2017 Ordinary Council Meeting, it was resolved to advertise the draft reviewed policy for community consultation:

Minute No: 28/03/2017 - 11638

Commissioner resolved:

That Council advertise for community comment the revised CP/PMG 3780 Leasing of Council Managed Reserve Land - Community for 28 days as outlined in Attachment 1.

Carried 1/0

The revised Policy as advertised, provided at Attachment 1, outlines the criteria Council shall utilise in determining when the profit-generating uses are acceptable under Clause 7 - Commercial Activity, as below:-

- *The use is ancillary and/or complementary to the main use*
- *The Income generated*
- *Income generated is placed into a financial reserve account for the development or maintenance of the facility.*
- *Rental fees charged by the Lessees are valued at a commercial rate*
- *The use is supported by the Reserve purpose*
- *The area occupied by the profit making facilities*
- *The use provides an additional service not otherwise provided*
- *The community benefit outweighs the competitive advantage*
- *The use does not contravene any written law*
- *The use is not considered a nuisance or an unacceptable negative impact*
- *If the use is competing with a commercial enterprise.*

Clause 3 - Lease Rent of CP/PMG 3780 Leasing of Council Managed Reserve Land - Community was also amended to include the following requirement:-

The Lessee will be invoiced for the lease rental from 1 July annually; where leases are commenced other than 1 July the lease rental will be invoiced for the proportion of the year to 1 July, to align future lease payments to 1 July.

It is recognised that in certain circumstances it is appropriate for the leased community facility to be utilised to generate profit. As such, Council Policy CP/PMG 3780 Leasing of Council Managed Reserve Land - Community has been revised to provide increased

guidance for Council and community groups who are considering generating profit through commercial activity.

The revised Policy emphasises, under Clause 7 - Commercial Activity, that this opportunity may be pursued by community groups if the profit is used to support the development and maintenance of the facilities for the purpose of providing a community service, and outlines the criteria Council shall utilise in determining when the profit-generating uses are acceptable.

STATUTORY IMPLICATIONS

There are no statutory implications.

POLICY IMPLICATIONS

There are no Policy implications.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational sustainability

Objective 1.4: Business innovation, efficiency and improved services

Strategy 1.4.1: Ensure legislative compliance and follow best practice principles in planning and service delivery

RISK IMPLICATIONS

Non-compliance with the Department of Local Government and Communities advisory standards and regulations.

COMMUNITY ENGAGEMENT

Engagement has taken place in accordance with the Shire's Community Engagement Guidelines and included:

- Public advertising of the Policy for comment for a minimum period of 28 days, with one community submission received.
- Consultation with existing lease holders as required.

COMMENTS

Only one submission was received during the advertising period from the Kununurra Neighbourhood House (KNH) (Attachment 2), which raised four issues regarding the revised Policy.

KNH's first point focussed on the objective of promoting equity, clarity and consistency in community leases, with a view expressed that the Shire was adopting an approach of treating all leases the same. While a new generic lease template has been developed, specific site nuances/needs are taken into account in each organisations lease document as required. This action is in effect recognising the different circumstances of each community lease and the specific contribution made to the community.

The organisations second point concerned the termination clause outlined in the policy and its potential impact on lease holders who may have invested significant resources in facilities on the "ground lease". KNH advocate for a termination clause with more limited termination rights for the Lessor/SWEK, basing termination on the Lessee breaching certain conditions of use. Terms regarding the Termination Clause are clear in that any termination must be approved by Council and must demonstrate that an alternate use of the land may deliver exceptional community benefit without the loss of services to the community. The termination clause was negotiated with community groups at a series of workshops in 2016 and was subsequently adopted by Council at the review of the *CP/PMG 3780 Leasing of Council Managed Reserve Land-Community* at the 30 August 2016 Ordinary Meeting of Council. It is therefore considered that no further amendment to the intent of this clause should be considered at this stage.

KNH's third point suggested that the Shire considers developing a more than a one-size-fits-all lease template to reflect the significantly different circumstances between a "ground lease" and a building lease. To this point it is reiterated that if the structure on a site (ie Wyndham Child Care, Ewin Centre and Kununurra Youth Hub) is owned by the Shire, there are different lease provisions as against situations where the Shire are leasing the land only to the lessee. The bulk of the Policy however is aimed at 'land only' leases.

The aims of the new generic lease documentation was to rectify the existing anomalies that currently exist in lease documentation, focussing on standardising the terms and conditions associated with Community Leases on Shire managed reserves. To this end the revised Policy has achieved that aim and has provided a document that is common to all leaseholders.

The final point raised suggested that consideration be given to community lease holders who enter into sub-lease agreements being able to direct a "*portion of income generated into a financial reserve for the operation, development or maintenance of the facility*" to give lessees the scope and incentive to generate funds as required to "*increase capacity, subject to the profit supporting community use*".

This position is supported in principle, however it is considered that the term 'operation' may be too broad in some circumstances, and that the Council should have the ability to consider specific proposed programs to be funded to facilitate community capacity building.

It is recommended that criteria 3 as listed in Clause 7 of the advertised Policy should be amended to state: -

- *That the income generated is placed into a financial reserve account for approved programs, development or maintenance of the facility.*

ATTACHMENTS

Attachment 1 - Kununurra Neighbourhood House Comment Letter.

Attachment 2 - Draft revised *CP/PMG 3780 Leasing of Council Managed Reserve Land - Community*, as advertised for public comment.

12.4. CORPORATE SERVICES

12.4.1. List Of Accounts Paid From Municipal Fund and Trust Fund

DATE:	13 June 2017
AUTHOR:	Creditors Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM.09.5
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the listing of accounts paid from the Municipal and Trust funds, being:	
Municipal EFT 129011 - 129224 (03 May - 25 May 2017)	\$1,125,978.52
Municipal cheques 51563 - 51577 (03 May - 25 May 2017)	\$156,037.22
Trust cheques 1029 - 1032 (09 May 2017)	\$36,738.61
Trust EFT 501385 - 501404 (01 May – 30 May 2017)	\$8,602.90
Payroll (10 May - 24 May 2017)	\$476,986.42
Direct bank debits (01 May - 22 May 2017)	\$97,753.99
TOTAL	\$1,902,097.66

COUNCIL DECISION

Minute No: 13/06/2017-11702

Commissioner resolved:

That Council receives the listing of accounts paid from the Municipal and Trust funds, being:

Municipal EFT 129011 - 129224 (03 May - 25 May 2017)	\$1,125,978.52
Municipal cheques 51563 - 51577 (03 May - 25 May 2017)	\$156,037.22
Trust cheques 1029 - 1032 (09 May 2017)	\$36,738.61
Trust EFT 501385 - 501404 (01 May – 30 May 2017)	\$8,602.90
Payroll (10 May - 24 May 2017)	\$476,986.42
Direct bank debits (01 May - 22 May 2017)	\$97,753.99
TOTAL	\$1,902,097.66
	Carried 1/0

PURPOSE

To present the listing of accounts paid from the Municipal Fund and Trust Fund in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996*.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In accordance with Council's Delegations Register 2016/17 which was adopted by the Council on the 30 August 2016, the Council has delegated to the CEO the exercise of its power under regulations 12 and 13 of the *Local Government (Financial Management) Regulations 1996* to make payments from Municipal Fund and Trust Fund.

STATUTORY IMPLICATIONS

Local Government Act 1995 – section 5.42

Local Government (Financial Management) Regulations 1996 – Regulations 5, 11, 12, 12(1)(a) and 13.

POLICY IMPLICATIONS

Sub-delegation 12 "Payments from the Municipal Fund and Trust Fund" applies subject to compliance with *Council Policy CP/FIN-3204 Purchasing*.

FINANCIAL IMPLICATIONS

Ongoing management of the Shire's funds by providing the Council with sufficient information to monitor and review payments made.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022.

Goal 1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational sustainability.

Objective 1.4: Business innovation, efficiency and improved services.

Strategy 1.4.1 : Ensure legislative compliance and follow best practice principles in planning and service delivery.

Strategy 1.4.3 : Maintain Council's long term financial viability.

RISK IMPLICATIONS

Strategic Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Controls: Annual Financial Audit.
Annual Compliance Return to Department of Local Government.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

In accordance with statutory requirements, each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled each month showing: the payee's name, amount of payment, date of payment and sufficient information to identify the transaction. The list is to be presented to the Council at the next ordinary meeting of the Council following the preparation of the list and is to be recorded in the minutes of the meeting at which it is presented.

ATTACHMENTS - Item 12.4.2

Attachment 1 - List Of Accounts Paid May 2017

12.4.2. Customer Service Charter

DATE:	13 June 2017
AUTHOR:	Team Leader Records Management & Customer Service
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the draft Customer Service Charter as per attachment 1

COUNCIL DECISION

Minute No: 13/06/2017-11703

Commissioner resolved:

That Council adopt the draft Customer Service Charter as per attachment 1

Carried 1/0

PURPOSE

For Council to adopt a Customer Service Charter.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At the 16 December 2014 Ordinary Council Meeting an item was presented to Council regarding statistical records of information requests received for calendar year 2013 versus 2014. At that meeting Council resolved the following:

COUNCIL DECISION

Minute No. 10741

That the Acting Chief Executive Officer develop the following for Council consideration in 2015:

- 1. Communications Policy**
- 2. Customer Service Charter**
- 3. Complaints Policy**

In January 2015 the Leadership Team was consulted in relation to the implementation of these policies and the charter. At this meeting it was determined that the proposed Communications Policy would be more appropriately separated into a Media Policy and a Customer Service Policy.

At the 24 March 2015 Ordinary Council Meeting an item was presented to Council requesting that the Council consider the adoption of a Customer Service and a Complaints Management Policy and to seek public comment on the content for the Council to subsequently consider. The Council resolved to:

COUNCIL DECISION
Minute No. 10837

That Council:

- 1. Endorse the Customer Service Policy effective immediately;**
- 2. Endorse the Complaints Management Policy effective immediately;**
- 3. Directs the Acting Chief Executive Officer to seek public comment in relation to the Customer Service Policy and the Complaints Management Policy;**
- 4. Notes that the Communications Policy resolved at the December Ordinary Meeting of Council has been separated into two policies, being the Customer Services Policy and a new Media Policy that is currently in development;**
- 5. Notes that to ensure the appropriate implementation of a Customer Service Charter incorporating service standards, the Shire will require a significant review of procedures and systems to support its implementation and ongoing measurement against the standards set, which is not funded in 2014/15 and would need to be considered as part of the 2015/16 Budget Process.**

STATUTORY IMPLICATIONS

The *Local Government Act 1995* and associated regulations only provides avenues for dealing with complaints in relation to the conduct of councillors. However, the recommended policies are broader than this.

POLICY IMPLICATIONS

The Customer Service Charter aligns with the Code of Conduct, Customer Service Policy and Complaint Management Policy

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational sustainability

Objective 1.4: Business innovation, efficiency and improved services

Strategy 1.4.1 : Ensure legislative compliance and follow best practice principles in planning and service delivery

RISK IMPLICATIONS

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Control: Review policies and procedures in accordance with review schedule.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The purpose of this Charter is to reinforce the Council's commitment to delivering professional and quality customer service in line with the Council's Customer Service Policy, and Complaint Management Policy.

ATTACHMENTS

Attachment 1 - Customer Service Charter

12.4.3. Monthly Financial Report as at 31 May 2017

DATE:	13 June 2017
AUTHOR:	Asset Management Accountant
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM.09.5
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the monthly financial report as at 31 May 2017.

COUNCIL DECISION

Minute No: 13/06/2017-11704

Commissioner resolved:

That Council receives the monthly financial report as at 31 May 2017.

Carried 1/0

PURPOSE

For Council to receive the monthly financial report for the period ended 31 May 2017.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Council is to prepare monthly financial reports as required by the *Local Government (Financial Management Regulations) 1996*.

At the 15 September 2016 Ordinary Council Meeting, the Council resolved the following:

COUNCIL DECISION

Minute No: 11491

Moved: Cr B Robinson

Seconded: Cr N Perry

That the Council, in accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, approves the materiality level for monthly reporting to be set at +/- 10% and +/- \$20,000 at account level and +/- 10% and +/- \$100,000 at financial statement level.

Carried 9/0

These materiality levels have been applied in the preparation of this report.

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 6.4.

Local Government (Financial Management) Regulations 1996, Regulation 34.

POLICY IMPLICATIONS

No policy implications apply in the preparation of the report.

FINANCIAL IMPLICATIONS

Monthly financial reporting is a primary financial management and control process; it provides the Council with the ability to oversee the Shire's financial performance against budgeted target.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational sustainability

Objective 1.4: Business innovation, efficiency and improved services

Strategy 1.4.1 : Ensure legislative compliance and follow best practice principles in planning and service delivery

RISK IMPLICATIONS

Strategic Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

COMMUNITY ENGAGEMENT

The Shire of Wyndham East Kimberley's CP/GOV-3100 Community Engagement Policy has been considered in relation to this item.

No community engagement is required.

COMMENTS

Comments in relation to budget to actual variances are included as notes in the Financial Report attached.

ATTACHMENTS

Attachment 1 - Monthly Financial Report as at 31 May 2017.

**12.4.4. 2017/18 Budget - Differential General Rates and Minimum Payments -
Consideration of Public Submissions**

DATE:	13 June 2017
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM.05.14
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Notes and considers the submissions received in relation to the proposed Differential General Rates and Minimum Payments and Strategic Rating Policy, and thanks the community for their input;**
- 2. Endorse the revised Council Policy *CP/FIN-3200 Strategic Rating* including the 2017/18 Rating Model as follows, with the intention of striking the rates as part of the 2017/18 Budget adoption, subject to receiving Ministerial approval where required by legislation;**

2017/18					
Differential Rates	Rate/Min	Minimum	No. Properties	Valuations	Total Rates
GRV Residential	0.0953	1,112	1,691	49,029,974	4,685,153
GRV Other Vacant	0.1430	1,112	125	838,950	178,928
GRV Commercial	0.1240	1,112	186	14,850,154	1,849,805
GRV Industrial	0.1144	1,112	176	9,095,530	1,044,781
UV Rural Residential	0.0110	1,112	185	45,908,000	504,988
UV Pastoral	0.0570	1,112	23	5,903,351	336,607
UV Commercial/Industrial	0.0077	1,112	59	12,320,960	114,646
UV Rural Agriculture 1	0.0116	1,112	80	60,492,309	702,707
UV Rural Agriculture 2	0.0094	1,112	109	36,549,000	343,561
UV Mining	0.2821	1,112	67	1,670,862	492,939
UV Mining Exploration and Prospecting	0.1411	310	47	414,653	61,664
UV Other	0.0065	1,112	3	8,525,000.00	55,413
Total			2,751	245,598,743	10,371,190
				Ex Gratia Rates	5,679
				TOTAL RATES	10,376,869

3. Request the CEO, or their delegate to seek approval from the Minister for Local Government and Communities to approve the Shire of Wyndham East Kimberley's application to:
- a. Impose minimum payments for vacant land which will result in more than 50% of the properties in the GRV Other Vacant and UV Mining Vacant rating categories subject to minimum payments in accordance with section 6.35(5) of the *Local Government Act 1995*; and
 - b. Impose a rate in the dollar which will result in it being more than twice the lowest differential general rate imposed for UV Mining, UV Mining Vacant and UV Pastoral rating categories, in accordance with section 6.33(3) of the *Local Government Act 1995*.

COUNCIL DECISION

Minute No: 13/06/2017-11705

Commissioner resolved:

That Council:

1. Notes and considers the submissions received in relation to the proposed Differential General Rates and Minimum Payments and Strategic Rating Policy, and thanks the community for their input;
2. Endorse the revised Council Policy *CP/FIN-3200 Strategic Rating* including the 2017/18 Rating Model as follows, with the intention of striking the rates as part of the 2017/18 Budget adoption, subject to receiving Ministerial approval where required by legislation;

	2017/18				
Differential Rates	Rate/Min	Minimum	No. Properties	Valuations	Total Rates
GRV Residential	0.0953	1,112	1,691	49,029,974	4,685,153
GRV Other Vacant	0.1430	1,112	125	838,950	178,928
GRV Commercial	0.1240	1,112	186	14,850,154	1,849,805
GRV Industrial	0.1144	1,112	176	9,095,530	1,044,781
LV Rural Residential	0.0110	1,112	185	45,908,000	504,988
LV Pastoral	0.0570	1,112	23	5,903,351	336,607
LV Commercial/Industrial	0.0077	1,112	59	12,320,960	114,646
LV Rural Agriculture 1	0.0116	1,112	80	60,492,309	702,707
LV Rural Agriculture 2	0.0094	1,112	109	36,549,000	343,561
LV Mining	0.2821	1,112	67	1,670,862	492,939
LV Mining Exploration and Prospecting	0.1411	310	47	414,653	61,664
LV Other	0.0065	1,112	3	8,525,000.00	55,413
Total			2,751	245,598,743	10,371,190
			Ex Gratia Rates		5,679
			TOTAL RATES		10,376,869

- 3. Request the CEO, or their delegate to seek approval from the Minister for Local Government and Communities to approve the Shire of Wyndham East Kimberley's application to:**
- a. Impose minimum payments for vacant land which will result in more than 50% of the properties in the GRV Other Vacant and UV Mining Vacant rating categories subject to minimum payments in accordance with section 6.35(5) of the *Local Government Act 1995*; and**
 - b. Impose a rate in the dollar which will result in it being more than twice the lowest differential general rate imposed for UV Mining, UV Mining Vacant and UV Pastoral rating categories, in accordance with section 6.33(3) of the *Local Government Act 1995*.**

Carried 1/0

PURPOSE

For the Council to consider the public submissions received in relation to the proposed rates in the dollar and minimum payments in accordance with section 6.36(4) of the *Local Government Act 1995* and subsequently adopt the differential general rates in the dollar and minimum payments which have been advertised.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At the Ordinary Council Meeting on 26 April 2017 the following resolution was passed:

COUNCIL DECISION

Minute No: 26/04/2017 – 11663

Commissioner resolved:

That Council:

1. Endorse the revised Council Policy *CP/FIN-3200 Strategic Rating*;
2. Endorse the 2017/18 Rating Model as follows, with the intention of seeking public submissions thereon and thereafter striking the rates as part of the 2017/18 Budget adoption, subject to receiving Ministerial approval where required by legislation;

Rating Category	Total Properties	Total Rateable Value of Properties	Proposed Minimum Payment	Rate in the Dollar (cents)	% of Properties on Minimum Payments	Proposed Rates Revenue Budget 2016/17
GRV - Residential	1,687	48,988,374	1,112	9.53	3.00%	4,681,188
GRV - Other Vacant	124	821,650	1,112	14.30	78.23%	176,540
GRV - Commercial	186	14,850,154	1,112	12.40	11.83%	1,850,408
GRV - Industrial	177	9,121,530	1,112	11.44	3.95%	1,047,391
UV - Rural Residential	185	51,149,000	1,112	1.00	0.00%	511,490
UV - Pastoral	24	6,203,351	1,112	5.44	4.17%	337,624
UV - Commercial/Industrial	59	14,368,560	1,112	0.69	45.76%	117,218
UV - Rural Agriculture 1	80	75,530,309	1,112	0.97	1.25%	733,659
UV - Rural Agriculture 2	109	57,381,000	1,112	0.69	0.00%	395,929
UV - Mining	68	1,671,154	1,112	28.21	47.06%	494,051
UV - Mining Vacant	47	472,250	310	14.11	48.94%	69,551

UV - Other	2	526,000	1,112	0.65	0.00%	3,419
TOTALS	2,748	281,083,332				\$10,418,443
Add Ex-Gratia Rates						\$5,420
						\$10,423,863

3. That Council endorses for advertising for a minimum of twenty-one (21) days and seeks public submissions on:

a. Council Policy *CP/FIN-3200 Strategic Rating (Attachment 2)* that outlines the principles which underpin the proposed 2017/18 rating model, including the Object of and Reasons for Differential Rates;

b. The Draft 2017/18 Rate Modelling (Attachment 1) which incorporates the Object of and Reasons for Differential Rates, along with the proposed differential rates and minimum payments to be applied from 1 July 2017 for the 2017/18 financial year in accordance with section 6.36 of the *Local Government Act 1995*.

Carried 1/0

STATUTORY IMPLICATIONS

Local Government Act 1995

Part 5

Division 6 – Disclosure of financial interests

5.63. Some interests need not be disclosed

(1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —

(a) an interest common to a significant number of electors or ratepayers; or

(b) an interest in the imposition of any rate, charge or fee by the local government; or

(c) an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers...

Local Government Act 1995

Part 6

Division 6 – Rates and service charges

6.33. Differential general rates

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —
 - (a) the purpose for which the land is zoned under a local planning scheme in force under the Planning and Development Act 2005;
 - (b) the predominant purpose for which the land is held or used as determined by the local government;
 - (c) whether or not the land is vacant land; or
 - (d) any other characteristic or combination of characteristics prescribed.
- (2) Regulations may —
 - (a) specify the characteristics under subsection (1) which a local government is to use; or
 - (b) limit the characteristics under subsection (1) which a local government is permitted to use.
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.
- (4) If during the financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.

6.35. Minimum payment

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.
- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.
- (3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than
 - (a) 50% of the total number of separately rated properties in the district; or
 - (b) 50% of the number of properties in each category referred to in subsection (6),on which a minimum payment is imposed.

- (4) A minimum payment is not to be imposed on more than the prescribed percentage of
- (a) the number of separately rated properties in the district; or
 - (b) the number of properties in each category referred to in subsection (6),
- unless the general minimum does not exceed the prescribed amount.
- (5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.
- (6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories
- (a) to land rated on gross rental value;
 - (b) to land rated on unimproved value; and
 - (c) 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;
 - (b) is to contain
 - (i) details of each rate or minimum payment the local government intends to impose;
 - (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.

(4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.

(5) Where a local government

(a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or

(b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),

it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.

Local Government (Financial Management) Regulations 1996

52A. Differential general rates — s. 6.33(1)(d)

6.33 (1)(d) For the purposes of section 6.33(1)(d), the following are prescribed characteristics —

(a) whether or not the land is situated in a townsite as defined in the Land Administration Act 1997 section 3(1);

(b) whether or not the land is situated in a particular part of the district of the local government.

POLICY IMPLICATIONS

The proposed increase of 1.2% in the base rate is reflected in Council's revised Policy *CP/FIN-3200 Strategic Rating* that aligns the rating model closely to the current Town Planning Scheme No. 7 Kununurra and Environs (TPS7) and the current Town Planning Scheme No. 6 Wyndham Townsite (TPS6) in terms of land use.

If there is a modifications to the base rate, then Council Policy *CP/FIN-3200 Strategic Rating* will need to also be amended to reflect the modification.

It should be noted that Council's Policy *CP/FIN-3200 Strategic Rating* Policy incorporates references to Council Policy *CP FIN-3208 Rates Exemptions for Charitable Organisations (Non-Rateable Land)*; however there are no subsequent amendments required.

FINANCIAL IMPLICATIONS

The advertised differential general rates and minimum payments were expected to yield total net rate revenue of \$10,423,863 (\$10,418,443 plus ex-gratia rates of \$5,421).

After consideration of the public submissions Shire officers have determined that the proposed differential general rates and minimum payments are now expected to yield total net rate revenue of \$10,376,869 (\$10,371,190 plus ex-gratia rates of \$5,679) – a decrease of \$46,994 from what was advertised. This is mainly as a result of the change in valuations that have been received from the Valuer-General. It should be noted that the variation in the overall rating yield will reduce the amount of funds to transfer to the Asset Management Reserve from the initial estimate of \$6,475 to \$5,057.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational sustainability

Objective 1.4: Business innovation, efficiency and improved services

Strategy 1.4.1 : Ensure legislative compliance and follow best practice principles in planning and service delivery

Strategy 1.4.2 : Improve the efficiency and productivity of Shire services

Strategy 1.4.3 : Maintain Council's long term financial viability

RISK IMPLICATIONS

Strategic Risk: Inability to deliver levels of service expected by the community.

Control: Current budget and service levels.

COMMUNITY ENGAGEMENT

Engagement has taken place in accordance with the Shire's Community Engagement Guidelines and includes:

- Briefing with the Commissioner on 11 April 2017
- Local public notice in the Kimberley Echo on 4th and 11th of May 2017;
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2016/17 was placed on the Coles noticeboard on 4 May 2017;
- The Shire's facebook page and website on 4 May 2017;
- Media Release on 4 May 2017;
- Letters to the individual property owners in the category UV Pastoral as required by the Department of Local government and Communities Rating Policy on Differential Rates; and

- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2017/18, including Council Policy *CP/FIN-3200 Strategic Rating* placed on the Shire's website, public noticeboards at the Civic Centres and Libraries in both Kununurra and Wyndham on 4 May 2017.

COMMENTS

Rate in the Dollar

Rate revenue is determined by applying a rate in the dollar against the Gross Rental Values (GRV) and Unimproved Values (UV) advised to the Shire by Landgate. The Shire levies the same rate in the dollar against all properties in a particular rate category. Provided that there is no change to the GRV's and UV's, an increase in the rate in the dollar impacts on all the properties in that category equally. However, where there is a significant change in the GRV's and UV's this changes the proportion each property in that category pays of the total rates for that category. It also changes the amount rates that that particular category contributes to the total rate revenue.

To ensure that each rating category bears the same increase in rates burden, the rate in the dollar is normally adjusted. The consequence of this is that an individual property in a category where GRV's and UV's have changed may find that they have an increase or decrease in the amount of rates that they pay even though their particular GRV or UV has not changed. There will be some properties that will have rates that will increase above the nominal rate increase and those that will have a reduction. Shire officers have to try and balance this to achieve a measure of equity over the category and the rate base as a whole.

There has been a recent change in the Unimproved Values (UV) advised to the Shire by Landgate since the advertising of the rate in the dollar. If the rate in the dollar for the affected categories is not adjusted then this has the effect of reducing the forecast rate revenue from \$10,423,443 to \$10,099,679, which is \$323,764 less than the total in the report to Council at the Ordinary Council Meeting on 26 April 2017. The categories affected are the UV Rural residential, UV Pastoral, UV Commercial/Industrial, UV Rural Agriculture 1 and UV Rural Agriculture 2.

In order to ensure equity across all ratepayers and to ensure the lowest possible impact on the least number of ratepayers, the rate in the dollar has had to change for these categories. The changes in the the UV Rural residential are from 1 cent in the dollar to 1.1 cents in the dollar, UV Pastoral from 5.44 cents in the dollar to 5.7 cents in the dollar, UV Commercial/Industrial from 0.69 cents in the dollar to 0.77 cents in the dollar, UV Rural Agriculture 1 from 0.97 cents in the dollar to 1.16 cents in the dollar and UV Rural Agriculture 2 from 0.69 cents in the dollar to 0.94 cents in the dollar. In the vast majority of cases the increase in the rate in the dollar will be offset by the reduction in the UV values. There will be properties that will experience a rate increase even though their UV has not changed but the modelling process has attempted to keep this to a minimum.

The amended rate in dollar for these categories is now forecast to yield \$10,376,869 (\$10,371,190 plus ex-gratia rates of \$5,679). This is \$46,994 less than the total advertised

rate revenue. There have been no material changes to the valuations in the other rating categories and so no changes to the rate in the dollar is being proposed for those categories.

The last whole of Shire revaluation by Landgate of came into effect on 1 July 2014. The next valuation for GRV will be undertaken in August 2017 which will come into effect from 1 July 2018 (2018/19 financial year). While it may be anticipated that valuations may be reduced given the current economy, the Council will be required to adjust the rate in the dollar accordingly in order to achieve the overall rates yield required to deliver services.

Submissions

The Shire has received 11 submissions from the community relating to the advertised differential general rates and minimum payments (refer Attachment 1) compared to 62 for the 2016/17 budget process. Shire Officers do not read into this that the community is necessarily happy with the increase in rates. The feedback from the community survey indicated a high degree of dissatisfaction with the amount of rates being paid by the ratepayers and the perceived value they receive for the rates paid. While one submission provided suggestions to raise rate revenue in certain categories, the remainder of the submissions received were consistent with the comments received in the community survey. Shire Officers are aware of the issues and acknowledge that there is significant work that needs to be done to improve the situation.

Four of the submissions requested that certain information be redacted before the submissions are published. Shire Officers have considered the request and have the following comments. It has been the practice of the Shire to include all submissions in the past without any “redacting” of information; the process is a public one and the information that has been requested to be redacted is already publically available. The ratepayer who made the request has been given the opportunity to either withdraw or amend the submissions but no reply has been received by Shire Officers at the time the agenda was being finalised.

The content of the submissions refer to a number of general issues. Among these are that the base rate or the differential rate being too high, the differential system being unfair, specific service delivery provided for rates paid, the impact of rates on the local property market and governance issues around the administration’s role in setting the rate in the dollar. Each of these issues is commented on below. Shire officers will address individual replies for each submission received.

Shire Officers role in the rate setting process is not a simple one. They need to make a recommendation based on an objective assessment of the financial position of the Shire, the range of services it provides, the service levels expected of it and the obligation to maintain the infrastructure assets of council while trying to ensure that the proposed rate increase is as low as possible. The process of setting rates is one that is governed by both legislation and by Council policy. The process is also a consultative one and while the results it delivers are not always popular, they are necessary to deliver the range of services and for the Shire to meet its obligations in terms of both legislation and Council policy.

With regard to the base rate being too high, Shire Officers have recommended a moderate increase in the base rate for the current year of 1.2%. This means for the average GRV Residential ratepayer an increase of less than a dollar per week. This modest increase will not make a significant impact in any single year. However, with careful planning and being fiscally prudent moderate increases over time can provide better value for the ratepayer.

In preference to raising rates to cover the increased cost of services, Shire Officers as part of the budget process critically evaluated the expenditure incurred in their departments for possible savings. To this end the budgeted expenditure from operations has been reduced from \$29.86m in the 2016/17 year to \$28.24m for the 2017/18 year. This represents a budget savings of \$1.62m without a compromise to the service levels currently provided by the Shire. This process is an on-going one and Shire staff aim to continue to seek to provide better value for money for the rates the community pays.

With reference to the differential rating system, it is primarily designed to create equity over the rate payer base. This is detailed the Council Policy *CP/FIN-3200 Strategic Rating*. Different land uses use Shire services differently and a differential system seeks to recognise that fact. Similar users of Shire Services are rated on the same basis. A report to Council at the Ordinary Council Meeting on 28 February 2017 examined the implications of moving to a single rate system. The major finding of that report was that the bulk of the rate burden would shift onto residential households and Rural Agricultural categories. Shire Officers continue to consider that the differential rating system is a more equitable rating system.

Where the submissions refer to specific service provision, Shire staff have taken note of the issue and will address it as a service related issue.

The submissions also raise the question of the impact of rates on the property market. This question is best answered by experts in the field and Shire staff are not qualified to make definitive statements on this. However, we do submit that rates are but one aspect of property valuation. Other aspects we submit that have a greater impact on properties in the Shire include local economic conditions and their effect on demand and supply and interest rates.

Benchmarking our Shire with the other Kimberley Shires, the Shire has the second lowest base rate in the Kimberley behind Halls Creek who have a proposed base rate in the dollar of 8.093 cents. Broome have a proposed base rate in the dollar of 9.7547 cents and Derby West Kimberley's base rate in the dollar for 2016/17 was 12.2378 cents.

After considering the submissions Shire staff believe that the proposed rates as adjusted for the change in UV valuations be confirmed as they comply in all material respects with the Council Policy *CP/FIN-3200 Strategic Rating*.

ATTACHMENTS

Attachment 1 - Submissions received

Attachment 2 - *CP/FIN-3200 Strategic Rating*

12.5. INFRASTRUCTURE

12.5.1. Funeral Director's Annual Licence Renewal

DATE:	13 June 2017
AUTHOR:	Infrastructure Support Officer
RESPONSIBLE OFFICER:	David Klye, Director Infrastructure
FILE NO:	PH.12.11
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council approves the issuing of an annual Funeral Director's licence to Derby & Broome Funeral Services for a period of one year from 1 July 2017 to 30 June 2018 in accordance with the Cemeteries Act 1986.

COUNCIL DECISION

Minute No: 13/06/2017-11706

Commissioner resolved:

That Council approves the issuing of an annual Funeral Director's licence to Derby & Broome Funeral Services for a period of one year from 1 July 2017 to 30 June 2018 in accordance with the Cemeteries Act 1986.

Carried 1/0

NATURE OF COUNCIL'S ROLE IN THE MATTER

Provider - provide physical infrastructure and essential services

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Each year the Funeral Director of Broome and Derby Funeral Services applies for the annual renewal of his Funeral Director's licence to conduct funerals within the Shire of Wyndham East Kimberley.

Broome and Derby Funeral Services has been operating in the Kimberley for approximately 24 years.

STATUTORY IMPLICATIONS

Cemeteries Act 1986.

Division 3 - Licensing of funeral directors.

16. *Licences*

A funeral director's licence:

- (a) is valid for the conduct of funerals at the cemetery or cemeteries specified in the licence;*
- (b) is valid for such period not exceeding one year from the day on which the licence is issued as the Board determines, unless the licence is sooner suspended or cancelled; and*
- (c) is not transferable.*

17. *Applications for licences*

- (1) An application for a funeral director's licence in respect of a cemetery shall be made to the Board responsible for the care, control and management of the cemetery in the manner required by the Board and shall be lodged with the Board together with the appropriate fee.*
- (2) An applicant who satisfies the Board that the applicant:*
 - (a) is of good repute and is fit to hold a funeral director's licence; and*
 - (b) has suitable facilities and equipment for handling and storing dead bodies and conducting funerals, shall be entitled to be issued with a funeral director's licence.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Undertakers (Funeral Directors) Annual Licence Fee is \$346.00 from 1 July 2017

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 3: Protection and enhancement of lifestyle values, community facilities and the environment to provide safe and inviting communities.

Objective 3.4: Enhancement of community facilities

Strategy 3.4.3 : Ensure Shire facilities are planned and managed to meet community needs

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Broome and Derby Funeral Services are the only listed service for the Kimberley.

An application for Funeral Director's Licence has been received and paid for, with details of appropriate insurances provided.

ATTACHMENTS

Nil

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

15. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

16. MATTERS BEHIND CLOSED DOORS

<p><u>COUNCIL DECISION</u></p> <p>Minute No: 13/06/2017-11707</p> <p>Commissioner resolved:</p> <p>That Council go into camera.</p> <p style="text-align: right;">Carried 1/0</p>
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Council moved into camera at 5:26pm.

16.1. RFT09 - 16/17: STAGE 1 NUTWOOD CRESENT AND ROSEWOOD AVENUE DRAINAGE UPGRADE

DATE:	13 June 2017
AUTHOR:	Manager Engineering Services
RESPONSIBLE OFFICER:	David Klye, Director Infrastructure
FILE NO:	CM.16.219
DISCLOSURE OF INTERESTS:	Nil

This item is to be considered behind closed doors as per the *Local Government Act 1995*:

5.23. Meetings generally open to public

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

- (a) *a matter affecting an employee or employees; and*
- (b) *the personal affairs of any person; and*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*

- (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and
 - (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

VOTING REQUIREMENT

Simple Majority

COUNCIL DECISION

Minute No: 13/06/2017-11708

Commissioner resolved:

That Council;

- 1. Accept the tender submitted by Dowsing Group Pty Ltd of 9 Ferguson St, Kewdale WA 6105, for Tender T09-16/17 - Stage 1 Nutwood Crescent and Rosewood Avenue Drainage Upgrade, in accordance with the tender documentation and for the fixed lump sum price of \$511,075.36 excluding GST; and**
- 2. Enter into a contract with Dowsing Group Pty Ltd of 9 Ferguson St, Kewdale WA 6105, for Tender T09-16/17 - Stage 1 Nutwood Crescent & Rosewood Avenue Drainage Upgrade, in accordance with the tender documentation and for the fixed lump sum price of \$511,075.36 excluding GST.**

Carried 1/0

PURPOSE

To consider the Tenders received for T09-16/17 and make recommendations for the award of Tender.

16.2. T20 16/17 FLOOD DAMAGE SUPERVISORS

DATE:	13 June 2017
AUTHOR:	WANDRRA Engineer
RESPONSIBLE OFFICER:	David Klye, Director Infrastructure
FILE NO:	CM.16.234
DISCLOSURE OF INTERESTS:	Nil.

This item is to be considered behind closed doors as per the *Local Government Act 1995*:

5.23. *Meetings generally open to public*

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and*
 - (h) *such other matters as may be prescribed.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

VOTING REQUIREMENT

Simple Majority

COUNCIL DECISION

Minute No: 13/06/2017-11709

Commissioner resolved:

That Council,

- 1. Subject to confirmation of funding from WANDRRA, accept the Tender submitted by Wajot Civil Pty Ltd trading as Pro Earth Civil of 183 Falls Road, Lesmurdie WA 6076, for all three (3) Separable Portions of Tender T20 16/17 Supervisory Works Road Repairs - Duncan Road, Kalumburu, Wyndham, Kununurra and Surrounds, for an estimated \$635,700, in accordance with the tender documentation and the submitted schedule of rates.**

2. **Subject to confirmation of funding from WANDRRA, enter into a contract with Wajot Civil Pty Ltd trading as Pro Earth Civil of 183 Falls Road, Lesmurdie WA 6076, for all three (3) Separable Portions of Tender T20 16/17 Supervisory Works Road Repairs - Duncan Road, Kalumburu, Wyndham, Kununurra and Surrounds, for an estimated \$635,700, in accordance with the tender documentation and the submitted schedule of rates.**

Carried 1/0

PURPOSE

To provide Council with details of the Tenders received for T20 16/17 Supervisory Works Road Repairs and to consider the results of the Tender assessment.

16.3. T11 16/17 - PERIODIC BITUMINOUS SEALING & LINE MARKING IN WYNDHAM AND KUNUNURRA

DATE:	13 June 2017
AUTHOR:	Project Development Engineer
RESPONSIBLE OFFICER:	David Klye, Director Infrastructure
FILE NO:	CM.16.221
DISCLOSURE OF INTERESTS:	Nil

This item is to be considered behind closed doors as per the *Local Government Act 1995*:

5.23. Meetings generally open to public

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

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

(e) *a matter that if disclosed, would reveal —*

(i) *a trade secret; or*

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

(iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and*

(3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

VOTING REQUIREMENT

Simple Majority

COUNCIL DECISION

Minute No: 13/06/2017-11710

Commissioner resolved:

That Council

- 1. Accept the schedule of rates tender submitted by Asphalt Company Australia Pty Ltd of Lot 449 Tivendale Rd, Berrimah NT 0828, for Tender T11 16/17 - Periodic Bituminous Sealing & Line Marking in Wyndham and Kununurra, for an initial \$298,000 excluding GST, in accordance with the tender documentation and the submitted schedule of rates.**

2. Enter into a the schedule of rates contract with Asphalt Company Australia Pty Ltd of Lot 449 Tivendale Rd, Berrimah NT 0828, for Tender T11 16/17 - Periodic Bituminous Sealing & Line Marking in Wyndham and Kununurra, for an initial \$298,000 excluding GST, in accordance with the tender documentation and the submitted schedule of rates.
3. Authorise the Chief Executive Officer to approve the optional one year contract extension for T11 16/17 - Periodic Bituminous Sealing & Line Marking in Wyndham and Kununurra with Asphalt Company Australia Pty Ltd of Lot 449 Tivendale Rd, Berrimah NT 0828, in accordance with Shire budget provisions and the tender documentation and the submitted schedule of rates in financial year 2017/18 - subject to the one year contract extension shall only be exercised based on satisfactory performance during the original one (1) year contract term.

Carried 1/0

PURPOSE

To provide the Council with details of the Tenders received for T11 16/17 - Periodic Bituminous Sealing & Line Marking in Wyndham and Kununurra and make recommendations for the award of a contract.

D Klye, Director Infrastructure, declared an impartiality interest in item 16.4 as he has a personal relationship with a respondent to the tender.

D Klye left Council Chambers at 5:37pm.

16.4. T22 16/17 WET PLANT AND LABOUR HIRE

DATE:	13 June 2017
AUTHOR:	WANDRRA Engineer
RESPONSIBLE OFFICER:	David Klye, Director Infrastructure
FILE NO:	CM.16.238
DISCLOSURE OF INTERESTS:	David Klye, Director Infrastructure discloses an impartiality interest. The Director has a personal relationship with one of the Tenderers which may create the perception that his impartiality may be affected. The director advises that he has had no comment or input into the assessment process.

This item is to be considered behind closed doors as per the *Local Government Act 1995*:

5.23. Meetings generally open to public

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

- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and*
- (h) *such other matters as may be prescribed.*

(3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

VOTING REQUIREMENT

Simple Majority

COUNCIL DECISION

Minute No: 13/06/2017-11711

Commissioner resolved:

That Council,

- 1. Subject to confirmation of funding of our submitted application to WANDRRA, accept the tender submitted by Guerinoni Nominees Pty Ltd for Separable Portions 1 and 3 of Tender T22 16/17 Wet Plant and Labour Hire Road Repairs - Duncan Road, Kalumburu, Wyndham, Kununurra and Surrounds, for an estimated \$4,000,000, (dependent on site verification) in accordance with the tender documentation and the submitted schedule of rates.**
- 2. Subject to confirmation of funding of our submitted application to WANDRRA, conduct necessary negotiations and enter into a contract with Guerinoni Nominees Pty Ltd for Separable Portions 1 and 3 of Tender T22 16/17 Wet Plant and Labour Hire Road Repairs - Duncan Road, Kalumburu, Wyndham, Kununurra and Surrounds, for an estimated \$4,000,000, (dependent on site verification) in accordance with the tender documentation and the submitted schedule of rates.**
- 3. Subject to confirmation of funding of our submitted application to WANDRRA, accept the tender submitted by Incarta Pty Ltd trading as Broome Contracting for Separable Portion 2 of Tender T22 16/17 Wet Plant and Labour Hire Road Repairs - Duncan Road, Kalumburu, Wyndham, Kununurra and Surrounds, for an estimated \$3,000,000, (dependent on site verification) in accordance with the tender documentation and the submitted schedule of rates.**
- 4. Subject to confirmation of funding of our submitted application to WANDRRA, conduct necessary negotiations and enter into a contract with Broome Contracting for Separable Portion 2 of Tender T22 16/17 Wet Plant and Labour Hire Road Repairs - Duncan Road, Kalumburu, Wyndham, Kununurra and Surrounds, for an estimated \$3,000,000, (dependent on site verification) in accordance with the tender documentation and the submitted schedule of rates**

Carried 1/0

PURPOSE

To provide Council with details of the Tenders received for T22 16/17 Wet Plant and Labour Hire for Road Repairs to consider the results of the Tender assessment. On the basis that the value of the Contract may exceed \$500,000 the award of contract cannot be approved by the Chief Executive Officer under Delegation 7. A confidential recommendation report will be provided to Council for consideration of the award of tender.

D Klye returned to Council Chambers at 5:50pm

16.5. T23- 16/17 DISPOSAL OF TRACTOR AND SLASHER ATTACHMENT

DATE:	13 June 2017
AUTHOR:	Infrastructure Support Officer
RESPONSIBLE OFFICER:	David Klye, Director Infrastructure
FILE NO:	CM.02.56
DISCLOSURE OF INTERESTS:	Nil

This item is to be considered behind closed doors as per the *Local Government Act 1995*:

5.23. *Meetings generally open to public*

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

- (a) *a matter affecting an employee or employees; and*
- (b) *the personal affairs of any person; and*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and*
- (f) *a matter that if disclosed, could be reasonably expected to —*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
 - (ii) *endanger the security of the local government's property; or*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and*
- (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
- (h) *such other matters as may be prescribed.*

(3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

VOTING REQUIREMENT

Simple Majority

COUNCIL DECISION

Minute No: 13/06/2017-11712

Commissioner resolved:

That Council accepts the tender submission from Pickles Auctions for \$16,466.36 (EXCL. GST) for the purchase of the Shire's Tractor (Plant number P382) and Slasher (Plant number P386).

Carried 1/0

PURPOSE

The purpose of this Report is to present Council with information to assist assessment of the Tenders received for T23 - 1/17 Purchase of Tractor and Slasher Attachment in order to sell this plant equipment and enable renewal of the asset through purchase of new plant and equipment.

16.6. REQUEST TO WRITE OFF SUNDRY DEBTS

DATE:	13 June 2017
AUTHOR:	Coordinator Financial Operations
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM.07.6
DISCLOSURE OF INTERESTS:	Nil

This item is to be considered behind closed doors as per the *Local Government Act 1995*:

5.23. *Meetings generally open to public*

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

- (a) *a matter affecting an employee or employees; and*
- (b) *the personal affairs of any person; and*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and*
- (f) *a matter that if disclosed, could be reasonably expected to —*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
 - (ii) *endanger the security of the local government's property; or*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and*
- (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
- (h) *such other matters as may be prescribed.*

(3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

VOTING REQUIREMENT

Absolute Majority

COUNCIL DECISION

Minute No: 13/06/2017-11713

Commissioner resolved:

That the Council write off the sundry debts of debtors 346, 383, 466 and 485 with a total value of \$10,350.50 in accordance with Section 6.12(1)(c) of *the Local Government Act 1995*.

Carried 1/0

PURPOSE

To request the Council to write off outstanding sundry debts for debtors 346, 383, 466, and 485.

16.7. DECLARATION OF UNREASONABLE COMPLAINANT BEHAVIOUR

DATE:	13 June 2017
AUTHOR:	Executive Assistant
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
FILE NO:	GN.09.1
DISCLOSURE OF INTERESTS:	N/A

This item is to be considered behind closed doors as per the *Local Government Act 1995*:

5.23 . Meetings generally open to public

- (1) Subject to subsection (2), the following are to be open to members of the public
- (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
- (a) a matter affecting an employee or employees; and
 - (b) the personal affairs of any person; and
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,
where the trade secret or information is held by, or is about, a person other than the local government; and
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;and
 - (g) information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

VOTING REQUIREMENT

Simple Majority

COUNCIL DECISION

Minute No: 13/06/2017-11714

Commissioner resolved:

That Council acknowledge the CEO advice regarding the declaration of a complainant's behaviour as unreasonable with the matter to be reviewed in June 2018.

Carried 1/0

PURPOSE

The purpose of this item is to inform Council that the CEO intends to declare a customer to have unreasonable complainant behaviour as per Council Policy CP-CS-3281.

It is important for Council to note that the declaration of unreasonable complainant behaviour does not seek to limit that customer making contact with the Shire, but does set conditions on how that customer will make contact with the Shire going forward.

In declaring a customer to have unreasonable complainant behaviour, the Chief Executive Officer exercises his authority under the Council Policy to reduce the negative impact such a customer has on the organisation.

COUNCIL DECISION

Minute No: 13/06/2017-11715

Commissioner resolved:

That Council come out from camera.

Carried 1/0

The gallery and remaining staff returned to the Council Chambers at 6:01pm.

The resolution and voting results of the items considered behind closed doors were read out to members of the public by the Commissioner.

17. CLOSURE

The Commissioner declared the meeting closed at 6:10pm.