

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

18 July 2017

CONTENTS

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	4
2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	4
3. DECLARATION OF INTEREST	5
4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	5
5. PUBLIC QUESTION TIME	6
6. APPLICATIONS FOR LEAVE OF ABSENCE	6
7. PETITIONS.....	6
8. CONFIRMATION OF MINUTES	7
9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	7
10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....	7
11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS.....	7
12. REPORTS	8
12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL	8
12.2. CHIEF EXECUTIVE OFFICER.....	8
12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions	8
12.2.2. Standing Item - Use of the Common Seal	11
12.2.3. Risk Management Policy.....	14
12.2.4. August Audit (Finance & Risk) Committee Meeting.....	16
12.2.5. Appointment of an Independent Facilitator – CEO Performance Review	20
12.3. COMMUNITY DEVELOPMENT	23
12.3.1. 4 year Corporate Business Plan (2017/18 to 2020/21).....	23
12.3.2. Temporary Caravan Park Report - Kununurra Race Club.....	28
12.3.3. 2017/18 Annual Grants	32
12.3.4. Rates Assistance Grants 2017/18.....	37
12.3.5. Development Application - 60 Hibiscus Drive, Kununurra	57
12.3.6. Management of Proposed Reserve - Packsaddle Creek.....	69
12.3.7. Proposed Expansion - Ewin Centre - Lot 506 Chestnut Avenue, Kununurra	76
12.3.8. Draft Trails Master Plan.....	92
12.3.9. Alcohol Management Policy	96
12.3.10. Review of Baby Tree Policy	102
12.3.11. Response to letters sent regarding Fluoridation	105
12.4. CORPORATE SERVICES	108
12.4.1. Annual Budget 2017/18	108
12.4.2. Long Term Financial Plan 2017 - 2027	167
12.4.3. List Of Accounts Paid From Municipal Fund and Trust Fund	171
12.4.4. Interim Monthly Financial Report as at 30 June 2017	174
12.5. INFRASTRUCTURE.....	177
12.5.1. Adoption of new Master Plan for East Kimberley Regional Airport.....	177
12.5.2. Asset Management Policy, Strategy and Plan.....	185
13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	189
14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	189
15. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION	189
16. MATTERS BEHIND CLOSED DOORS	189

16.1. RFT 09 16/17 - STAGE 1 NUTWOOD CRESCENT & ROSEWOOD AVENUE DRAINAGE UPGRADE	190
17. CLOSURE	193

**SHIRE OF WYNDHAM EAST KIMBERLEY
ORDINARY COUNCIL MEETING AGENDA
KUNUNURRA COUNCIL CHAMBERS
TO BE HELD ON 18 JULY 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.

The 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 Corporate Finances
M Le Riche	Executive Assistant
K Williams	Executive Assistant (Minute Taker)

Gallery

P Bracegirdle	SWEK
S Sibly	SWEK
M Davidson	SWEK
J Ninnette	SWEK
F Heading	SWEK
V Whyte	SWEK
M Stewart	SWEK
N Bray	SWEK
P Bawden	SWEK

K Wright
S Rushby
A Petherick
R Storey
D Spackman
D Carter
D Menzel
RB Dessert
R Hegarty
S Davidson
P de Kruijff
R Davy

3. DECLARATION OF INTEREST

- Financial Interest

Nil

- Impartiality Interest

Councillor/Officer	Item	Title	Description of Interest
C Askew	12.3.3	2017/18 Annual Grants	My Wife is a Committee member of the Neighbourhood House and was the Author of their grant application.
C Askew	12.2.5	Appointment of Independent Facilitator – CEO Review	Report relates to my performance review.

- Proximity Interest

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Danny Carter, 14 Nutwood

Considering the Health Minister of Western Australia is choosing to ignore a request for a town survey on water fluoridation.

At what capacity can the shire engage in robust conversation with the health department to ensure a survey be conducted? To represent the 887 signatures from locals who oppose water fluoridation in Kununurra to go ahead.

Why has there been no survey conducted in Kununurra as there have been in other regional towns targeted for fluoridation including Bunbury Hedland, Moora, Jurien Bay, Two Rocks and Yanchep? (Surveys can be found online). The people of Kununurra call for a non-biased, independent survey (not a push-poll) to be conducted here in Kununurra.

The Commissioner provided the following response:

The Minister appears to not entertain the idea of stopping the fluoridisation of local water. The Minister for Local Government is in town next week, and an opportunity will be provided to community members to meet with him. It is suggested that you attend the meeting and provide the Minister with the petition.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS

A petition was received for providing crossing points with pedestrian refuge islands on Weaber Plains Road at the intersections of Erythina Street, Leichardt Street and Ironwood Drive.

The action Shire has taken with respect to the petition is to consider it as both a petition at this Ordinary Council Meeting, and as a submission to the Corporate Business Plan, an action for the 2017/18 year to investigate the matter. On the proviso that the investigation recommends the works be undertaken, an amount of \$40,000 has been provided in each of the following three years in the plan to design and construct the crossing and refuge points.

This petition will be tabled and included in the minutes July meeting.

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 13 June 2017

COUNCIL DECISION

Minute No: 18/07/2017-11716

Commissioner resolved:

**That Council confirms the Minutes of the Ordinary Council Meeting held on
13 June 2017**

Carried 1/0

Note: The Minutes of the Ordinary Council Meeting held on 13 June 2017 are provided under separate cover via www.swek.wa.gov.au

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

12.2. CHIEF EXECUTIVE OFFICER

12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	18 July 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: 18/07/2017-11717

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 June 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

12.2.2. Standing Item - Use of the Common Seal

DATE:	18 July 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 10 June 2017 to 13 July 2017.

COUNCIL DECISION

Minute No: 18/07/2017-11718

Commissioner resolved:

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 10 June 2017 to 13 July 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 10 June 2017 to 13 July 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
10/07/2017	Deed for the Provision of Offsite Tip Shop - SWEK and East Kimberley Job Pathways

ATTACHMENTS

Nil

12.2.3. Risk Management Policy

DATE:	18 July 2017
AUTHOR:	Senior Officer Governance
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
FILE NO:	FM.02.8
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the amended Council Policy CP/GOV 3101 Risk Management as detailed in Attachment 1.

COUNCIL DECISION

Minute No: 18/07/2017-11719

Commissioner resolved:

That Council adopt the amended Council Policy CP/GOV 3101 Risk Management as detailed in Attachment 1.

Carried 1/0

PURPOSE

That Council consider adopting a Risk Management Policy which is compliant with the Australian Standard AS/NZS ISO 31000:2009 *Risk Management - Principles and Guidelines* in order to fulfil commitments made pursuant to the December 2016 audit of *Local Government (Audit) Regulations 1996*, Regulation 17.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

On 20 December 2016 Council endorsed by resolution (11555) the Audit (Finance and Risk) Committee recommendation to note the results of the Chief Executive Officer's review on the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk

management, internal control and legislative compliance in respect of the *Local Government (Audit) Regulations 1996* (r.17); this included noting that the implementation of the improvements outlined would proceed in a staged approach with quarterly reporting to Council.

STATUTORY IMPLICATIONS

Local Government (Audit) Regulations 1996, Regulation 17.

POLICY IMPLICATIONS

Policy is the foundation of the Shire's Risk Management Framework which is to permeate and shape all elements of service delivery including the development of other policies and plans.

FINANCIAL IMPLICATIONS

The Policy commits the Council to incorporating, in respect of Risk Management, estimated expenditure and detailed information including amounts to be set aside in, or used from, reserve accounts in each annual budget.

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 1.2: 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

Future potential to establish an organisational risk profile and improve allocation of resources.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Nil.

ATTACHMENTS

Attachment 1 - amended Council Policy CP/GOV 3101 Risk Management

12.2.4. August Audit (Finance & Risk) Committee Meeting

DATE:	18 July 2017
AUTHOR:	Executive Assistant
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council move the location of the Audit (Finance and Risk) Committee Meeting, scheduled for Monday 21 August 2017, from Kununurra to Wyndham and request the Chief Executive Officer advertise the change in accordance with the *Local Government Act 1995*.

NOTE:

The Commissioner noted that this matter has been withdrawn by the administration and the next Audit committee meeting will proceed as advertised in Kununurra

PURPOSE

For Council to consider moving the location of the Audit (Finance and Risk) Committee Meeting, scheduled for Monday 21 August 2017, from Kununurra to Wyndham to coincide with the location of the August Stakeholder Advisory Group Meeting which is scheduled for the same afternoon.

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 Ordinary Council Meeting held 22 November 2016 Council resolved to accept the following dates, times and locations for Audit (Finance and Risk) Committee Meetings:

COUNCIL DECISION

Minute No: 22/11/16-11531

Commissioner resolved:

That Council, with reference to Item “7.1 Proposed Meeting Dates for the Audit (Finance and Risk) Committee for 2017”:

- 1. Adopt the following dates, times and places for the 2017 Audit (Finance and Risk) Committee meetings:**

Date	Time	Place
Monday, 27 February 2017	5:00 pm	Council Chambers, Kununurra
Monday, 22 May 2017	5:00 pm	Council Chambers, Kununurra
Monday, 21 August 2017	5:00 pm	Council Chambers, Kununurra
Monday, 27 November 2017	5:00 pm	Council Chambers, Kununurra

- 2. Notes that local public notice of the meetings outlined in recommendation (1) above will be provided in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*.**

Carried 1/0

At the Ordinary Council Meeting of 25 October 2016 Council resolved:

COUNCIL DECISION

Minute No: 25/11/16-11525

Commissioner resolved:

That Council endorse the establishment of a Stakeholder Advisory Group in accordance with the Stakeholder Advisory Group Guidelines provided in Attachment 1 with the addition to part 5 of the Stakeholder Advisory Group

Membership to invite the immediate past Shire President and Deputy Shire President.

Carried 1/0

As part of this resolution it was proposed that meetings of the Stakeholder Advisory Group alternate location between Kununurra and Wyndham.

STATUTORY IMPLICATIONS

In accordance with the *Local Government Act 1995*:

5.3. Ordinary and special council meetings

(1) A Council is to hold Ordinary Meetings and may hold special meetings

(2) Ordinary meetings are to be held not more than three months apart.

5.5. Convening council meetings

(1) The CEO is to convene an ordinary meeting by giving each Council member at least 72 hours notice of the date, time and place of the meeting and an agenda for the meeting

In accordance with the *Local Government (Administration) Regulations 1996, Section 2*:

12 Meetings, public notice of

(1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —

(a) the ordinary council meetings;

(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,

are to be held in the next 12 months.

(2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Minor expenditure will be incurred to ensure the appropriate statutory advertising occurs.

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

Objective 1.3: Advocacy of East Kimberley issues and opportunities at regional, state and national levels

Objective 1.4: Business innovation, efficiency and improved services

Strategy 1.2.1 : Work collaboratively with agencies for forward planning and to expand opportunities and to reduce wastage and duplication

Strategy 1.3.1 : Actively provide input to decision making at the Regional, State and Federal levels on behalf of the community

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

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

Engagement will take place in accordance with the Shire's Community Engagement Guidelines and will include:

Local public notice of the amended location of the Audit (Finance and Risk) Committee Meeting in accordance with legislative requirements.

COMMENTS

At the Stakeholder Advisory Group Meeting held on 12 June 2017 in Kununurra, it was confirmed that the next meeting would be on Monday 21 August 2017 and held in Wyndham. This date is the same as the scheduled date for the August Audit (Finance and Risk) Committee Meeting. In order to hold both meetings on the same day it is recommended that the Audit (Finance and Risk) Committee meeting location be moved to Wyndham.

ATTACHMENTS

Nil

Carl Askew, CEO, Declared an impartiality interest in the item as the report relates to his performance review.

12.2.5. Appointment of an Independent Facilitator – CEO Performance Review

DATE:	18 July 2017
AUTHOR:	Senior Governance Officer
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
FILE NO:	PL.1907
DISCLOSURE OF INTERESTS:	The CEO declares an impartiality interest as the item is regarding his performance review.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council appoint _____ to act as Independent Facilitator in the completion of the CEO Performance Review.

COUNCIL DECISION

Minute No: 18/07/2017-11720

Commissioner resolved:

That Council appoint JCP Consulting to act as Independent Facilitator in the completion of the CEO Performance Review.

Carried 1/0

PURPOSE

For Council to consider the appointment of an Independent Facilitator to assist Council to complete the CEO Performance Review in accordance with the CEO Performance Review Committee (CEO PRC) Terms of Reference.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/PREVIOUS CONSIDERATIONS BY COUNCIL/COMMITTEE

The CEO PRC is tasked with overseeing the annual CEO Performance Review, a process requiring the appointment of an Independent Facilitator.

In January 2017 Council resolved that a review of the Chief Executive Officer's performance had been undertaken and endorsed the finding that Mr Askew's performance had met performance requirements as the CEO of the Shire of Wyndham East Kimberley and was rated as satisfactory.

Council also endorsed the key result areas and actions for the period 1 February to 30 September 2017, as well as the Terms of Reference for Council's CEO Performance Review Committee.

This timeframe was to coincide with the appointment of the Commissioner and a further review was scheduled for further reporting to Council in September 2017.

STATUTORY IMPLICATIONS

Local Government Act 1995

5.38. Annual review of certain employees' performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The cost to appoint an independent facilitator to assist Council to complete the CEO Performance Review is provided for within the 2017/18 Budget.

STRATEGIC IMPLICATIONS

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 service

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

RISK IMPLICATIONS

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

COMMENT

In accordance with the CEO Performance Review Committee (CEO PRC) Terms of Reference it is recommended that Council appoint an Independent Facilitator to assist with the completion of the CEO Performance Review.

ATTACHMENTS – Item 12.2.7

Attachment 1 - CEO Performance Review Committee Terms of Reference

12.3. COMMUNITY DEVELOPMENT

12.3.1. 4 year Corporate Business Plan (2017/18 to 2020/21)

DATE:	18 July 2017
AUTHOR:	Integrated Planning and Reporting Officer
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
FILE NO:	CM10.09
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council, pursuant to the provisions of section 5.56 of the Local Government Act 1995 and Regulation 19DA of the Local Government (Administration) Regulations 1996, adopt the Corporate Business Plan 2017/18 to 2020/21 as contained in Attachment 1, for the Shire of Wyndham East Kimberley which:

1. Incorporates Council's consideration of the community comments received;
2. Reflects key programs and projects to be undertaken in 2017/18 in accordance with the 2017/18 Annual Budget.

COUNCIL DECISION

Minute No: 18/07/2017-11721

Commissioner resolved:

That Council, pursuant to the provisions of section 5.56 of the Local Government Act 1995 and Regulation 19DA of the Local Government (Administration) Regulations 1996, adopt the Corporate Business Plan 2017/18 to 2020/21 as contained in Attachment 1, for the Shire of Wyndham East Kimberley which:

1. Incorporates Council's consideration of the community comments received;
2. Reflects key programs and projects to be undertaken in 2017/18 in accordance with the 2017/18 Annual Budget.

Carried 1/0

PURPOSE

The Corporate Business Plan is the Shire of Wyndham East Kimberley's 4-year service and project delivery program. It is aligned to the strategic direction and priorities set within the 10-year Strategic Community Plan 2012–2022.

The purpose of the Corporate Business Plan is to demonstrate the operational capacity of the Shire to achieve its aspirational outcomes and objectives over the medium-term. All operational planning and reporting is driven by the Corporate Business Plan, which is reviewed annually to ensure priorities are achievable and effectively timed.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Advocator - advocate and support initiatives on behalf of the community and the Kimberley

Facilitator - bring stakeholders together

Funder - provide funds or other resources

Leader - plan and provide direction through policy and practices

Provider - provide physical infrastructure and essential services

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Corporate Business Plan is the Shire's 4-year planning document. It gives effect to the next four years of the Strategic Community Plan and is pivotal in ensuring that the medium term commitments are both strategically aligned and affordable.

The Draft Corporate Business Plan 2017/18 - 2020/21 was endorsed by Council for community consultation at the 23 May Ordinary Council Meeting. At this meeting Council resolved as follows:-

COUNCIL DECISION

Minute No: 23/05/2017-11683

Commissioner resolved:

That Council endorse the draft Shire of Wyndham East Kimberley 2017/18 - 2020/21 Corporate Business Plan for community consultation.

Carried 1/0

The previous Corporate Business Plan Year 2016/17 - 2019/20 was adopted by Council at the 15 September 2016 Special Council Meeting in conjunction with the Annual Budget 2016 - 2017. At this meeting Council resolved as follows:-

COUNCIL DECISION

Minute No: 11495

Moved: Cr B Robinson

Seconded: Cr N Perry

Pursuant to the provisions of section 5.56 of the *Local Government Act 1995* and Regulation 19DA of the *Local Government (Administration) Regulations 1996*, the Council adopt the Corporate Business Plan 2016/17 to 2019/20 as contained in Attachment 7 of this agenda, for the Shire of Wyndham East Kimberley which has:

- 1. Incorporated Council's consideration of the public submissions received;**
- 2. Reflects key programs and projects to be undertaken in 2016/17 in accordance with the 2016/17 Annual Budget.**

Carried 5/4

**For: Cr J Parker, Cr S Cooke, Cr B Robinson, Cr N Perry, Cr E Bolto
Against: Cr K Wright, Cr S Rushby, Cr A Petherick, Cr D Spackman**

The Corporate Business Plan ("CBP") is a key component of the Integrated Planning and Reporting Framework requirements that were introduced in 2013. The intent of the Integrated Planning and Reporting Framework is to ensure improved strategic, financial and asset management planning across WA local governments.

STATUTORY IMPLICATIONS

Council must comply with the statutory requirements of the Integrated Planning and Reporting Framework.

Local Government Act 1995

5.56. *Planning for the future*

- (1) A local government is to plan for the future of the district.*
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

Local Government (Administration) Regulations 1996

Part 5 Annual reports and planning

Division 3 Planning for the future

19DA. Corporate business plans, requirements for (Act s. 5.56)

- 1. A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- 2. A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- 3. A corporate business plan for a district is to —*
 - a. set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - b. govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*

- c. develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- 4. A local government is to review the current corporate business plan for its district every year.*

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The Shire's Corporate Business Plan is a key driver for the annual budget and the long term financial plan. This linkage ensures that community priorities are adequately funded and that appropriate and endorsed rating strategies are in place to allow any financial impact on the community to be carefully considered.

There is also an ongoing cost associated with the review of the Corporate Business Plan and reporting on the performance measures for each of the actions within the Plan required by the Integrated Planning and Reporting Framework. This cost is primarily in people resources and is managed from within existing budget allocations.

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

Strategy 1.1.2 : Improve planning processes to ensure broader engagement and identification of relevant issues from all parties.

COMMUNITY ENGAGEMENT

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

- Community Forums
 - A community forum was held in Wyndham on 8 June and Kununurra on 14 June. The community forums involved the public exhibition and presentation of the draft Corporate Business Plan. The presentation provided an overview of the Corporate Business Plan and how it links to the Integrated Planning and Reporting Framework and in particular the Strategic Community Plan. The presentation highlighted the priority actions for each Strategic Community Plan goal and how those actions address the issues identified in the Community Scorecard 2017.
- Public Notice

- Public notice of the draft Corporate Business Plan for community comment was advertised on local Community Notice Boards.
- Publicly available draft copies
 - Copies were available for public review at Wyndham Shire Office, Kununurra Shire Office, Kununurra Community and School Library and from the Shire's website.
- Social media
 - Public notice of the draft Corporate Business Plan on Shire's Facebook page and shared on community pages.
 - Shire news feed on the website
 - Information page established on Shire's website.

COMMENTS

The draft Corporate Business Plan for 2017/18 - 2020/21 was endorsed by Council on the 23 May 2017. The community were invited to provide comment on the document between the 24 May and 1 July 2017 by submissions to the Chief Executive Officer and completion of feedback forms developed for the Community Forums in Wyndham and Kununurra.

Community Feedback received on the draft Corporate Business Plan included 86 comments on the actions contained in the Corporate Business Plan and 5 comments on the overall process. The feedback provided by the community on the Corporate Business Plan and its actions has been captured in the attached table with responses (refer Attachment 2).

ATTACHMENTS

Attachment 1 - Corporate Business Plan 2017/18 - 2020/21

Attachment 2 - Community Comment on the Corporate Business Plan 2017/18 - 2020/21

12.3.2. Temporary Caravan Park Report - Kununurra Race Club

DATE:	18 July 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 Race Club for 20 short stay sites and 20 camp sites at Lot 707 Drovers Road, Kununurra from 6 August 2017 to 9 September 2017 subject to the following conditions:

- 1. Only event participants and staff associated with the Kununurra Races are to be accommodated in the park.**
- 2. The following minimum ablution facilities are to be available for the duration of the licence:**
 - 4 toilets, 2 hand basin, and 2 showers at the Kununurra Race Club grounds to cater for 11 short stay sites and 11 camp sites.**
 - 2 toilets, 1 hand basin and 1 shower to cater for 9 short stay sites and 9 campsites at the licenced Campground area as identified in the Kununurra Rodeo Inc. and Kimberley Action Sports Lease.**
- 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: 18/07/2017-11722

Commissioner resolved:

That Council grant a temporary caravan park licence to Kununurra Race Club for 20 short stay sites and 20 camp sites at Lot 707 Drovers Road, Kununurra from 6 August 2017 to 9 September 2017 subject to the following conditions:

- 6. Only event participants and staff associated with the Kununurra Races are to be accommodated in the park.**
- 7. The following minimum ablution facilities are to be available for the duration of the licence:**
 - 4 toilets, 2 hand basin, and 2 showers at the Kununurra Race Club grounds to cater for 11 short stay sites and 11 camp sites.**
 - 2 toilets, 1 hand basin and 1 shower to cater for 9 short stay sites and 9 campsites at the licenced Campground area as identified in the Kununurra Rodeo Inc. and Kimberley Action Sports Lease.**
- 8. All wastewater (including sullage water) is to be collected and removed from site to be disposed of at an approved wastewater dump point.**
- 9. Rubbish bins are to be sealed and provided within 90 metres of every site. All rubbish to be removed from site.**
- 10. 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 Race Club for a Temporary Caravan Park and Camping Ground Licence at Lot 707 Drovers Road, Kununurra.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Kununurra Races is an annual event held at the Kununurra Race Club. This year Kununurra Ladies Day will be on 26 August and Kununurra Cup day will be on 2 September. The Kununurra Race Club have applied for a Temporary Caravan Park and Camping Ground Licence from Sunday 6 August to Saturday 9 September 2017 at Lot 707 Drovers Road, Kununurra in order to meet the accommodation needs of trainers, jockeys, stable hands and industry personnel that travel to Kununurra with their horses and equipment.

The temporary camping area will be divided into two sections. The first section, located at the Kununurra Race Club includes 11 short stay sites and 11 camp sites. The second section, located at the licensed Campground area (as identified in the Kununurra Rodeo and Kimberley Action Sports Lease) will include 9 short stay sites and 9 campsites to cater for event participants travelling with their horses. The Kununurra Race Club will be responsible for all the services required to operate the temporary caravan park.

STATUTORY IMPLICATIONS

Caravan Parks and Camping Grounds Act 1995 (the Act)

s. 7 Application for grant or renewal of licence

- (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 a 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 the Kununurra Race Club 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 the proposed licence 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 horses and equipment.

ATTACHMENTS

No attachments

Carl Askew, CEO, Declared an impartiality interest as his wife is a committee member of Neighbourhood House and was the author of their grant application.

12.3.3. 2017/18 Annual Grants

DATE:	18 July 2017
AUTHOR:	Manager Community Services
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
FILE NO:	GS.05.44
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Endorse the 2017/18 Annual Grants funding as follows:

- a. Kununurra Neighbourhood House, Women's Seminar: \$5,500.00
- b. Kununurra Water Ski Club, 2017 Dam to Dam: \$10,000.00
- c. Kununurra Community Garden, Equipment and Training: \$2,500.00
- d. Kimberley Action Sports Inc, 2017 Lake Argyle Adventure Race: \$5,000.00
- e. Wunan Foundation, EKAAA 2017: \$10,000.00
- f. Ord Valley Events, 2017 Ord Valley Muster: \$20,000.00
- g. Wyndham Community Events, 2017 Stars on the Bastion: \$15,000.00
- h. Kununurra Motocross Club, Lighting: \$50,000.00
- i. Lake Argyle Swim Inc, 2017 Lake Argyle Swim: \$10,000.00
- j. Kununurra Agricultural Society, Agricultural Show 2017: \$10,000.00
- k. Kununurra Agricultural Society, Agricultural Show 2018: \$10,000.00

2. Request the Chief Executive Officer to advise the unsuccessful Annual Grant applicants that their applications were not successful and provide feedback:

- a. East Kimberley Marketing Group
- b. Waringarri Aboriginal Corporation
- c. Kununurra Visitor Centre
- d. Tura New Music.

COUNCIL DECISION

Minute No: 18/07/2017-11723

Note: The Commissioner noted a clerical error in the dates presented in the officer's recommendation.

Commissioner resolved:

That Council:

1. Endorse the 2017/18 Annual Grants funding as follows:

- l. Kununurra Neighbourhood House, Women's Seminar: \$5,500.00
- m. Kununurra Water Ski Club, 2018 Dam to Dam: \$10,000.00
- n. Kununurra Community Garden, Equipment and Training: \$2,500.00
- o. Kimberley Action Sports Inc, 2018 Lake Argyle Adventure Race: \$5,000.00
- p. Wunan Foundation, EKAAA 2018: \$10,000.00
- q. Ord Valley Events, 2017 Ord Valley Muster: \$20,000.00
- r. Wyndham Community Events, 2018 Stars on the Bastion: \$15,000.00
- s. Kununurra Motocross Club, Lighting: \$50,000.00
- t. Lake Argyle Swim Inc, 2018 Lake Argyle Swim: \$10,000.00
- u. Kununurra Agricultural Society, Agricultural Show 2017: \$10,000.00
- v. Kununurra Agricultural Society, Agricultural Show 2018: \$10,000.00

2. Request the Chief Executive Officer to advise the unsuccessful Annual Grant applicants that their applications were not successful and provide feedback:

- e. East Kimberley Marketing Group
- f. Waringarri Aboriginal Corporation
- g. Kununurra Visitor Centre
- h. Tura New Music.

Carried 1/0

PURPOSE

For Council to endorse the 2017/18 Annual Grant Scheme funding and Assessment Panel recommendations.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Funder - provide funds or other resources

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Services, activities, and opportunities provided by community organisations are highly valuable to any community. These organisations can often provide specific services more

efficiently and effectively than local government. Strong community organisations build resilience within the community; their presence means that during times when government spending is scaled back, services within the community are less likely to be impacted. For these reasons it is in the interest of the Shire to support these organisations to be as strong, resilient and effective as possible.

The Shire achieves this in a number of ways:

- Providing facilities such as ovals, courts, lighting and swimming pools. These are hired to community/not for profit organisations at a significantly subsidised rate (less than the cost of providing these facilities).
- Providing community leases which not only allow organisations space to develop facilities for their activities but often to generate income that supports their core purposes.
- Providing direct financial support to these organisations.

Providing financial support can allow clubs and groups to undertake programs that they may not otherwise be able to provide such as:

- Undertake capital works projects to improve community facilities (typically at a lower cost than the Shire is able to)
- Undertake projects that benefit the community
- Deliver events that can have a positive impact socially and economically.

The Shire's Community Grant Scheme is the mechanism in place that allows the Shire to provide support for and contributions to community organisations meeting the requirements above.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

Annual Grant applications were assessed in accordance with Council Policy *CP/COM 3582 Community Grant Scheme*.

FINANCIAL IMPLICATIONS

The budget for the Community Grant Scheme is \$260,000. This amount has been distributed amongst the components of the Scheme as follows:-

1. Quick Grants - \$20,000
2. Annual Grants - \$160,000
3. Rates Assistance Grants - \$80,000.

The Shire received fourteen (14) Annual Grant applications requesting a total of \$355,491.79. The Grants Assessment Panel has recommended awarding a total of \$148,000.00. It is intended that any remaining Annual Grant funding will be available to support Quick Grant applications.

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 3.1: A broad range of lifestyle opportunities and activities are available for East Kimberley residents

Strategy 3.1.3: Support the community by providing access to local funding and sponsorship opportunities.

RISK IMPLICATIONS

Non-compliance with policy and processes resulting in financial or reputation loss.

COMMUNITY ENGAGEMENT

The Annual Grants were advertised via the Kimberley Echo, Shire Website and Shire Facebook Page from 1 May 2017 until the closing date of 30 June 2017.

In addition, eligible clubs and organisations were individually contacted to highlight the availability of the grants and criteria associated with the grants process. The overall number of grant applications for the 2017/18 financial year surpassed those received for the preceding year.

COMMENTS

Fourteen (14) applications were received requesting a total of \$355,491.79.

These applications were assessed by the Annual Grants Assessment Panel on 10 July 2017.
The panel was made up of:

- Director Community Development
- Manager Community Services
- Community Development Officer
- Coordinator Financial Services

The Assessment Report is attached as Attachment 1.

ATTACHMENTS

Attachment 1 - Annual Community Grants Assessment 2017/18.

12.3.4. Rates Assistance Grants 2017/18

DATE:	18 July 2017
AUTHOR:	Manager Community Services
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
ASSESSMENT NO:	A4993, A7561, A2859, A7620, A1072, A1160, A502, A2866, A5621, A5616, A5766, A501, A2859.
FILE NO:	FM.11.79
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:-

1. Approves the following Rates Assistance Grants for the 2017/18 financial year, in accordance with the following table:

Assessment Number	Name	Rates Assistance Grant Applied	Estimated Rates Grant 2017/18
A4993	Lake Kununurra Golf Club Inc	100%	\$10,780.00
A7561	Ord River Sailing Club Inc.	100%	\$2,502.50
A2859	Kununurra Race Club Inc.	100%	\$3,080.00
A7620	Kununurra Agricultural Society	85%	\$3,040.79
A1072	Kununurra Picture Gardens	100%	\$20,584.00
A1160	Ord River Sports Club	98.5%	\$9,776.08
A502	Wyndham Gardens Inc.	100%	\$1,998.88
A2866	Ord Pistol Club Inc.	100%	\$1,963.50
A5621	Kununurra Speedway Inc.	100%	\$1,570.80
A5616	Kununurra Motorcross Club Inc.	100%	\$1,601.60
A7566	Kununurra Water Ski Club	100%	\$1,794.10

New Assessment Required	Kununurra Dragon Boat Club	100%	Not Currently Rated
A501	Wyndham Community Club	100%	\$3,100.00
A2859	Kimberley Action Sports	100%	\$2,032.80
New Assessment Required	Ord River Magpies Football Club	100%	Not Currently Rated
A2859	Kununurra Camp Draft and Rodeo Association	100%	\$2,063.60
TOTAL			\$65,888.65

2. Notes that the amounts above will be adjusted once the 2017/18 rates are finalised, whereby it is likely that the Rates Assistance Grants may vary.
3. Endorse a 15% reduction in the Rates Assistance Grant to Kununurra Agricultural Society in recognition of the commercial activity - caravan and camping ground operated from a portion of their site.
4. Endorse a 1.5% reduction in the Rates Assistance Grant to Ord River Sports Club Inc. in recognition of the commercial activity - coffee/barista outlet operated from a portion of their site.
5. Endorse that clubs/organisations that commence a lease with the Shire during the 2017/18 financial year will be considered for a Rates Assistance Grant for the period from the commencement date of the lease through to 30 June 2018, and that these organisations will be required to submit an application for a Rates Assistance Grant within 30 days of the date of commencement of the lease for the 100% Rates Assistance Grant to be applied.
6. Endorse that Rates Assistance Grants to clubs/organisations who have received Community Leases for execution will not be eligible for a Rates Assistance Grant until their lease with the Shire has been executed. This will apply to the following clubs/organisations Ord River Sports Club, Ord River Magpies Football Club, Kununurra Dragon Boat Club and Wyndham Community Club.
7. Endorse 100% Rates Assistance Grants to clubs/organisation who have not been offered a Community Lease by the Shire due to outstanding matters requiring resolution. This will apply to the following clubs/organisations Lake Kununurra Golf Club, Kununurra Speedway, Kununurra Water Ski Club and Kununurra Motocross Club.
8. Notes that the Rates Assistance Grant application from the Ord River Sports Club was received after the closing date.

COUNCIL DECISION

Minute No: 18/07/2017-11724

Commissioner resolved:

That Council:-

1. Approves the following Rates Assistance Grants for the 2017/18 financial year, in accordance with the following table:

Assessment Number	Name	Rates Assistance Grant Applied	Estimated Rates Grant 2017/18
A4993	Lake Kununurra Golf Club Inc	100%	\$10,780.00
A7561	Ord River Sailing Club Inc.	100%	\$2,502.50
A2859	Kununurra Race Club Inc.	100%	\$3,080.00
A7620	Kununurra Agricultural Society	85%	\$3,040.79
A1072	Kununurra Picture Gardens	100%	\$20,584.00
A1160	Ord River Sports Club	98.5%	\$9,776.08
A502	Wyndham Gardens Inc.	100%	\$1,998.88
A2866	Ord Pistol Club Inc.	100%	\$1,963.50
A5621	Kununurra Speedway Inc.	100%	\$1,570.80
A5616	Kununurra Motorcross Club Inc.	100%	\$1,601.60
A7566	Kununurra Water Ski Club	100%	\$1,794.10

New Assessment Required	Kununurra Dragon Boat Club	100%	Not Currently Rated
A501	Wyndham Community Club	100%	\$3,100.00
A2859	Kimberley Action Sports	100%	\$2,032.80
New Assessment Required	Ord River Magpies Football Club	100%	Not Currently Rated
A2859	Kununurra Camp Draft and Rodeo Association	100%	\$2,063.60
TOTAL			\$65,888.65

2. Notes that the amounts above will be adjusted once the 2017/18 rates are finalised, whereby it is likely that the Rates Assistance Grants may vary.
3. Endorse a 15% reduction in the Rates Assistance Grant to Kununurra Agricultural Society in recognition of the commercial activity - caravan and camping ground operated from a portion of their site.
4. Endorse a 1.5% reduction in the Rates Assistance Grant to Ord River Sports Club Inc. in recognition of the commercial activity - coffee/barista outlet operated from a portion of their site.
5. Endorse that clubs/organisations that commence a lease with the Shire during the 2017/18 financial year will be considered for a Rates Assistance Grant for the period from the commencement date of the lease through to 30 June 2018, and that these organisations will be required to submit an application for a Rates Assistance Grant within 30 days of the date of commencement of the lease for the 100% Rates Assistance Grant to be applied.
6. Endorse that Rates Assistance Grants to clubs/organisations who have received Community Leases for execution will not be eligible for a Rates Assistance Grant until their lease with the Shire has been executed. This will apply to the following clubs/organisations Ord River Sports Club, Ord River Magpies Football Club, Kununurra Dragon Boat Club and Wyndham Community Club.
7. Endorse 100% Rates Assistance Grants to clubs/organisation who have not been offered a Community Lease by the Shire due to outstanding matters requiring resolution. This will apply to the following clubs/organisations Lake Kununurra Golf Club, Kununurra Speedway, Kununurra Water Ski Club and Kununurra Motocross Club.
8. Notes that the Rates Assistance Grant application from the Ord River Sports Club was received after the closing date.

Carried 1/0

PURPOSE

For Council to endorse the 2017/18 Rates Assistance Grants which equate to approximately \$65,888.65.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Funder - Provide funds or other resources

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Prior to the 2017/18 financial year community clubs and organisations applied for a rates concession under Council Policy *CP/FIN-3209 Rates Concession (Rateable Land)*. At the 28 March 2017 Ordinary Council Meeting Council resolved as follows:-

COUNCIL DECISION

Minute No: 28/03/2017 – 11636

Commissioner resolved:

That Council adopt the revised Council Policy CP/COM 3582 - Community Grant Scheme as detailed in Attachment 1.

Carried 1/0

The revised Council Policy *CP/COM 3582 - Community Grant Scheme* required clubs and community groups wishing to seek assistance with Shire rates to apply through the Community Grants Scheme. This provided a more streamlined approach for community groups requesting financial assistance from the Shire for events, infrastructure, etc. and also rates assistance, as community groups only needed to complete one application form, which detailed all requests from the community organisation for Shire financial assistance.

The provision of Shire rates assistance to community groups allows for this expenditure to be captured into the Recreation and Culture Expenditure account which is a factor in determining the quantum of Commonwealth Financial Assistance Grants, the Western Australian Local Government Grants Commission takes into account. The previous process of dealing with this process through Council Policy *CP/FIN-3209 Rates Concession (Rateable Land)* did not allow for rate concession amounts to be taken into account in this calculation.

STATUTORY IMPLICATIONS

Local Government Act 1995

6.26. Rateable land

(1) Except as provided in this section all land within a district is rateable land.

(2) The following land is not rateable land —

(a) land which is the property of the Crown and —

(i) is being used or held for a public purpose; or

(ii) is unoccupied, except —

*(1) where any person is, under paragraph (e) of the definition of **owner** in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 hectares or a miscellaneous licence held under that Act; or*

*(II) where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of **owner** in section 1.4 occupies or makes use of the land;*

(b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government;

(c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government;

(d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood;

(e) land used exclusively by a religious body as a school for the religious instruction of children;

(f) land used exclusively as a non-government school within the meaning of the School Education Act 1999;

(g) land used exclusively for charitable purposes;

(h) land vested in trustees for agricultural or horticultural show purposes;

(i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that company and used solely for the storage of grain where that company has agreed in writing to make a contribution to the local government;

(j) land which is exempt from rates under any other written law; and

(k) land which is declared by the Minister to be exempt from rates.

(3) If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that company or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.

(4) The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.

(5) Notice of any declaration made under subsection (4) is to be published in the Gazette.

(6) Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.

[Section 6.26 amended by No. 36 of 1999 s. 247; No. 77 of 2006 Sch. 1 cl. 102.]

POLICY IMPLICATIONS

Council Policy CP/COM-3582 Community Grant Scheme (Annual Grants, Quick Grants and Rates Assistance Grants).

FINANCIAL IMPLICATIONS

Rates are the Shire's primary means of raising income to cover operational costs, approving these Rates Assistance Grants will directly impact Council's budget and reduce the funds available for other programs and projects.

If all recommendations are approved, Council will provide grants to the value of approximately \$65,888.65 for the 2017/18 financial year. This amount is based on the adopted 2017/18 rate in the dollar and it is envisaged that this amount may vary slightly.

It should be noted that clubs and community groups will still be responsible for the payment of the Waste Management charge, applicable Waste Receptacle charges and the Emergency Services Levy.

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.

COMMUNITY ENGAGEMENT

The Rates Assistance Grants were advertised via the Kimberley Echo, Shire Website and Shire Facebook Page from 1 May 2017 until the closing date of 30 June 2017.

In addition, eligible clubs and organisations were individually contacted to highlight the availability of the grants.

COMMENTS

Council support of the community through Rates Assistance Grants to clubs and/or organisations demonstrates its encouragement and assistance to the community.

There are a number of community organisations with whom lease negotiations are currently being undertaken. These include the Ord River Sports Club Inc, Ord River Magpies Football Club Inc, Kununurra Dragon Boat Club and the Wyndham Community Club. Currently, for two of these organisations there is no value from the Valuer General's Office and therefore a rate value cannot be determined at this time. Once values are received, these properties will be rated and rates notices will be issued. Where there is no lease in place, a Rates Assistance Grant cannot be approved. It is proposed that for organisations who commence a lease during the 2017/18 financial year, that applications for Rates Assistance Grants will be considered from the date that the lease is executed and the land becomes rateable.

Organisations who are in this situation and wish to seek a Rates Assistance Grant will be required to submit an application within 30 days of the date of the lease execution for a 100% Rates Assistance Grant to be considered.

Council Policy *CP/COM-3582 Community Grant Scheme* requires that *"Community groups or associations that in the opinion of Council, provide activities which are not core activities and/or are in direct competition with a service provided by an established private operator within the district, will not be eligible for rates assistance for that portion of the site being utilised for the activity."*

It has been determined that both Kununurra Agricultural Society Inc. and Ord River Sports Club Inc. provide an activity which is not a core activity, and this activity is provided to external parties (i.e. non-members) and is in direct competition with a service provided by local commercial operators. These activities are as follows:-

- Kununurra Agricultural Society Inc. - caravan and camping ground
- Ord River Sports Club Inc. - coffee / barista outlet.

An assessment has been undertaken of the portion of the lease site being being utilised for these commercial activities as being 15% for the Kununurra Agricultural Society Inc. and 1.5% for the Ord River Sports Club Inc.

SUMMARY OF APPLICATIONS:

RATES ASSISTANCE GRANTS

1. A4993 – Lake Kununurra Golf Club Inc.

Benefit to the Community

The land is used to provide golfing facilities to members and the wider community of Kununurra and to tourists who can play on the course any day of the year once they have paid the requisite green fees. The Lake Kununurra Golf Club Inc. receives funding through membership fees, competition fees, the onsite golf shop, bar sales and grants.

Lease

The Clubs existing lease expired on the 25 July 2013, with the Club being a tenant at will since this time.

A new lease has not been offered by the Shire as there are outstanding matters to be resolved regarding land tenure.

Rates (2016/17)

\$0.00 (100% Concession).

Application Type

A 100% Rates Assistance Grant has been requested by applicant.

Officer's Recommendation – 100% Rates Assistance Grant

The Golf Club holds a liquor license, has a small golf shop and has membership in excess of 100. It is therefore recommended that a 100% Rates Assistance Grant be granted to the Lake Kununurra Golf Club.

Based on a UV of \$1,400,000 and utilising the current 2017/18 UV Commercial/Industrial rate in the dollar of 0.0077 the Rates Assistance Grant would be \$10,780.00.

2. A7561 - Ord River Sailing Club Inc.

Benefit to the Community

The land is used for recreation purposes by Club members for both recreation activities and competition purposes. The property includes a shed which holds sailing boats (that belong to both the club and its members) with membership fees covering the use of boats and facilities. The Ord River Sailing Club Inc. receives funding from membership fees, grants, shed fees, race nomination fees and fundraising.

Lease

The Club has a current Lease that expires on the 30 April 2031.

Rates (2016/17)

\$0.00 (100% Concession).

Application Type

A 100% Rates Assistance Grant has been requested by applicant.

Officer's Recommendation – 100% Rates Assistance Grant

The Ord River Sailing Club Inc. appears to have very few members and do not hold a liquor license, however it may be considered that given the prime real estate held by the Club, that the Club could be looking at further opportunities to increase their membership and revenue base. The option of the Club sharing its facilities with other water based activities is also a viable option to increase both usage of the site and build the current membership base

It is therefore recommended that a 100% Rates Assistance Grant be granted to the Ord River Sailing Club Club Inc.

Based on a UV of \$325,000 and utilising the current 2017/18 UV Commercial/Industrial rate in the dollar of 0.0077 the Rates Assistance Grant would be \$2,502.50.

3. A2859 - Kununurra Race Club Inc.

Benefit to the Community

The organisation provides two race meets – Ladies Day and Kununurra Cup Day that are well attended by the local and surrounding communities. The facilities are utilised by jockeys and horse trainers racing in the Kununurra races which is run by volunteers, although Cup Day can see as many as 1,500 people attend. The Kununurra Race Club receives funding from membership fees, sponsorships, bar sales and the two race meets. The money raised is put towards the stake money and the running of the races.

Lease

The Club has an current Community Lease that expires on the 30 June 2037.

Rates (2016/17)

\$0.00 (100% Concession).

Application Type

A 100% Rates Assistance Grant has been requested by applicant.

Officer's Recommendation – 100% Rates Assistance Grant

The Kununurra Race Club Inc. may only hold two race meets, but they hold a liquor license, and gain a significant amount of their income from bar sales and Racing and Wagering Western Australia (RWVA) subsidies.

This being the case, the Race Club reinvests their returns into the Club which is seen to provide a valuable benefit to the community.

It is therefore recommended that a 100% Rates Assistance Grant be granted to the Kununurra Race Club Inc.

Based on a UV of \$400,000 and utilising the current 2017/18 UV Commercial/Industrial rate in the dollar of 0.0077 the Rates Assistance Grant would be \$3,080.00.

4. A7620 – Kununurra Agricultural Society Inc.

Benefit to the Community

The Kununurra Agricultural Society Inc. organises and operates the annual Kununurra Agricultural Show that is held in July each year. The show has a 45 year history and supplies a safe environment for local and interstate competitors to participate in show events. The Show also provides opportunities for local businesses and organisations to highlight both their products and contributions to the local community. The Kununurra Agricultural Society Inc. receives funding from membership fees, sponsorship, grant funding and entrance fees for show activities.

It should also be noted that the Kununurra Agricultural Society Inc. also raises significant revenue from their licenced Caravan Park and Camping Ground that operates on a portion of the lease site on a full year basis. The licence allows for 23 short term and one (1) long term sites.

Lease

The Society has an current Community Lease that expires on the 30 June 2035.

Rates (2016/17)

\$0.00 (100% Concession).

Application Type

A 100% Rates Assistance Grant has been requested by applicant.

Officer's Recommendation – 85% Rates Assistance Grant

The Kununurra Agricultural Society Inc. organises and runs the annual Kununurra Agricultural Show that is a benefit to the whole community and utilises its profits to promote sustainable development and practices within the agricultural, horticultural and pastoral industries.

The Agricultural Societies Caravan Park is a commercial activity conducted on a site that accounts for 15% of the total area. It is therefore recommended that a 85% Rates Assistance Grant be granted to the Kununurra Agricultural Society Inc.

Based on a GRV of \$28,850 and utilising the current 2017/18 GRV Commercial rate in the dollar of 0.124 the Rates Assistance Grant would be \$3,040.79.

5. A1072 – Kununurra Picture Gardens Inc.

Benefit to the Community

The Kununurra Picture Gardens Inc. provides for the progress, welfare, interest and advancement of Kununurra and in particular the operation of the outdoor cinema and partnerships with other groups to host cultural events for the town (eg. Barramundi Concert). The Kununurra Picture Gardens Inc. charges patrons to attend the outdoor movie screenings and runs a kiosk using volunteers during the movie screenings. The opportunity is there for the Association to partner with other local organisations regarding the kiosk as a potential fundraising activity.

Lease

The Kununurra Picture Gardens Inc. owns the property in freehold.

Rates (2016/17)

\$0.00 (100% Concession).

Application Type

A 100% Rates Assistance Grant has been requested by applicant.

Officer's Recommendation – 100% Rates Assistance Grant

The Kununurra Picture Gardens Inc. runs successful movie screenings, with many community members attending. It is understood that the ticket prices charged cover the costs of the movie (which is calculated on a percentage basis of takings and can be as high as 50% of the takings); electricity and water; courier costs for the movie disc; insurance; equipment and grounds maintenance; and capital costs. All workers are volunteers and as such are unpaid.

It is therefore recommended that a 100% Rates Assistance Grant be granted to the Kununurra Picture Gardens Inc.

Based on a GRV of \$166,000 and utilising the current 2017/18 GRV Commercial rate in the dollar of 0.124 the Rates Assistance Grant would be \$20,584.00.

6. A1160 - Ord River Sports Club Inc.

Benefit to the Community

The Sports Club aims to provide, maintain and conduct a Club for the purpose of promotion and encouragement of sporting, recreational and community activities and promotes good fellowship amongst its members. The organisation is primarily funded by function and facilities bookings, corporate sponsorship and grants and the sale of alcohol. In addition to bar sales, the club also generates income from hiring a small area of the facility for the operation of a

private/commercial coffee shop. These income sources pay for the day to day running of the venue, building maintenance and facility upgrades.

Lease

The Clubs existing lease expired on 26 April 2009, with the club being a tenant at will since that date.

A Community Lease has been presented to the Club for execution.

Rates (2016/17)

\$0.00 (100% Concession)

Application Type

A 100% Rates Assistance Grant has been requested by applicant.

Officer's Recommendation - 0% concession

The Ord River Sports Club Inc. appears to have increased the number of new members and do generate a large amount of income due to having volunteers instead of paid employees. With having a new Strategic Business Plan 2015 - 2020 in place there has been constant commitment from the volunteers and the new board members which has significantly increased the community benefits that the Ord River Sports Club Inc. provide.

It is envisaged that the Clubs Community Lease will be signed when quotations are submitted to the Shire in regards to the certified completion of roof works associated with the lease and the signing of a Council loan facility to enable the works to be undertaken.

Given the Club currently leases a small portion of its facility for commercial activities this percentage of the Clubs total site must be excised for rating purposes. It is therefore recommended that a Rates Assistance Grant of 98.5% be granted to the Ord River Sports Club Inc, being fully dependant on the Club executing the proposed Community Lease.

If agreement can be reached on all outstanding maintenance issues and the lease is executed, based on a GRV of \$80,040 and utilising the current 2017/18 GRV Concession rate in the dollar of 0.124 the Rates Assistance Grant would be \$9,776.08.

7. A502 - Wyndham Gardens Inc.

Benefit to the Community

Wyndham Gardens Inc. provides inexpensive and safe recreation and entertainment for children and families of Wyndham and outlying communities. The Wyndham Gardens Inc. receives funding through canteen sales and entry fees.

Lease

The Wyndham Gardens Inc.owns the property in freehold.

Rates (2016/17)

\$0.00 (100% Concession).

Application Type

A 100% Rates Assistance Grant has been requested by applicant.

Officer's Recommendation - 100% Rates Assistance Grant

The Wyndham Gardens Inc. provides a service to the broader community and only utilises its profits for the promotion of the objects of the Association. Family movies are screened weekly throughout the dry season (May-November); it is a venue for the "Grow the Music" concert events and an "old movie" is played for senior citizens during Seniors Week.

It is considered to be a valuable service to the community, and essentially run by volunteers, with a small gate entry fee and canteen sales.

It is therefore recommended that a 100% Rates Assistance Grant be granted.

Based on a GRV of \$16,120 and utilising the current 2017/18 GRV Concession rate in the dollar of 0.124 the Rates Assistance Grant would be \$1,998.88.

8. A2866 - Ord Pistol Club Inc.

Benefit to the Community

The Club was formed to promote safe, proficient and enjoyable participation and competition in pistol shooting for all ages at club, zone, state, national, international and olympic levels. The Club is also an integral part of the firearms training and licensing service for the region. The Ord Pistol Club Inc. receives funding from membership fees, grants and outside range users.

Lease

The Club has a current Community Lease that expires on the 30 June 2027.

Rates (2016/17)

\$0.00 (100% Concession)

Application Type

A 100% Rates Assistance Grant has been requested by applicant.

Officer's Recommendation - 100% Rates Assistance Grant

The range is used for Club Competition each Sunday morning with members paying an annual membership fee and a range fee. Other users such as Shire (Airport services), WA Police Kununurra and Wyndham, Parks and Wildlife, Agriculture WA and Local Security Services pay a user fee per day to cover the cost of maintenance and upgrades to the facility at the current Police Range Safety Standards.

Whilst it is considered to be a valuable service to the community, and essentially run by volunteers, a profit is generated from the user fees.

It is therefore recommended that a 100% Rates Assistance Grant be granted to the Ord Pistol Club Inc.

Based on a UV of \$255,000 and utilising the current 2017/18 UV Commercial/Industrial rate in the dollar of 0.0077 the Rates Assistance Grant would be \$1,963.50.

9. A5621 - Kununurra Speedway Inc.

Benefit to the Community

The Kununurra Speedway Inc. provides a race track that suits a range of certified racing cars for local and interstate speedway members to race in a safe environment. It holds between 7 – 10 meets from April to November each year for spectators. The organisation receives funding from membership fees, gate entry fees, sponsorships, raffles and canteen takings.

Lease

The Clubs existing lease expired on the 30 June 2013, with the Club being a tenant at will since this time.

A new lease has not been offered by the Shire at this time, with the lease process requiring further verification from the Club relating to existing structures on site.

Rates (2016/17)

\$0.00 (100% Concession)

Application Type

A 100% Rates Assistance Grant has been requested by applicant.

Officer's Recommendation - 100% Rates Assistance Grant

Essentially, this service provides a venue for local motor sport enthusiast to participate in a safe environment. It is considered to be a service to the community, and is run by volunteers.

It is therefore recommended that a 100% Rates Assistance Grant be granted.

Based on a UV of \$204,000 and utilising the current 2017/18 UV Commercial/Industrial rate in the dollar of 0.0077 the 100% Rates Assistance Grant would be \$1,570.80.

10. A5616 - Kununurra Motorcross Club Inc.

Benefit to the Community

The Kununurra Motorcross Club Inc. facilities are used to provide a safe and organised sports venue for the community. The Club provides activities and training for community members of all age groups, catering for both indigenous and non-indigenous in Kununurra and surrounding regional centres. The Kununurra Motorcross Club Inc. receives funding from membership fees, race day canteen sales, funding applications, sponsorships and nomination fees.

Lease

The Clubs existing lease expired on 31 December 2015, with the Club being a tenant at will since this date.

A new lease has not been offered by the Shire as there are outstanding matters to be resolved regarding land tenure.

Rates (2016/17)

\$0.00 (100% Concession)

Application Type

A 100% Rates Assistance Grant has been requested by applicant.

Officer's Recommendation - 100% Rates Assistance Grant

The Kununurra Motorcross Club Inc. has had a loss in its membership base from 80-100 members to around 60 members (riders and non-riders). The Club has many partnerships with organisations such as the Department of Sport and Recreation, Lakeview Apartments and JSW Holdings P/L plus others. The Kununurra Motorcross Club Inc. has had a decline in membership this financial year simply because families have moved away from the region. The Clubs Business and Strategic Plans outline strategies that can only assist the Club in reversing the trend and attracting a range of new members.

It is therefore recommended that a 100% Rates Assistance Grant be granted.

Based on a UV of \$208,000 and utilising the current 2017/18 UV Commercial/Industrial rate in the dollar of 0.0077 the 100% Rates Assistance Grant would be \$1,601.60.

11. A7566 Kununurra Water Ski Club

Benefit to the Community

The Club's purpose is to encourage the participation and skill development of the community in aquatic tow sports. The Club uses its facilities in support of these purposes and also offers the limited use of the venue to the wider community. The Kununurra Water Ski Club receives funding through membership fees, hire of the Club facilities, donations, and the running of the annual Dam 2 Dam dinghy race.

Lease

The Clubs existing lease expired on the 30 June 2013, with the Club being a tenant at will since this time.

A new lease has not been offered by the Shire as there are outstanding matters to be resolved regarding the survey of the existing site boundaries.

Rates (2016/17)

\$0.00 (100% Concession)

Application Type

A 100% Rates Assistance Grant has been requested by applicant.

Officer's Recommendation-100% Rates Assistance Grant

The Kununurra Water Ski Club provides water based activities for members and the community and is involved in a number of initiatives to encourage participation in water based sports. The Club also facilitates the Dam 2 Dam dinghy race that attracts competitors to the region for the event.

Based on a UV of \$233,000 and utilising the current 2017/18 UV Commercial/Industrial rate in the dollar of 0.0077 the 100% Rates Assistance Grant would be \$1,794.10.

12. Kununurra Dragon Boat Club Inc

Benefit to the Community

The Club's purpose is to encourage the participation and skill development of the community in the sport and social activity of Dragon Boat racing. The Kununurra Dragon Boat Club receives funding through membership fees and the running of the annual 55Km Argyle to Kununurra Dragon Boat Race that attracts competitors from across Australia.

Lease

The Club has recently been issued with a new Community Lease for execution.

Rates (2016/17)

\$0.00 (NA)

Application Type

A 100% Rates Assistance Grant has been requested by applicant.

Officer's Recommendation-0% Rates Assistance Grant

The Kununurra Dragon Boat Club provides water based activities for members and the community and is involved in a number of initiatives to encourage participation in water based sports. The Club also facilitates the 55Km Argyle to Kununurra Dragon Boat race that is a component of the Ord River Muster and also attracts interstate competitors to the region for the event.

At this time the Dragon Boats lease site has not being rated and the Rates Assistance Grant cannot be applied until its Community Lease is executed.

13. Wyndham Community Club Inc

Benefit to the Community

The Club provides a valuable social outlet for residents of the town which currently has no licenced premises. A range of community focussed activities are conducted at the Club with income generated from the licenced bar, memberships, accommodation and fundraising activities.

Lease

The Clubs existing lease expired in 2004, with the Club being a tenant at will since this time.

The Club has been issued with a Community Lease for execution.

Rates (2016/17)

\$0.00 (NA)

Application Type

A 100% Rates Assistance Grant has been requested by applicant.

Officer's Recommendation-0% Rates Assistance Grant

The Wyndham Community Club provides licenced premises and social activities for members and the community. A Rates Assistance Grant cannot be considered at this time until its Community Lease is executed.

Based on a UV of \$25,000 and utilising the current 2017/18 UV Commercial/Industrial rate in the dollar of 0.0077 the 100% Rates Assistance Grant would be \$3,100.00.

14. Kimberley Action Sports Inc

Benefit to the Community

The purpose of Kimberley Action Sports is to encourage the participation and skill development of the community in a range of outdoor sporting activities including its proposed Mountain Bike facility. Facilities are utilised to support participation and the venue is also available for the use of the wider community.

Lease

The Club has a current Community Lease that expires on 30 June 2027.

Rates (2016/17)

\$0.00 (NA)

Application Type

A 100% Rates Assistance Grant has been requested by applicant.

Officer's Recommendation-100% Rates Assistance Grant

Kimberley Action Sports provide a range of activities for members and the community and is involved in a number of initiatives to encourage participation in water and land based sports. The group is also involved in the facilitation of the Lake Argyle Swim and the Adventure Race, both events that attract out of town competitors to the region

Based on a UV of \$264,000 and utilising the current 2017/18 UV Commercial/Industrial rate in the dollar of 0.0077 the 100% Rates Assistance Grant would be \$2,032.80.

15. Ord River Magpies Football Club

Benefit to the Community

The Club's purpose is to encourage participation and skill development in Australian Rules Football. The Club successfully uses its facilities in support to these purposes and also offers the venue for use to the wider community. The Club receives funding through membership fees, hire of the Club facilities, bar trade, sponsorship and donations.

Lease

The Club has been a tenant at will on its current site since the commencement of the new Agricultural Society Lease on the 1 July 2015.

The Club has been issued with a Community Lease for execution.

Rates (2016/17)

\$0.00 (NA)

Application Type

A 100% Rates Assistance Grant has been requested by applicant.

Officer's Recommendation-0% Rates Assistance Grant

The Ord River Magpies Football Club provides a valuable community based asset for members in the promotion of AFL in the town. The Club has a membership of 150 and attracts sustained support from the local community.

The Club has been provided with a lease, it is therefore recommended that the 100% Rates Assistance Grant not be granted to the Ord River Magpies Football Club until the Clubs Community Lease is executed.

Upon the execution of the lease utilising the current 2017/18 GRV Commercial Commercial rate in the dollar of 0.124 the estimated 100% Rates Assistance Grant would be approximately \$3,200.

16. Kununurra Camp Draft and Rodeo Association

Benefit to the Community

The purpose of the Kununurra Camp Draft and Rodeo Association is to encourage the participation and skill development of members through the provision of equine/rodeo based activities. The Club successfully uses its facilities to support these purposes and also offers the venue for use to the wider community. The Association receives funding through membership fees, hire of the Club facilities, donations, and the running of the Associations two major Rodeo events.

Lease

The Club has a current Community Lease that expires on the 30 June 2037.

Rates (2016/17)

\$0.00 (NA)

Application Type

A 100% Rates Assistance Grant has been requested by applicant.

Officer's Recommendation-100% Rates Assistance Grant

The Kununurra Camp Draft and Rodeo Association provides equine based activities for members and the community and is involved in a number of initiatives to encourage participation in rodeo/sports. The Club also facilitates two major Rodeo's that attract competitors to the region from the Kimberley, Pilbara and Northern Territory for the event.

Based on a UV of \$268,000 and utilising the current 2017/18 UV Commercial/Industrial rate in the dollar of 0.0077 the 100% Rates Assistance Grant would be \$2,063.60.

ATTACHMENTS

Nil

12.3.5. Development Application - 60 Hibiscus Drive, Kununurra

DATE:	18 July, 2017
AUTHOR:	Planning Officer
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
ASSESSMENT NO:	A7191
FILE NO:	A7191P
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council grant Development Approval for a commercial development submitted by Scribe Design Group at Lot 356, 60 Hibiscus Drive, Kununurra subject to the following conditions:

- 1. The development shall be in accordance with the approved plans and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without written consent of the local government.**
- 2. Any change of use of tenancy within the development from that specified on the endorsed plans shall be subject to local government consent.**
- 3. Except with the written consent of the local government the individual tenancies, as shown on the approved plans, may only operate:**
 - (a) Deli: Monday to Sunday - 6am to 8pm**
 - (b) Office: Monday to Friday - 9am to 5pm**
 - (c) Pizza (Fast Food): Tuesday to Sunday - 5pm to 10pm**
 - (d) Restaurant: Monday to Sunday - 5pm to 10pm**
 - (e) Retail: Monday to Sunday - 9am to 6pm**
 - (f) Cafe: Monday to Sunday - Monday to Saturday - 7am to 4pm; Sunday - 7am to 1pm**
- 4. No development shall occur that will cause additional runoff of stormwater to adjacent properties. Stormwater works must be constructed and maintained on the site in accordance with the endorsed plans. Stormwater from runoff and any sealed areas shall be mechanically directed into the local government's stormwater system in accordance with the specifications of the local government, or onsite to**

garden areas, sumps or rainwater tanks. Stormwater shall not be permitted to pond on the site or against any building or structure.

5. All vehicle access and car parking areas shall be sealed, drained, marked and designed to allow vehicles to enter and leave the site in a forward direction.
6. A crossover application shall be submitted to the local government prior to the commencement of construction of crossovers. Crossovers shall be constructed to the Shire's specifications.
7. Provision of appropriate signs advising of location of the off-street parking area, access and egress with directions on both sides of each sign and; painted directional arrows on the pavement surface.
8. No parking is permitted within the road reserve or on verges, and any vehicles associated with the use shall be parked on the subject land.
9. All unloading and loading shall be conducted within the site.
10. Provision of a bin enclosure area of a size suitable to service the development and adequately screened to the satisfaction of the local government.
11. All plumbing pipes shall be ducted within the walls of the building.
12. External lighting shall be provided and maintained to ensure the safety and security of patrons. This shall be consistent with Australian Standard 4282-1997 *Control of the obtrusive effects of outdoor lighting*.
13. A landscaping plan must be prepared and include the following detail, to the satisfaction of the local government, prior to applying for a Building Permit:
 - (a) The location, number and type of proposed trees and shrubs;
 - (b) Any lawns to be established;
 - (c) The areas to be reticulated or irrigated; and
 - (d) Verge treatments.

The landscaping must be completed prior to the occupation of the development and must be maintained at all times to the satisfaction of the local government.

14. Footpath plans shall be submitted to the local government prior to the commencement of construction. Footpaths shall be constructed to the local government's specifications.

Advice to Applicants:

1. If the applicant and/or owner are aggrieved by this decision, as a result of a condition of approval or by a determination of refusal, you may have the right of review through the State Administrative Tribunal in accordance with Clause 76 of the *Planning and Development (Local Planning Schemes) Regulations Act 2015 (WA)*.
2. An owner of land May in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to amend or cancel

an approval in accordance with Clause 77 of the *Planning and Development (Local Planning Schemes) Regulations Act 2015 (WA)*.

- 3. This approval is valid for a period of two (2) years. A new application will be required to be submitted if the development has not been substantially commenced within this time.**
- 4. This approval is not a building permit or an approval under any other law than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licences required under any other law, and to commence and carry out development in accordance with all relevant laws.**
- 5. In relation to Condition 13, please note that any proposed vegetation along the frontage of Hibiscus Drive and Argentea Avenue must be less than 1.2 metres in height to maintain safe sight distances for turning and manoeuvring requirements of all traffic movements.**
- 6. It is the responsibility of the applicant to ensure building setbacks, including waste disposal facilities if appropriate, correspond with the legal description of the land. The Shire will not accept responsibility for incorrectly located buildings.**
- 7. It is the responsibility of the applicant to search the title of the property to ascertain the presence of any easements that in any case must not be built upon.**

COUNCIL DECISION

Minute No: 18/07/2017-11725

Commissioner resolved:

That Council grant Development Approval for a commercial development submitted by Scribe Design Group at Lot 356, 60 Hibiscus Drive, Kununurra subject to the following conditions:

- 1. The development shall be in accordance with the approved plans and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without written consent of the local government.**
- 2. Any change of use of tenancy within the development from that specified on the endorsed plans shall be subject to local government consent.**
- 3. Except with the written consent of the local government the individual tenancies, as shown on the approved plans, may only operate:**
 - Deli:**
 - (a) Monday to Sunday - 6am to 8pm**
 - (b) Office: Monday to Friday - 9am to 5pm**
 - (c) Pizza (Fast Food): Tuesday to Sunday - 5pm to 10pm**
 - (d) Restaurant: Monday to Sunday - 5pm to 10pm**
 - (e) Retail: Monday to Sunday - 9am to 6pm**
 - (f) Cafe: Monday to Sunday - Monday to Saturday - 7am to 4pm;
Sunday - 7am to 1pm**
- 4. No development shall occur that will cause additional runoff of stormwater to adjacent properties. Stormwater works must be constructed and maintained on the site in accordance with the endorsed plans. Stormwater from runoff and any sealed areas shall be mechanically directed into the local government's stormwater system in accordance with the specifications of the local government, or onsite to garden areas, sumps or rainwater tanks. Stormwater shall not be permitted to pond on the site or against any building or structure.**
- 5. All vehicle access and car parking areas shall be sealed, drained, marked and designed to allow vehicles to enter and leave the site in a forward direction.**
- 6. A crossover application shall be submitted to the local government prior to the commencement of construction of crossovers. Crossovers shall be constructed to the Shire's specifications.**
- 7. Provision of appropriate signs advising of location of the off-street parking area, access and egress with directions on both sides of each sign and; painted directional arrows on the pavement surface.**

8. No parking is permitted within the road reserve or on verges, and any vehicles associated with the use shall be parked on the subject land.
9. All unloading and loading shall be conducted within the site.
10. Provision of a bin enclosure area of a size suitable to service the development and adequately screened to the satisfaction of the local government.
11. All plumbing pipes shall be ducted within the walls of the building.
12. External lighting shall be provided and maintained to ensure the safety and security of patrons. This shall be consistent with Australian Standard 4282-1997 *Control of the obtrusive effects of outdoor lighting*.
13. A landscaping plan must be prepared and include the following detail, to the satisfaction of the local government, prior to applying for a Building Permit:
 - (a) The location, number and type of proposed trees and shrubs;
 - (b) Any lawns to be established;
 - (c) The areas to be reticulated or irrigated; and
 - (d) Verge treatments.

The landscaping must be completed prior to the occupation of the development and must be maintained at all times to the satisfaction of the local government.

14. Footpath plans shall be submitted to the local government prior to the commencement of construction. Footpaths shall be constructed to the local government's specifications.

Advice to Applicants:

1. If the applicant and/or owner are aggrieved by this decision, as a result of a condition of approval or by a determination of refusal, you may have the right of review through the State Administrative Tribunal in accordance with Clause 76 of the *Planning and Development (Local Planning Schemes) Regulations Act 2015 (WA)*.
2. An owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to amend or cancel an approval in accordance with Clause 77 of the *Planning and Development (Local Planning Schemes) Regulations Act 2015 (WA)*.
3. This approval is valid for a period of two (2) years. A new application will be required to be submitted if the development has not been substantially commenced within this time.
4. This approval is not a building permit or an approval under any other law than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licences required under any other law, and to commence and carry out development in accordance with all relevant laws.
5. In relation to Condition 13, please note that any proposed vegetation along the frontage of Hibiscus Drive and Argentea Avenue must be less

than 1.2 metres in height to maintain safe sight distances for turning and manoeuvring requirements of all traffic movements.

6. It is the responsibility of the applicant to ensure building setbacks, including waste disposal facilities if appropriate, correspond with the legal description of the land. The Shire will not accept responsibility for incorrectly located buildings.

7. It is the responsibility of the applicant to search the title of the property to ascertain the presence of any easements that in any case must not be built upon.

Carried 1/0

PURPOSE

For Council to consider approval of a commercial development, comprising six tenancies and associated car parking and landscaping.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The subject land is located on the corner of Hibiscus Drive and Argentea Avenue, Kununurra. The land comprises of one lot, being Lot 356 and has an overall site area of 3151 square metres. The site is currently zoned Local Centre.

The subject land is generally flat with scattered vegetation. The surrounding area includes Public Purposes Reserve (Drainage) to the north, a Parks and Recreation reserve to the east, and residential land to the south and west.

Proposal

Key details of the proposal can be summarised as follows:

- Commercial development comprising six (6) tenancies, including restaurant, cafe, take-away food, office, deli and retail spaces.
- Maximum building height of two feature towers (located at either end of the facade) is 10.3m and maximum parapet height of 7.36m for the remainder of the building.
- The main part of the building will be setback 20 metres from Hibiscus Drive, however the outdoor area associated with the proposed cafe will abut the boundary, and the cafe itself will be setback 7m from the boundary.
- Vehicular access to the site will be one way via a crossover from Hibiscus Drive (entry) and a crossover onto Argentea (exit).
- Provision of 46 car parking spaces on-site.

STATUTORY IMPLICATIONS

State Planning Policy No. 3 'Urban Growth and Settlement'

The objectives of the *State Planning Policy No. 3 'Urban Growth and Settlement'* include to promote a sustainable and well planned pattern of settlement across the state, to provide for a wide variety of housing, employment, recreation facilities and open space and to promote the development of a sustainable and liveable neighbourhood.

POLICY IMPLICATIONS

Town Planning Scheme No. 7 - Kununurra and Environs (LPS No. 7)

The subject land is zoned 'Local Centre' with the objectives being:

- (a) To provide for commercial and retail development in residential areas remote from the existing town centre in order to cater for local service and shopping needs in the Lakeside and associated residential areas.*
- (b) To ensure that land uses proposed within the Local Centre zone are consistent with the local residential needs and do not detract from the commercial viability of the existing town centre retail area.*

Clause 5.9.2 provides that in considering an application for development approval for a proposed development, the local government will ensure that the proposed development is consistent with the local residential needs of the immediate residential area and has due regard to any structure plan approved by the Western Australian Planning Commission for residential development areas and areas contained within overall planning areas.

Further, Clause 5.9.3 provides that in considering an application for development approval for a proposed development within the Local Centre zone the provisions of Clause 5.8.5 apply with the exception of Clause 5.8.5 (a).

Draft Local Planning Scheme No. 9 (LPS No. 9)

Under draft LPS No. 9, the land is proposed to be zoned 'Commercial' with the objectives being:

- (a) to provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres.*
- (b) To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.*
- (c) To apply appropriate development and land use controls to ensure development is to a satisfactory standard appropriate to a town centre context.*

Clause 4.9.4 Shared or Combined Parking in draft LPS No. 9 states:

- (b) Local government may approve reciprocal parking arrangements where it can be demonstrated that parking demand will be adequately catered for.*

Planning and Development (Local Planning Scheme) Regulations 2015

The Council is to have due regard to the matters contained under Clause 67 of the *Planning and Development (Local Planning Scheme) Regulations 2015* when exercising its discretion.

FINANCIAL IMPLICATIONS

The development application fee of \$3807 has been paid.

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

Objective 2.2: Maintenance of economic diversity and greater community returns from investment in the region

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

RISK IMPLICATIONS

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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Development:

The building is to be constructed in matrix or similar cladding of muted and neutral tonings, with highlights of red around feature moulding on the two feature towers (located to either end of the development). The building will have a flat roof, with a maximum parapet height of 7.36 metres, with the two feature towers having a maximum height of 10.3 metres. The main part of the L shaped building will be setback approximately 20 metres from the boundary fronting Hibiscus Drive, the outdoor area associated with the cafe will abut the boundary, however the cafe itself will be setback 7 metres.

The building is located to the rear of the site, set along the southern boundary of the site and has been designed to front Hibiscus Drive. The layout of the development allows for passive surveillance of both the site and the surrounding area and the proposed lighting to the car parking area will assist in maintaining security for the site.

The development is considered to be of a good standard of urban design which will contribute to the existing streetscape and entrance to the Lakeside Residential area. The applicant's vision for the site is to provide a visually appealing development, with an open and welcoming feel, to foster pride in the area and a sense of community. The design of the development is quite modern and open, with large glass windows featured along the shop fronts which contributes to the overall vision that the developer is trying to accomplish by making the local centre feel inviting not only to community members but to the public in general.

The design of the building allows for future signage to be located above the verandah, along the facade of the building, which will provide consistency within the development. The facade which faces Argentea Avenue (refer to Elevation 2), has been provided with two panels designated as public art panels. The developer has indicated that local artists could apply to paint their designs within this space, subject to developer approval, and it is considered that this may also contribute to a sense of pride in the development by the local community.

The development has been designed as a convenience centre for residents within the immediately surrounding area. The development will include six (6) tenancies, including a Deli, Office, Pizza (Take away food), Restaurant, Cafe (with outdoor dining area) and a retail space. Table 1 shows the proposed operating hours for each tenancy within the development.

Table 1 Proposed Development Operating Times

Land Use	Operating Days	Operating Hours
Deli	Monday to Sunday	6am - 8pm
Office	Monday to Friday	9am - 5pm
Pizza (Fast Food)	Tuesday to Sunday	5pm-10pm
Restaurant	Monday to Sunday	5pm-10pm
Retail	Monday to Sunday	9am - 6pm
Cafe	Monday to Saturday	7am - 4pm
	Sunday	7am - 1pm

The proposed Cafe features an outdoor dining area which abuts the northern boundary of the site, this will allow for views across to the parkland and of the national park located to the north-east, across the highway.

Plans of the development are at Attachment 1.

Landscaping

Landscaping is proposed along the northern and western property boundaries directly abutting the car parking area, which includes small and medium native shrubs, interspersed with selected local feature rocks. The applicant has indicated a preference for smaller shrubs so as to preserve safety and maintain passive surveillance of the car parking area. It is proposed

to plant the verge area with a tropical grass blend and “Cuban Royal Palms” and “Triangle Palms” to provide an attractive view to the site. It is proposed to include minimal usage irrigation such as trickle irrigation, drippers and sub-surface irrigation, especially to lawn areas. The landscaping is considered to be an appropriate response to the site, while it would be preferable to have some shade trees, it is acknowledged that the developer wishes to maintain an open style feel to improve surveillance and safety within and around the site and shade trees can be maintenance intensive. The inclusion of the trees within the road verge will soften the appearance of the development and provide an attractive view into the site.

Vehicular and Pedestrian Access

Vehicular access to the site will be via an entry point along Hibiscus Drive and an exit point along Argentea Avenue. The crossovers provided to the development are 6.4 metres in width and will allow access for a variety of vehicles to enter, leave and maneuver through the site. Based on the design and layout of the development, it is expected that loading and unloading will be via smaller van/vehicle, rather than larger trucks/vehicles.

A footpath is to provided to allow for pedestrian access to cross Hibiscus Drive and join up with the existing footpath located on the northern side of Hibiscus Drive. A footpath is proposed to connect to Argentea Avenue, near the island at the roundabout, and a pedestrian crossing is proposed through the car parking area to allow safe pedestrian egress through the development. Bicycle parking bays are also proposed to the front of the development. It is considered that the proposal provides services requiring short stay duration and that this convenience may encourage residents in the immediate surrounding area to choose to access the site either on foot or by bicycle, rather than by car.

Car Parking

The current plan for the development shows provision of 46 car parking spaces on-site, which are located to the front of the development. The location of the car parking area will ensure a safe and convenient access point to the development, which will be well lit at night and allow for passive surveillance from Hibiscus Drive. An undercover parking area is proposed directly to the front of the proposed building which will improve comfort for people returning to their vehicles by providing shade and relief from the sun; while the remainder of the car parking spaces will be uncovered. The car parking spaces have been designed in accordance with the Shire’s Car parking requirements and are 5.5m in length and 2.8m in width to accommodate large vehicles.

Table 2 below shows the car parking spaces required under the provisions of *Local Planning Scheme No. 7* and indicates that the development, as a whole, requires 63 parking bays to be provided on the site.

Table 2 Car parking requirements

Land Use	Yield	Minimum Parking Provision	Requirements
Deli	220m2	1 bay/20m2 GFA (Shop)	11
Office	75m2	1 bay/40m2 GFA	2

		(Office)	
Pizza (Fast Food)	75m2	1 bay/10m2 GFA (Fast Food)	8
Restaurant	120m2	1 bay/10m2 GFA (Restaurant)	12
Retail	350m2	1 bay/20m2 GFA (Shop)	18
Cafe	120m2	1 bay/10m2 GFA (Restaurant)	12
TOTAL			63

As mentioned above, the submitted plans show the provision of 46 spaces on-site, which based on the car parking requirements under the Local Planning Scheme No. 7 is a reduction of 17 car spaces. The applicant has provided a Traffic Management and Car Parking Review report (Attachment 3) which considers the proposed hours of operation for each tenancy and the demand for car parking spaces during those times.

Table 1 above shows the proposed operating hours for each of the land uses proposed within the development. The proposed land uses are not always operating at the same times, which allows for the consideration of reciprocal parking arrangements within the development. Attachment 2 shows the car parking demand for the proposed land uses on an hour by hour basis, over seven days.

Based on the proposed hours of operation of each land use, it is identified that the greatest demand for parking spaces will be around 5pm from Tuesday to Friday during which time a total of 51 spaces would be required, which based on the 46 spaces to be provided is a deficiency of five (5) spaces. Similarly the next greatest demand for parking is between Tuesday and Sunday, around 6pm when 49 spaces are required which is a deficiency of three (3) spaces. At all other times during the week, the development will have sufficient car parking spaces to accommodate the land uses proposed.

Based on the above information the greatest shortfall of parking spaces is five (5) spaces which is anticipated to be within fifteen minutes either side of 5pm. In relation to the development as a whole this shortfall is considered to be negligible, as for the majority of the time the development will have sufficient car parking spaces available for use by the public.

It is considered unlikely that both the restaurant and fast food land uses would be at full capacity around 5pm. In relation to fast food (pizza) it is fair to assume that customers would ring ahead to order their meal and then later attend the site to collect. Based on this, it is most likely that customers/patrons would not attend the site directly at 5pm when the business first opens. Similarly with the restaurant, it can be reasonably assumed that the majority of custom would be after 6pm with a relatively small number attending the site prior to 6pm. As such, it is considered that the demand for car parking around these times may not be as high as predicted.

Conclusion

It is considered that the land uses and hours of operation can be conditioned on a Development Approval, to ensure that car parking demand will not increase as a result in changing hours or changed land uses. As such, it is recommended that if the proposed land uses should be restricted to the operating hours as specified in the application documents and the submitted Traffic Management and Car Parking Demand Review and also that any change in land use from that shown on the plan be subject to the consent of the Shire.

It is recommended that the application be supported based on the proposed hours of operation and car parking demand as identified in Attachment 2.

ATTACHMENTS

Attachment 1 - Development plans

Attachment 2 - Car parking demand graphs

Attachment 3 - Traffic Management and Car Parking Demand Review

12.3.6. Management of Proposed Reserve - Packsaddle Creek

DATE:	18 July 2017
AUTHOR:	Senior Planning Officer
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
ASSESSMENT NO:	A6856
FILE NO:	A6856P
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council requests the Chief Executive Officer to advise the Department of Planning, Lands and Heritage that the Shire of Wyndham East Kimberley:

1. Does not consent to the management of the Packsaddle Creek Reserve Area (Reserve 52323), and
2. Supports the Management Order for Reserve 52323 being issued to either the Department of Biodiversity, Conservation and Attractions or Conservation Commission Western Australia.

COUNCIL DECISION

Minute No: 18/07/2017-11726

Commissioner resolved:

That Council requests the Chief Executive Officer to advise the Department of Planning, Lands and Heritage that the Shire of Wyndham East Kimberley:

1. Does not consent to the management of the Packsaddle Creek Reserve Area (Reserve 52323), and
2. Supports the Management Order for Reserve 52323 being issued to either the Department of Biodiversity, Conservation and Attractions or Conservation Commission Western Australia.

Carried 1/0

PURPOSE

For Council to consider management of a proposed reserve over Packsaddle Creek.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Funder - provide funds or other resources

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In July 2014, the Department of Lands (DoL) wrote to the Shire to seek Council's potential agreement for the management of a proposed reserve over a portion of the Packsaddle Creek near the Jimbilum, Yirrallalem 1 and Yirrallalem 2 communities.

There is a commitment in the Ord Final Agreement (OFA) to create a reserve over the area identified as 'Packsaddle Creek Reserve Area' for the purpose of recreation and watercourse protection, and if the Shire of Wyndham East Kimberley consents, to place the care control and management of the reserve with the Shire.

In their correspondence the Department of Lands also indicated that it is likely that the Department of Parks and Wildlife (DPaW) will pursue the creation of a Conservation Park Reserve over the land immediately to the south of the proposed reserve, and suggested that an alternative is for the management order to be issued to DPaW or Conservation Commission Western Australia (CCWA).

A copy of the correspondence from DoL is provided at Attachment 1, which includes an extract of the relevant section of the OFA.

At that time, the proposed reserve land was portion of unmanaged Reserve 35289 for the purpose of 'natural regeneration', and the new reserve was proposed to extend along the section of Packsaddle Creek immediately adjoining the three adjoining communities, as shown highlighted white on the location plan at Attachment 2.

Council considered this item at the Ordinary Council Meeting of 27 January 2015, however deferred the matter to a briefing session and requested that officers determine the location of the fence and how community and residents access the site. This resolution is shown below.

COUNCIL DECISION

Minute No. 10767

Moved: Cr D Spackman

Seconded: Cr G King

That item 13.2.4 Management of Proposed Reserve – Packsaddle Creek be deferred to a briefing session and that we request that officers determine the location of the fence and how community and residents access the site.

Carried 6/1

For: Cr J Moulden, Cr R Dessert, Cr K Wright, Cr B Robinson,

Cr D Spackman, Cr G King

Against: Cr D Learbuch

Shire Officers sought additional information from the DoL in relation to the fencing and gates outlined in clause 39.4(e) of the OFA. A copy of the email response received from the DoL is provided as Attachment 3.

The proposed Packsaddle Freehold Area, shown coloured blue on the OFA map provided by the DoL, borders the proposed Packsaddle Creek Reserve (coloured green on this map), on either side. Barbecue Hill is located within the intended freehold area on the eastern side of Packsaddle Creek, and it is believed that the requirement for gates to 'control access' to Barbecue Hill was intended to ensure ongoing public access to this site and Packsaddle Creek.

An indicative plan showing the Packsaddle Freehold Area, Packsaddle Creek Reserve and Packsaddle Agricultural Area as identified in the OFA over aerial imagery is provided at Attachment 4.

In relation to the requirements of the OFA, the DoL confirmed that a crossing has been constructed over Packsaddle Creek by a contractor, however no further works as stipulated under Clause 39.4 of the OFA have, or will be, undertaken.

The DoL advised that the intention of the OFA with regard to the provisions of Clause 39.4(1) relates to a funding commitment of \$700,000 from the State. There was an agreed prioritisation of actions to occur, in order, at Clause 39.4(1)(c) - (f). The entire funding amount was expended on the Packsaddle Creek Crossing, being the first priority action, and in fact the State funded an additional ~\$200,000 to facilitate upgrade works to the Packsaddle Crossing after it failed in its first wet season.

Accordingly, the State considers that it has satisfied its obligations under Clause 39.4 and there is no further intention to construct a road along the easement alignment or the Packsaddle Road Area alignment as indicated in the OFA, nor any fencing or gates along the proposed freehold area boundary.

Access to the communities and the proposed packsaddle freehold area is provided via three separate easements (one for each community) over the existing access track for 'Vehicular and Pedestrian Access'. These easements are non-exclusive and stipulate that the easement area is not allowed to be fenced off without prior written consent of the Minister for Lands, but a gate or gates in any fence may be constructed and maintained across the easement area.

It was noted that once the Packsaddle Freehold Area has been transferred to the MG Corporation, they will be legally allowed to fence the boundary of their property, however will be required to ensure unobstructed access along the easement and cannot physically restrict access to the proposed Packsaddle Creek Reserve.

However, it was acknowledged that the only way that the Shire itself can guarantee continued public access to Packsaddle Creek is for the Shire to take on the management of the reserve, however this would still not guarantee ongoing access to Barbecue Hill and would likely result in the Shire being responsible for ongoing, or at least contribution to, the maintenance of the access track.

As per the Minute No. 10767, the additional information was presented to Councillors at the February 2015 briefing session.

Subsequently, the matter was considered by Council at the Ordinary Council Meeting of 24 February 2015, whereat the Officer's recommendation was that Council resolve to advise the DoL that the Shire of Wyndham East Kimberley has no interest in management of the proposed reserve, however wishes to ensure that public access to Barbecue Hill and the Packsaddle Springs walk trail is suitably maintained.

However, again Council resolved to defer the matter to another briefing session as follows:

COUNCIL DECISION

Minute No. 10809

Moved: Cr B Robinson

Seconded: Cr K Wright

**That item 13.4.7 Management of Proposed Reserve – Packsaddle Creek
be deferred to a briefing session.**

Carried Unanimously 9/0

Since this time, Shire Officers sought additional information from both the Department of Lands and Department of Parks and Wildlife, with the intent that a representative from each agency would attend a briefing session to be able to respond to the Councillors queries in person. However, this did not occur prior to the Council being dismissed, and the matter has not been considered since.

In October 2015, written comment was sought from DPaW as to whether they would be interested in managing the reserve, and if so, whether public access to the Packsaddle Springs walk trail would be preserved.

DPaW advised that they would be prepared to accept a management order over the Packsaddle Creek Reserve Area when and if the proposed Packsaddle (Carr Boyd Ranges) Conservation Reserve is created.

As part of the creation of the proposed Packsaddle Conservation Reserve a management plan would be prepared with the Miriung Traditional Owners which would look at recreation, conservation and commercial tourism opportunities within the reserve. DPaW advised the the Shire would be a stakeholder in this process and concerns regarding access could be addressed in development of the management plan. A copy of this DPaW advice is provided at Attachment 5.

At this time, DPaW had also verbally advised that they had been in discussions with the Miriung Traditional Owners in relation to the creation of the proposed Packsaddle (Carr Boyd Ranges) Conservation Reserve, however that they had been put on hold for some months. It is understood that there has been no further progress in relation to the proposed conservation reserve since this time.

It is also noted that DPaW and DoL have each recently been amalgamated with other agencies to become the Department of Biodiversity, Conservation and Attractions, and Department of Planning, Lands and Heritage respectively.

STATUTORY IMPLICATIONS

Land Administration Act 1997

Under Section 46 of the *Land Administration Act 1997* the Minister for Land may by order place the care, control and management of a reserve to a management body, for the purpose of which it is reserved and purposes ancillary and beneficial to that purpose, subject to such conditions as the Minister specifies. Under Section 46 of the *Land Administration Act 1997* the Minister for Land may by order cancel, change the purpose of or amend the boundaries of, or the locations or lots comprising, a reserve.

Local Planning Scheme No. 7 – Kununurra and Environs

The majority of the subject land is zoned Rural Agriculture 1 under the Shire of Wyndham East Kimberley - Town Planning Scheme No. 7 – Kununurra and Environs, with the southern section being Scheme Reserve for the purpose of Conservation/Environmental Protection.

Draft Local Planning Scheme No. 9 (draft LPS No. 9)

The intent of the zoning of the land is essentially to remain the same under draft LPS No. 9, however the Rural Agriculture 1 zone is proposed to be renamed Agriculture - State and Regional Significance, and the Conservation/Environmental Protection Scheme Reserve will be renamed to Environmental Conservation.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no financial implications associated with this item, unless the Council should decide to take on management of the reserve. If the Shire of Wyndham East Kimberley accepts management of the proposed reserve, there may also be financial implications in relation to maintaining, and / or contributing to the access track to Packsaddle Creek.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

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

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

Objective 3.5: An active outdoor lifestyle is encouraged and promoted

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

Strategy 3.5.3: Increase access to the lake, gulf and rivers, including boat ramps, according to demand usage and safety considerations

RISK IMPLICATIONS

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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

There is a commitment under the OFA for the State to create the proposed reserve, and the intention to place the care, control and management of the reserve with the Shire, subject to the consent of the Shire.

If the Shire does consent to be the management body for the proposed reserve, the OFA also outlines that a condition will be placed on the management order to provide for management to be transferred in the future to the Department of Biodiversity, Conservation and Attractions (formerly DPaW and CALM) or the Conservation Commission Western Australia, in

conjunction with a potential national park or conservation park to be created over the adjacent Carr Boyd Ranges.

Officers support the reservation of the land for the purpose of 'recreation and watercourse protection' in accordance with the OFA however recommend that, as per the alternative recommendation, a Management Order for the proposed reserve should be issued to either the Department of Biodiversity, Conservation and Attractions (DBCAs) or CCWA given the likelihood that a Conservation Park reserve will be pursued over the adjacent land to the south and therefore will be a logical extension of management by either entity.

Since the matter was last considered by Council, the Packsaddle Freehold Area has been created (Lot 5012 on Deposited Plan 406531) and titles issued to MG Dawang Land Pty Ltd, and an unmanaged reserve for the purpose of Recreation and Watercourse protection has been created over the Packsaddle Creek (Reserve 52323).

Historically, although utilised by the general public, the access road services the existing communities, and easements have been created to provide for legal access to these communities. Now that the land has been granted in Freehold title the owner, MG Dawang Land Pty Ltd a subsidiary of the MG Corporation, now has the ability to restrict access to the general community, although to date this has not occurred.

If the Shire does not accept management of Reserve 52323, it is likely to remain unmanaged until such time as DBCAs intend to create a conservation park over the Carr Boyd Ranges, at which time access to the area can be addressed as part of the preparation of a management plan.

If the Shire does accept management of the reserve, the only way that public access can be guaranteed would be by creating an easement over, or formalising a road through, the Packsaddle Freehold Area. In either instance, this is likely to require compensation to be paid to the landowner.

However, it is considered that the Shire does not have the resources to manage the reserve itself, to create a formal easement or road, or to maintain or contribute to the maintenance of the access road.

ATTACHMENTS

Attachment 1 - Correspondence from the Department of Lands

Attachment 2 - Location Plan

Attachment 3 - Follow up correspondence from Department of Lands

Attachment 4 - Indicative Plan

Attachment 5 - Correspondence from the Department of Parks and Wildlife

12.3.7. Proposed Expansion - Ewin Centre - Lot 506 Chestnut Avenue, Kununurra

DATE:	18 July 2017
AUTHOR:	Senior Planning Officer
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
ASSESSMENT NO:	A2529
FILE NO:	A2529P
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council supports, in principle, additional car parking being established within the Chestnut Drive and Coolibah Drive road reserves to facilitate the expansion of the Ewin Early Learning Centre subject to:

- 1. A traffic impact assessment being prepared to consider and address:**
 - a. The site characteristics and surrounding area;**
 - b. The proposal and its expected trip generation;**
 - c. Parking requirements, including the design of access and parking areas;**
 - d. Existing traffic conditions and any future changes expected to the traffic conditions, including a crash history in the locality;**
 - e. The expected impact of the proposed development on the existing and future traffic conditions; and**
 - f. To recommend the most suitable location and design for access and parking areas to ensure minimal impact on the functionality and amenity of the area.**
- 2. A Deed of Agreement being prepared at the proponent's cost to identify the Ewin Early Learning Centre as the party responsible for the maintenance of car parking and landscaping within the road reserve(s).**

COUNCIL DECISION

Minute No: 18/07/2017-11727

Commissioner resolved:

That Council supports, in principle, additional car parking being established within the Chestnut Drive and Coolibah Drive road reserves to facilitate the expansion of the Ewin Early Learning Centre subject to:

- 1. A traffic impact assessment being prepared to consider and address:**
 - a. The site characteristics and surrounding area;**
 - b. The proposal and its expected trip generation;**
 - c. Parking requirements, including the design of access and parking areas;**
 - d. Existing traffic conditions and any future changes expected to the traffic conditions, including a crash history in the locality;**
 - e. The expected impact of the proposed development on the existing and future traffic conditions; and**
 - f. To recommend the most suitable location and design for access and parking areas to ensure minimal impact on the functionality and amenity of the area.**
- 2. A Deed of Agreement being prepared at the proponent's cost to identify the Ewin Early Learning Centre as the party responsible for the maintenance of car parking and landscaping within the road reserve(s).**

Carried 1/0

PURPOSE

For Council to consider a proposal from the Ewin Early Learning Centre (Ewin Centre) to support in principle proposed expansion of the child care facility, subject to additional car parking being established either in the Chestnut Drive and Coolibah Drive road reserves.

The in principle support will enable the Ewin centre to invest in a concept design process for this option with confidence that it will be considered "able to be approved" in a subsequent Development Application.

As an alternative option, the Ewin Centre would like Council to also consider whether a portion of the road reserve may be utilised for outdoor play space areas.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Advocator - advocate and support initiatives on behalf of the community and the Kimberley Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

There are 32 existing car parking spaces adjoining the Ewin Centre, 16 of which are provided within the boundary of the Ewin Centre (12) and proposed Kununurra Neighbourhood House site (4) along with the aisle, and 16 of which are located within the Chestnut Avenue road reserve.

At the Ordinary Council Meeting of 25 February 2014, Council issued a development approval for the development of the proposed new Kununurra Neighbourhood House (KNH), on Lot 507 adjoining the Ewin Centre. As part of this application it was intended to extend this existing car park to both the north and south by altering the location of the current entry and exit locations, which would result in an additional 11 bays in this location; 5 proposed to be located within the Ewin Centre and KNH sites, and 6 bays proposed to be located within the Chestnut Avenue road reserve. Two bays for staff parking were also proposed to be provided onsite with access from Bella Lane.

Car parking required to be provided for the KNH development was calculated to be 22 bays, and the approval was granted on the basis that it would result in a total of 43 shared parking bays and:

1. KNH consulted with the Ewin Centre in relation to the proposed development and shared parking and access areas, and the Ewin Centre have provided a letter of support for the proposal;
2. The development proposed was considered to be of a high standard, with the only concession being sought in relation to car parking;
3. The KNH would largely operate outside the peak periods for drop off and pick up for the adjoining child care centre, with only minimal overlap likely to occur in the mornings between 8.30 – 9.00am, therefore it is considered that parking could be utilised on a reciprocal basis.; and
4. The additional parking would alleviate pressure during the peak drop off times for the Ewin Centre, between 7.30 – 8.30am.

In 2014, KNH undertook a survey of the Ewin Centre parking over a week, which was provided to support their application, and showed that the majority of drop offs occur between 7.30 – 8.15 am and collections generally occur after 4pm, which would be outside the hours of operation of KNH. This survey however did not include staff parking which the Ewin Centre advised (at the time) is, at the most, 16 vehicles at any one time, however this is for the majority of the day.

The concept plan provided at Attachment 2, shows the existing footprint of the Ewin Centre building, and indicates the proposed future KNH development, including proposed future changes to the shared parking areas.



Location Plan - Ewin Centre

Proposal

The centre is currently licensed for 84 children per day, and currently is at approximately 90% occupancy. The existing building is 738m², and an architect has been engaged to prepare a concept plan which provides a rough indication of the allocation of space for the proposed extension to allow for a total of 148 licensed places. The applicant has indicated this will require approximately 40 staff to operate at full capacity.

Based on a maximum occupancy of 40 employees and 148 children a total of 77 (40 + 37) bays are required for this development under LPS 7 (and draft Local Planning Scheme No. 9). It is noted that the architect has advised that the Ewin Centre have indicated that they can downscale the proposal if required.

Four (4) concept plans have been prepared by the architect for the Shire's consideration, showing different parking options for the proposed extension as outlined below.

Each concept plan shows the existing building footprint coloured blue (existing indoor play areas) and purple (existing ancillary space e.g. offices, ablutions, kitchen), and indicates the proposed expansion of the building coloured green (and orange (new ancillary areas). Outdoor play areas are coloured yellow.

It is acknowledged that each concept diagram is a rough indication of the allocation of space for the proposed extension, and that the applicant and architect have not proceeded with the concept design process in any detail yet.

Concept 1A (Attachment 3)

This concept plan shows the extensions to the building are proposed to the west (towards Bella Lane) and east (towards Chestnut Drive), with an infilling of a central area, and for the main entrance to the centre to face Coolibah Drive. This will result in the existing outdoor play areas being reduced, however it is also proposed to extend the fencing to the existing boundary to create additional outdoor play areas in the north east corner of the property.

In relation to access and car parking this concept plan indicates:

- Realignment of the existing entry and exit driveways located on Chestnut Drive;
- 16 of the existing parking bays to be retained (8 within reserve land, and 8 within Chestnut Avenue road reserve);
- 1 new disabled accessible bay (within the reserve boundary);
- 3 new bays within Chestnut Avenue road reserve
- 28 new bays within the Coolibah Drive road reserve, with one new driveway.

Accordingly, the plans indicate a total of 48 car parking bays to be provided.

Concept 1B (Attachment 4)

The proposed building envelope is the same as that shown on Concept 1A, with the difference proposed being a change in the design of the car park, and number of bays proposed to be established in the Coolibah Road reserve. In relation to access and car parking this concept plan indicates:

- Realignment of the existing entry and exit driveways located on Chestnut Drive;
- 16 of the existing parking bays to be retained (8 within reserve land, and 8 within Chestnut Avenue road reserve);
- 1 new disabled accessible bay (within the reserve boundary);
- 3 new bays within Chestnut Avenue road reserve
- 35 new bays within the Coolibah Drive road reserve (including another disabled bay) with one new driveway.

Accordingly, the plans indicate a total of 55 car parking bays to be provided.

Concept 2A (Attachment 5)

This concept plan shows the extensions to the building are proposed to the west (towards Bella Lane), east (towards Chestnut Drive) and north (towards Coolibah Drive), with a infilling of a central area, and to retain the existing entry.

This concept also shows proposed outdoor play areas being extended 9.92m into the Coolibah Drive road reserve, however it is also proposed to extend the fencing closer to the front property boundary to create additional outdoor play areas in the north east corner of the property.

In relation to access and car parking this concept plan indicates:

- Realignment of the existing entry and exit driveways located on Chestnut Drive;

- 31 of the existing parking bays to be retained (14 within reserve land, and 17 within Chestnut Avenue road reserve);
- 6 new bays, including 1 new disabled accessible bay (within the reserve boundary);
- 8 new bays within Chestnut Avenue road reserve.

Accordingly, the plans indicate a total of 45 car parking bays to be provided, and would require a portion of the road reserve to be closed and amalgamated into the reserve.

Concept 2B (Attachment 6)

The proposed building envelope is the same as that shown on Concept 2A, with the difference proposed being the design of the car park to provide additional bays to be established in the Coolibah Road reserve for staff parking, and a truncation (and slight reduction) of the proposed outdoor play area to be established in the road reserve.

In relation to access and car parking this concept plan indicates:

- Realignment of the existing entry and exit driveways located on Chestnut Drive, with two way access via the access closest to the Coolibah Drive intersection;
- 31 of the existing parking bays to be retained (14 within reserve land, and 17 within Chestnut Avenue road reserve);
- 5 new bays, including 1 new disabled accessible bay (within the reserve boundary);
- 7 new bays within Chestnut Avenue road reserve;
- A new 12 bay staff car park within Coolibah Drive road reserve, with access via Chestnut Avenue.

Accordingly, the plans indicate a total of 55 car parking bays to be provided, and would require portion of the road reserve to be closed and amalgamated into the reserve.

STATUTORY IMPLICATIONS

Local Planning Scheme No. 7 - Kununurra and Environs (LPS 7)

Lot 506 is zoned Town Centre under LPS 7 and clause 5.8.5 of the Scheme outlines the matters to be considered when considering a development application within this zone, including relationship to surrounding development, and parking and landscaping requirements.

Table 2 - Development Standards in LPS 7 outlines the minimum car parking requirements for a Childminding facility/kindergarten as one bay for every employee and one bay for every four children attending, and includes a special condition that *“safe pickup and setdown areas shall be developed as directed by local government”*.

Clause 8.4 outlines the provision for cash in lieu of car parking spaces, which allows an applicant to make a cash payment to the local government in lieu of the provision of all or any of the required number of car parking spaces, if the local government agrees to do so.

Clause 8.4.2 outlines that the cash in lieu payment *“shall not be less than the estimated cost to the owner or developer of providing and constructing the parking spaces required by the Scheme plus the value of that area of land which would have been occupied by the parking spaces”*.

Clause 5.3 of LPS 7 also gives the local government the discretion to approve a development that does not meet a standard or requirement prescribed under the Scheme, provided that the local government is satisfied that:

- (a) Approval of the development would be consistent with the orderly and proper planning of the locality and preservation of the amenities of the locality; and*
- (b) The non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality;*
- (c) The spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.*

Draft Local Planning Scheme No. 9 (draft LPS 9)

Under draft LPS 9, the land is proposed to be zoned Commercial, which essentially is simply renaming of the Town Centre zone to be in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Under the draft LPS 9, the table in Schedule 4 - Development Standards outlines minimum requirements in relation to Child Care Premises is the same as LPS 7, as follows:

Land Use/ Development	Minimum Setbacks			Parking	Special Setbacks
	Front	Side	Rear		
Child Care Premises	6m	3m	3m	1 bay per every employee and 1 bay per every 4 children attending	Pickup and setdown areas shall be provided as required by the local government

Clause 4.9 of the draft Scheme specifies additional car parking requirements as specified in the Development Standards Table.

In particular, Clause 4.9.3 outlines that the local government shall have regard to:

- (a) *The means of access to each parking bay;*
- (b) *The location of the bays on the site and their affect upon the amenity of any adjoining properties;*
- (c) *The extent to which the bays are located within the building setback areas;*
- (d) *The location of the bays other than on the lot if such spaces are to be provided in conjunction with a public car park;*
- (e) *The location of proposed public footpaths, vehicular traffic movements and safety.*

Clause 4.9.4 outlines that where a lower number of car parking bays are proposed to be provided than is required pursuant to the Scheme, the local government may approve the application if it can be demonstrated:

- That off-street parking facilities in the near vicinity are available to cater for the requirements of the proposal and that arrangements have been made (to the satisfaction of the local government) to enable those facilities to be used for that purpose, or if the proponent makes a cash in lieu contribution.
- that there will be reciprocal parking arrangements that will adequately cater for parking demand.

Clause 4.9.6 outlines that the local government may approve parking bays to be located within the street setback area, provided that:

- (a) The local government may require a minimum 1m width of landscaped area along the length of the car park;
- (b) In the Commercial Zone, separate pedestrian access from the street to the premises is provided.

Clause 4.9.7 specifies that car park design and construction shall include adequate provision for landscaping comprising screen features and shade trees and shrubs (of indigenous species) as appropriate.

Clause 4.9.8 outlines requirements in relation to access design which requires that:

- (a) (except for residential developments) all car parking bays must be situated such that vehicles can enter and leave the site in a forward direction.
- (b) Car parking must be designed so that either ingress to or egress from each bay can be achieved in one movement.
- (c) Tandem or stack car parking may be considered in commercial development.
- (d) Non-residential development which requires onsite car parking, a vehicular driveway (ingress and/or egress) should:
 - (i) *be located to the street with the lowest traffic volume;*
 - (ii) *have separate entry/exit if it is likely that it will be used simultaneously by vehicles both entering and leaving the site and obstruction to traffic in the street could occur;*
 - (iii) *be more than 6m from an intersection; a break in the median strip; the commencement of a curve linking the carriageways of two or more public streets at an intersection; and the approaches to “stop” or “give way” signs;*
 - (iv) *not be within 25m of any signalised intersection and preferably not within 90m of a signalised intersection of any major road;*
 - (v) *not be closer than 1.5m to side boundaries;*
 - (vi) *be located such that any vehicle turning from the street into the driveway or into the street from the driveway can be readily seen by the driver of an approaching vehicle and be clear of all obstructions which may prevent drivers from having a timely view of pedestrians;*
 - (vii) *be relatively level within 6m of the site boundary or any footpath.*

Clause 4.9.10 applies to cash in lieu of car parking, and states that an applicant may provide a cash payment in lieu of the provision of any of the required number of parking bays, if the local government so agrees and is satisfied that-

- (i) *an existing public car parking area located within 400m of the proposed development; or*
- (ii) *a firm proposal to construct a public car park within a 400 metre radius of the development and within a period of not more than 24 months from the time of agreeing to accept the cash payment.*

Draft LPS 9 outlines that the use of cash in lieu payments to meet car parking requirements is not 'as of right' and is determined at the local government's discretion applicable to commercial development within the Commercial and Rural Townsite areas of Wyndham and Kununurra.

The draft scheme states that a cash in lieu payment shall not be less than the estimated cost for the owner or developer of providing and constructing the parking bays required by the Scheme plus the value of that area of the land which would have been occupied by the parking bay. Monies received are required to be paid into a separate car parking reserve fund and shall only be used for the acquisition or development of land as a public car park within the locality, or to reimburse the local government any expenses it has incurred, including loan repayments.

There is an error within Clause 4.9.10(i) as it states that “where offsite bays are proposed to be located within the road reserve adjoining the property, the developer is to pay the local government.”, however there is no subsequent sub clause.

However, it appears that the following clause 4.9.10(j) is intended to be this sub-clause:
“The estimated construction cost as determined in accordance with 4.9.10(b), unless the applicant accepts construction for the said bays to the local government’s specifications.

The draft Scheme also outlines that where a cash-in-lieu payment is granted a Deed of Agreement shall be prepared at the proponent’s cost and executed prior to the development first being occupied. This agreement will identify the owner/lessee as the party responsible for the maintenance of car parking and landscaping on the road reserve, and the local government may lodge a caveat against the Certificate of Title to the land to secure the performance of that maintenance obligation.

Land Administration Act 1997

Under Section 41 of the *Land Administration Act 1997 (LAA)*, the Minister of Lands may by order reserve Crown land to the Crown for one or more purposes in the public interest.

Under Section 46 of the *Land Administration Act 1997 (LAA)*, the Minister of Lands may by order place the care, control and management of a reserve with a person or jointly with 2 or more people or organisations, subject to such conditions as the Minister specifies, which may include the power to lease or licence.

Under Section 51 of the LAA the Minister may by order cancel, change the purpose of or amend the boundaries of, or the locations or lots comprising, a reserve.

Section 58 of the LAA outlines the process to be followed by local government and Minister in relation to request to permanently close a road.

POLICY IMPLICATIONS

Planning Bulletin 72/2009 - Child Care Centres

In August 2009 the Western Australian Planning Commission updated a planning bulletin in relation to child care centres to outline revised guidelines with the aim to outline a consistent approach to planning for child care centres and advise of planning considerations in relation to the location and development of child care centres.

This bulletin, provided at Attachment 7, was prepared to identify a consistent planning approach with particular regard to location, site characteristics, environmental suitability, design, traffic, access, noise and health impacts and safety issues, to provide guidance when considering proposals for child care centres.

Section 3 of the bulletin provides policy guidance to guide local governments in the preparation of scheme provisions and local policies on child care centres with the object to:

- a) Locate child care centres appropriately in relation to their surrounding service area;
- b) Minimise the impact a child care centre has on its surrounds, in particular on the amenity of existing residential areas;
- c) Minimise the impact the surrounds may have on a child care centre; and
- d) Consider the health and safety of children attending the child care centre within the confines of the planning system.

The policy guidance outlines that child care centres should be located on sites that are:

- a) Distributed strategically to provide the maximum benefit to the community it serves;
- b) Within easy walking distance or part of appropriate commercial, recreation or community nodes and education facilities;
- c) Located in areas where adjoining uses are compatible with a child care centre;
- d) Serviced by public transport (where available);
- e) Considered suitable from a traffic engineering/safety point of view; and
- f) Of sufficient size and dimension to accommodate the development without affecting the amenity of the area.

Under section 3.5, Design of centres, it is outlined that parking areas should be located in front of the building, or if not possible, should be clearly visible and easily accessible from the entry to the site, and that as a general rule the minimum parking requirement for a child care centre, including staff parking, will be one space per five children.

The bulletin acknowledges that the number of parking bays may be varied by the local government given the specific provisions of their scheme or relevant planning policy and any unique circumstances, such as reciprocal parking arrangements, available public transport and street parking.

It also identifies that a traffic impact statement/assessment should be required to address:

- (a) The site characteristics and surrounding area;
- (b) The proposal and its expected trip generation;
- (c) Parking requirements, including the design of parking areas, and any pick-up and drop-off facilities;
- (d) Existing traffic conditions and any future changes expected to the traffic conditions, including a crash history in the locality; and
- (e) The expected impact of the proposed development on the existing and future traffic conditions.

A child care centre should be approved only if it can be demonstrated that it will have a minimal impact on the functionality and amenity of an area and will not create or exacerbate any unsafe conditions for children and families using the centre, or for pedestrians or road users.

Section 3.11 of the bulletin outlines the information that should accompany applications for child care centres, which may require a traffic impact statement/assessment, if required by the decision making authority.

FINANCIAL IMPLICATIONS

The current and draft scheme outlines provisions in relation to cash in lieu for car parking requirements, and the draft scheme outlines additional provisions in relation to locating bays within the road reserve adjoining the property and ongoing maintenance arrangements.

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

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

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

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

Objective 1.4: Business innovation, efficiency and improved services

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

Objective 3.3: Towns are safe and inviting for locals and tourists

Objective 3.4: Enhancement of community facilities

Strategy 1.2.3 : Promote the colocation of community facilities and sharing of resources among community groups

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

Strategy 2.4.3 : Support early childhood and family support services

Strategy 3.3.8 : Ensure quality, consistent and responsive development and building assessment approval processes and enforcement

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

RISK IMPLICATIONS

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

COMMUNITY ENGAGEMENT

No community engagement is required at this stage, as a formal application has not been received.

COMMENTS

The current Ewin Centre facility was purpose built in 2007, via a tender process undertaken by the Shire, and was developed with 50% of the parking provided within the adjoining road reserve.

It is acknowledged that the current operations have outgrown the building over the past 3 years, and that the current site is constrained by existing and future developments.

The current planning scheme (LPS 7) does not include any provision in relation to the local government approving parking within the adjoining road reserve, only in relation to cash in lieu of car parking.

The draft scheme (LPS 9), however does provide provision in relation to parking being provided within adjoining road reserve, within the Commercial (town centre) zone, and ongoing maintenance responsibility.

Council consideration is required in relation to:

- The appropriate number of bays;
- The appropriate location of parking to take into consideration amenity of the area and traffic impacts; and
- Whether a portion of the road reserve may be utilised for outdoor play areas.

Number of parking bays

Under both the current and draft Scheme the number of bays required for the proposed expansion is calculated to be 77, being one per each employee (40), and one per every 4 children attending (148). The concept plans indicate between 46 - 55 bays to be provided, the majority of which to be located within the adjoining road reserves, which would result in a shortfall of between 22 - 31 bays.

However, the current (and draft) Scheme allow the local government to modify standards and requirements specified, provided that it is considered to be *consistent with the orderly and proper* planning, and preservation of the amenities, of the locality; and would not have an adverse effect on the occupiers or users of the development , neighbours or the likely future development of the locality.

The WAPC Planning Bulletin 72/2009 identifies that as a minimum one bay for every 5 places should be provided, which would calculate to 30 bays required for 148 licensed places, which is a large difference from the 77 required in accordance with the Scheme.

A table is provided at Attachment 8, which shows the comparison of parking ratios in the planning schemes for regional local governments with similar climatic considerations. As can be seen from this table, there are two main calculations used by 6 of the 7 local governments listed, which again results in a large difference in the provision of bays, being either 55 or 77.

The employee to child ratio required can vary, as it depends on the number of children in each age group, however the Ewin Centre provides a ratio of around 1 employee per 3.75 children.

The below table indicates the number of parking bays to be provided in accordance with LPS 7, the alternative ratio used by a number of other local governments (including Broome) and the minimum recommended in Planning Bulletin 72/2009. The table also shows what is required based on the current licenced places (84), and what would be required if the developed was staged to initially allow for 112 places (Stage 1) and 148 places (Stage 2)

Licenced Places	Employees Required	Car Parking Required		
		LPS 7	Broome LPS	WAPC PB 72/2009
84	23	44	32	17
112	30	58	42	23
148	40	77	55	30

To get an understanding of current traffic volumes the Shire placed a traffic counter on the entry to the Ewin Centre which took readings from Wednesday 28 June 2017 to Tuesday 4 July 2017, with the number of cars in 15 minute increments shown in the table provided at Attachment 9.

These figures only show the number of vehicles entering the Ewin Centre car park, and do not indicate the length of stay. As anticipated, the peak periods for drop offs are between 7.30am - 8.15am, with the peak period of pick ups between 3.45pm -4.45pm.

These traffic volumes were significantly lower than those recorded in the car park survey undertaken for a week in February 2014, which are shown at Attachment 10, although the peak pick up and drop off times are consistent. It is noted that these traffic counts did not account for the number of employees parking all day within the car park, which the Ewin Centre had previously advised was a maximum of 16 employee vehicles at any one time.

These differences may be attributed to the weather, i.e. users of the child care facility may be more inclined to walk or cycle to the centre in July than in February, or due to lower attendance as a result of the school holidays commencing on 3 July, or potentially a technical error with the traffic counter.

However, in either instance, it is acknowledged that the number of vehicles entering the car park appear to be well below the number of spaces required under the Shire's current (and draft) local planning scheme.

Location of parking

There is no physical reason that proposed car parking cannot be considered to be located within the Coolibah Drive road reserve, as it is unlikely to impact on any services (or services can be relocated if required), and that any loss of amenity can be addressed through appropriate landscaping.

However, there is a concern that relocating the majority of parking onto Coolibah Drive will exacerbate existing traffic issues during peak drop off times for the two existing schools located in close proximity, and therefore that the proposed ingress/egress from Coolibah Drive requires further investigation, in the form of a traffic impact assessment.

A traffic impact assessment will also assist in determining the appropriate number of bays required for the development, and potentially options for improved pedestrian movements.

As Chestnut Drive has lower traffic volumes, it would be recommended that the proposed expansion should try to incorporate the majority of parking, particularly for drop off and pick up, via Chestnut Avenue.

Outdoor Play Spaces

It is acknowledged that Concepts 2A and 2B propose vehicular access solely via Chestnut Avenue, however also propose to expand the outdoor play areas into the Coolibah Drive road reserve. If Council was to consider allowing expansion of the play areas into the Coolibah Drive road reserve, consideration would be required to be given as to whether:

1. An agreement can be entered into to permit the use of the road reserve for outdoor play space, or
2. A portion of the road reserve should be permanently closed and amalgamated into Reserve 50120.

If closure of a portion was to be entertained, then consideration should also be given to the closure of a strip of the road located between Chestnut Avenue and Corkybark Drive, as shown on the plan at Attachment 11, to be amalgamated into the Ewin Centre and the freehold properties located on Bella Lane.

Conclusion

In principle, the proposed expansion of the Ewin Centre is supported to provide for additional childcare places within Kununurra, and it is considered appropriate to allow car parking to be established within the adjoining Chestnut Avenue road reserve, as already occurs.

However, to enable Council to entertain car parking being established within the Coolibah Drive road reserve, a traffic impact assessment will be required to be prepared to support and inform the proposed design of access and parking areas.

It is acknowledged that the car parking required under the local planning scheme may be excessive to what may actually be sufficient for the proposed expansion, and that a traffic

impact assessment would assist in determining accurate parking requirements. A traffic impact assessment may also identify the potential for shared use of existing, or the potential for new, off-street parking facilities in the near vicinity.

In relation to the use of the Coolibah Drive road reserve for outdoor play space, it is considered that this should not be supported unless Council is willing to consider closure of a portion of the road reserve.

ATTACHMENTS

- Attachment 1 - Submission from Ewin Early Learning Centre
- Attachment 2 - Site Plan - KNH Concept Design
- Attachment 3 - Ewin Centre Concept Design 1A
- Attachment 4 - Ewin Centre Concept Design 1B
- Attachment 5 - Ewin Centre Concept Design 2A
- Attachment 6 - Ewin Centre Concept Design 2B
- Attachment 7 - Planning Bulletin 72/2009
- Attachment 8 - Car parking comparisons
- Attachment 9 - Ewin Centre Traffic Counts - 28 June - 4 July 2017
- Attachment 10 - Ewin Centre Car Park Survey
- Attachment 11 - Potential Road Closure Area

12.3.8. Draft Trails Master Plan

DATE:	18 July 2017
AUTHOR:	Coordinator Recreation Leisure
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
FILE NO:	RC.05.2
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council request the Chief Executive Officer to advertise for 28 days the draft Shire of Wyndham East Kimberley Trails Master Plan for community comment.

COUNCIL DECISION

Minute No: 18/07/2017-11728

Commissioner resolved:

That Council request the Chief Executive Officer to advertise for 28 days the draft Shire of Wyndham East Kimberley Trails Master Plan for community comment.

Carried 1/0

PURPOSE

For Council to endorse the draft Shire of Wyndham East Kimberley Trails Master Plan for community consultation.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Provider - provide physical infrastructure and essential services

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The draft Shire of Wyndham East Kimberley Local Planning Strategy aims to:-

- (enable) the growth and development of tourism and tourism-related opportunities that are appropriate, sensitive and integrated into the natural landscape.

- Facilitate accessible, safe, walkable town centres that provide environmental, economic, social and lifestyle opportunities and benefits.
- Preserve the values of natural resources by managing the impacts of land use and development on the environment.
- Ensure planning decisions value and respect multi-cultural heritage.

The Shire's Lake Kununurra Foreshore and Aquatic Use Plan sets out plans for the management, conservation, recreational and tourism use of the lake and foreshore, and identified proposals for an extended walking and cycling trail network, the development of bird hides, jetties and areas for canoes/kayaks and hire and tour facilities.

In the Kununurra area walking, running and cycling occur on town paths in the vicinity of Lily Creek lagoon, Lake Kununurra and the Kelly's Knob area, and on informal trails in the Lakeside, Packsaddle and Sleeping Buddha areas. The walking trails in the adjacent Mirima National Park appeal to both residents and visitors. Boating and kayaking occurs in Lily Creek Lagoon, Lake Kununurra and the Upper Ord River.

In the Wyndham area walking trails and lookouts on the Bastion Range provide spectacular views of the estuary and of the five rivers location as well as Wyndham port and the Kimberley landscape. Formed pathways provide a shared cycling, walking and running experience for locals and visitors between Wyndham and the Port and to the Six Mile Community. The use of the Port to Wyndham section of this trail is currently limited due to extensive damage to the trail surface.

Mountain biking is emerging as a recreation activity around Kununurra. A small but growing group of mountain bikers has been active in mountain bike trail development including the development of the Kununurra Rotary Club Lake Argyle Mountain Bike Trail on leased land at Lake Argyle.

The Shire faces a number of challenges in improving its trails including: remoteness, climate, providing trail links to the attractions around the towns, the poor condition of some trails, the range of different land owners and partners, having access to adequate funding for trail development and management and the need for effective promotion and information for trails.

However, the Shire has a number of strengths that will contribute to quality trail experiences including: access to spectacular water settings, the proximity of Kununurra to Lake Argyle and National Parks and the support, awareness and recognition of the social and economic benefits of trails by the Shire, Government Departments, Traditional Owners and the community.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

FINANCIAL IMPLICATIONS

The adopted 2016/17 Budget included an expenditure budget of \$70,000.00 for the development of a Shire of Wyndham East Kimberley Trails Master Plan; this expenditure was offset with an income budget of \$25,000.00. The \$25,000.00 was received by the Shire from a LotteryWest grant.

Cost estimates are provided in the draft Trails Master Plan for the design, construction and maintenance of the proposed trail development. Future trails funding will need to be considered by Council during the preparation and adoption of its Annual Budget. The Shire could potentially seek funds from a number of funding sources that may be available for promotion, capital and maintenance works of the proposed trail developments.

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 1.1: Strong community engagement

Objective 3.1: A broad range of lifestyle opportunities and activities are available for East Kimberley residents

Objective 3.4: Enhancement of community facilities

Objective 3.5: An active outdoor lifestyle is encouraged and promoted

Strategy 1.1.2 : Improve planning processes to ensure broader engagement and identification of relevant issues from all parties.

Strategy 2.2.4 : Enhance and expand tourism opportunities in the East Kimberley and improve access to significant tourism destinations

Strategy 2.3.2 : Plan, design and budget for sustainable infrastructure

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

Strategy 3.5.3 : Increase access to the lake, gulf and rivers, including boat ramps, according to demand usage and safety considerations

RISK IMPLICATIONS

Lack of a planned approach to project design and approvals resulting in increased cost and poor delivery.

Failure to adopt the Trails Master Plan may compromise future developments and upgrades of the trails networks within the region.

COMMUNITY ENGAGEMENT

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

- Community Briefings at Kununurra and Wyndham;
- Formal and informal meetings between the consultants and interested parties

- Media Stories, including social media

Further engagement will include:

- Advertising - print and online
- Referral to the Stakeholder Advisory Group for comment
- Open House - public information sessions in Kununurra and Wyndham
- Public display at the Kununurra Markets.

COMMENTS

The Shire engaged TRC Tourism in early 2017 to develop a Trails Master Plan (refer Attachment 1) to assist the Shire establish a sustainable and strategic approach to providing recreational trails for the use of residents and visitors in the region.

The purpose of the Trails Master Plan is to:-

- Review the Shire's existing trails networks.
- Provide an evidence based strategic approach for future development of trails and tracks within the Shire.
- Provide an evidence based strategic approach for the future development of integrated pathways for bike and pedestrian users that links key destinations, open space and residential areas within the town sites of Kununurra and Wyndham.

The draft Trails Master Plan aims to consolidate the further development, and sustainable management of walking and cycling trails in and near the population centres of Kununurra and Wyndham.

The draft Trails Master Plan has identified the following proposed trail developments:-

Kununurra

- Celebrity Tree Park to Lakeside Footbridge
- Celebrity Tree Park to the Pump House West
- Lakeside to Equestrian Park, BMX Skills Park and Mirima National Park Mountain Biking
- Kayaking and Non-motorised Water Activity

Wyndham

- Bastion Trails
- Port Path
- Six Mile Community Trail

ATTACHMENTS

Attachment 1 - Shire Wyndham East Kimberley Trails Master Plan

12.3.9. Alcohol Management Policy

DATE:	18 July 2017
AUTHOR:	Director Community Development
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
FILE NO:	CM.11.2
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the amended CP/COM 3584 Alcohol Management Policy as detailed in Attachment 1.

COUNCIL DECISION

Minute No: 18/07/2017-11729

Commissioner resolved:

That Council adopt the amended CP/COM 3584 Alcohol Management Policy as detailed in Attachment 1.

Carried 1/0

PURPOSE

For Council to consider the adoption of an amended Alcohol Management Policy which addresses:-

1. An action identified in the *Local Government (Audit) Regulations 1996*, Regulation 17 review which requested risk assessments to be completed prior to consideration being given to the issue of permits for the consumption of alcohol on Shire managed/controlled lands.
2. The consumption of alcohol at unlicensed restaurants and cafes (BYO).

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL

Reducing alcohol-related harm is a whole of community responsibility including all levels of government, law enforcement agencies, the health and welfare sector, local communities, families and individuals.

Alcohol management action by the Shire occurs alongside a comprehensive range of targeted and whole-of-population approaches aimed at preventing and reducing alcohol-related problems in the community.

The Shire has some sphere of influence over alcohol management through existing legislative and policy functions in planning, and the enforcement of its Local Laws.

Under the *Liquor Control Act (1988)*, Shire approval is required for all new liquor licence applications and any alterations to existing licensed premises. This applies to licensed liquor outlets including hotels, taverns, restaurants, night clubs, liquor stores, special facilities, club and restricted club licences and other facilities nominated by the Director of Liquor Licensing.

The Shire's Local Laws - Local Government Property, and Activities in Thoroughfares and Public Places and Trading, both require approval from the Shire for the possession and consumption of alcohol on land owned or managed by the Shire. The purpose of CP/COM 3584 Alcohol Management Policy is to act as the strategic guiding document for the community, applicants and Shire employees regarding considerations associated with new and existing licensed venues; consumption and sale of alcohol on Shire property, and event management.

The Policy provides the guidelines Shire employees utilise when:-

1. assessing planning applications for new liquor licensed venues
2. assessment of Section 39 and Section 40 of the *Liquor Control Act 1988* applications
3. requests for comments by the Department of Racing, Gaming and Liquor on applications for Extended Trading Permits and Occasional Liquor Licences
4. assessment and approval of permits under the Shire's Local Laws for the possession and consumption of alcohol on land owned or managed by the Shire
5. assessment and approval of applications from unlicensed premises for BYO consumption of alcohol
6. public event approvals.

STATUTORY IMPLICATIONS

Liquor Control Act (1988)

Section 39 - Certificate of Local government as to whether premises comply with laws

- (1) *An application made to the licensing authority for the grant or removal of a licence, or are situated, or are to be situated, unless the licensing authority otherwise determines.*
- (2) *A certificate referred to in subsection (1) shall state -*

- (a) whether or not the premises comply with all relevant requirements of -
 - (i) the Health Act 1911; and
 - (ia) the Food Act 2008; and
 - (ii) any written law applying to the sewerage or drainage of those premises; and
 - (iii) the Local Government Act 1995; and
 - (iv) the Building Act 2011; and
- (b) where the premises do not so comply, the manner in which the premises could be made to comply or that the premises could not reasonably be made to comply.
- (3) The licensing authority may, where it is satisfied that it is desirable to do so, impose a condition on a licence relating to the submission, or further submission, to the licensing authority of a certificate referred to in subsection (1).

Section 40 - Certificate of planning authority as to whether use of premises complies with planning laws

- (1) An application made to the licensing authority for the grant or removal of a licence, or for a change in the use or condition of any premises shall be accompanied by a certificate from the authority responsible for planning matters in the district in which the premises to which the application relates are situated, or are to be situated, unless the licensing authority otherwise determines.
- (2) A certificate referred to in subsection (1) shall state that the proposed use of the premises -
 - (i) will comply with the requirements of the written laws relating to planning specified; or
 - (ii) would comply with the requirements specified if consent were to be given by a specified authority, if it is known whether that authority will give the consent, and what specified conditions or specifications should be, or are likely to be, imposed; or
 - (iii) will not comply with the requirements specified for the reasons specified.
- (3) In this section -
 - specified means specified in the planning certificate.
- (4) The licensing authority may, where it is satisfied that it is desirable to do so, impose a condition on a licence relating to the submission, or further submission, to the licensing authority of a certificate referred to in subsection (1).

Section 69 (7) - Grounds for intervention by Local Governments

A Local Government to which subsection (4)(b) refers may intervene in proceedings before the Licensing Authority for the purpose of introducing evidence or making representations:

- (a) as to whether premises are suitable to be, or continue to be, licensed or the subject of a permit;
- (b) as to whether a proposed alteration to, or redefinition of, licensed premises should be approved; and
- (c) on the question of whether, if a particular application were granted, persons who reside, work or worship in the vicinity would be likely to suffer undue offence, annoyance, disturbance or inconvenience, and may submit a report to the licensing authority on those matters.

Section 69 (8) - Right to Intervene

A person authorised by the Local Government may intervene in proceedings before the Licensing Authority for the purpose of introducing evidence or making representations in relation to the requirements of :

- (a) the Health Act 1911;
- (b) any written law relating to sewerage or drainage; or
- (c) the Local Government Act 1995 or the Local Government (Miscellaneous Provisions) Act 1960, in so far as the Act relates to health matters, and may submit a report to the Licensing Authority on those matters.

Section 74 (1) - Grounds for objection by Local Government

No objection shall be made except on one or more of the following grounds -

- (a) that the grant of the application would not be in the public interest;
- (b) that the grant of the application would cause undue harm or ill-health to people, or any group of people, due to the use of liquor;
- (c) deleted
- (d) deleted
- (e) deleted
- (f) that if the application were granted -
 - (i) undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity, or to persons in or travelling to or from an existing or proposed place of public worship, hospital or school, would be likely to occur; or
 - (ii) the amenity, quiet or good order of the locality in which the premises or proposed premises are, or are to be situated would in some other manner be lessened;
- (g) deleted
- (h) that the grant of the application would otherwise be contrary to this Act.

Shire of Wyndham East Kimberley - Local Government Property Local Law 2003

Clause 3.4 (2) - Conditions which may be imposed on a permit

Without limiting clause 3.3 (1)(a) and subclause (1), the following paragraphs indicate the type and content of the conditions on which a permit to hire local government property may be issued -

.....

- (h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the Liquor Licensing Act 1988.

Clause 3.15 - Permit required for possession and consumption of liquor

- (1) A person, on local government property, shall not consume any liquor or have in her or his possession or under her or his control any liquor, unless -
 - (a) that is permitted under the Liquor Licensing Act 1988; and
 - (b) a permit has been obtained for that purpose.
- (2) Subclause (1) does not apply where liquor is in a sealed container.

Clause 4.4 - Intoxicated persons not to enter local government property

A person shall not enter or remain on local government property while under the influence of liquor or a prohibited drug.

Shire of Wyndham East Kimberley - Activities in Thoroughfares and Public Places and Trading Local Law 2005

Clause 2.3 - No possession and consumption of liquor on thoroughfare

- (1) *A person shall not consume any liquor or have in her or his possession or under her or his control any liquor on a thoroughfare unless -*
- (a) *that is permitted under the Liquor Licensing Act 1988 or under another written law; or*
 - (b) *the person is doing so in accordance with a permit.*
- (2) *Subclause (1) does not apply where the liquor is in a sealed container.*

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

Strategy 1.1.1: Investigate and implement options to encourage and integrate community input in Council planning, policies and decisions making.

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

It is not intended to undertake any community engagement as the recommended amendments to CP/COM 3584 Alcohol Management Policy are actions required as an outcome of the *Local Government (Audit) Regulations 1996*, Regulation 17 review, and to provide staff guidance in relation to BYO applications for unlicensed premises.

COMMENTS

The *Local Government (Audit) Regulations 1996*, Regulation 17 review identified the following action:-

“CP/COM 3583 Alcohol - The Policy be amended to require a formal risk assessment to be undertaken before granting a permit and for all events rated above medium risk to provide a risk management plan detailing risk treatment to reduce risk.”

The assessment of risks and the development of a Risk Management Plan will assist persons/organisations involved in the sale and/or consumption of alcohol to identify, analyse, evaluate, and put in place arrangements to manage risks. The Risk Management Plan will also be utilised to monitor and review existing arrangements to ensure ongoing effective risk management.

The Shire already requires the development of Risk Management Plans for public events (draft Organisational Directive), CP/COM 3583 Alcohol Management Policy (refer Attachment 1) has been amended to also reflect the requirement for the development of Risk Management Plans when alcohol is being sold and/or consumed on:-

1. Private Land - BYO Applications
2. Land Owned or Managed by the Shire
3. At Shire Community Facilities
4. Public Events.

It was also identified that CP/COM 3583 Alcohol Management Policy did not provide guidance for staff regarding applications for BYO consumption of alcohol at unlicensed restaurants and cafes. The Policy has been amended with a new section inserted, Private Land - BYO Applications (refer Attachment 1) to address this matter.

ATTACHMENTS

Attachment 1 - Amended draft CP/COM 3583 Alcohol Management Policy

12.3.10. Review of Baby Tree Policy

DATE:	18 July 2017
AUTHOR:	Community Development Officer
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
FILE NO:	CR.06.2
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopts the amended CP/3583 Baby Tree Policy as detailed in Attachment 1.

COUNCIL DECISION

Minute No: 18/07/2017-11730

Commissioner resolved:

That Council adopts the amended CP/3583 Baby Tree Policy as detailed in Attachment 1.

Carried 1/0

PURPOSE

To review and update CP/3583 Baby Tree Policy in relation to privacy amendments and the protection of information supplied by parents/guardians when registering children for the program.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Provider - provide physical infrastructure and essential services.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The purpose of the Baby Tree Program is to build a sense of belonging and community spirit through recognising babies born within the Shire. It is recognised that there is a lot of history and sentimental attachment to the baby tree program. The intent of CP/3583 Baby Tree Policy

is to acknowledge and consider this history, as well as provide guidelines for the program to achieve the benefits of the program in the most effective and sustainable manner.

The Baby Tree Policy was adopted by Council at the 24 November 2015 Ordinary Council Meeting:

COUNCIL DECISION

Minute No. 11189

Moved: Cr K Wright

Seconded: Cr N Perry

That Council adopt the attached Draft Baby Tree Policy.

Carried 8/1

**For: Cr K Wright, Cr B Robinson, Cr S Cooke, Cr N Perry, Cr E Bolto,
Cr J Parker, Cr A Petherick, Cr D Spackman**

Against: Cr S Rushby

Each year parents register children born within the Shire, once the registration period closes, a plaque is manufactured, listing the registered children's date of birth and name. The plaque is then attached to a plinth where the Baby tree has been planted, in Wyndham and Kununurra respectively.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this item.

POLICY IMPLICATIONS

The amendment of CP/3583 Baby Tree Policy to include the completion of a registration form and signed privacy declaration.

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

Strategy 3.1.4 : Facilitate activities that link communities.

Strategy 3.5.1 : Promote an increase in the number of outdoor (public) events and promote cultural diversity

RISK IMPLICATIONS

Risk: Identify theft from the display of personal information on Baby Tree plinth.

Control: The authorisation of the registration form and declaration by parents acknowledges the risk associated with the information provided for inclusion on the Baby Tree plinth.

COMMUNITY ENGAGEMENT

No community engagement required as recommended Policy changes reflect duty of care.

COMMENTS

During the 2016 Baby Tree Program, concerns around privacy and identity theft were brought to the Shire's attention by a community member through Facebook. Following receipt of this information the Shire sought advice from the Department of the Attorney General who referred the Shire to IDCare for further information and clarification.

IDCare provided concise feedback surrounding identity theft, noting that typically name and date of birth alone, whilst contained within passports and driver licences, are not considered to present a heightened risk of direct identity misuse.

The Shire informed all registered parents of the concern, potential risk and requested an updated registration form and privacy declaration. The updated registration form notes the information displayed is at the discretion of the parents of the child registered for the Baby Tree Program. The declaration acknowledges the Shire takes no responsibility for the misuse of the information the parents have provided. These amendments have been reflected in CP/3583 Baby Tree Policy (refer Attachment1).

ATTACHMENTS

Attachment 1 - Amended Baby Tree Policy

Attachment 2 - Baby Tree Registration Form

12.3.11. Response to letters sent regarding Fluoridation

DATE:	18 July 2017
AUTHOR:	Environmental Health Officer
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council note the responses received from the Minister for Health and the Director General - Health in relation to concerns from members of the community regarding the planned fluoridation of the Kununurra local water supply.

COUNCIL DECISION

Minute No: 18/07/2017-11731

Commissioner resolved:

That Council note the responses received from the Minister for Health and the Director General - Health in relation to concerns from members of the community regarding the planned fluoridation of the Kununurra local water supply.

Carried 1/0

PURPOSE

To inform Council of the response from the Minister for Health and the The Director General - Health to community concerns regarding the planned fluoridation of the water supply for Kununurra in 2017.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Advocator - Advocate and support initiatives on behalf of the local community and the Kimberley

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At the Annual General Meeting of Electors held on 31 January 2017 members of the community advised the Council of the 845 plus residents that have signed a petition that they

do not consent to the addition of chemicals into the public water supply. This concern was discussed at the Ordinary Council Meeting in February 2017 where council resolved to:

COUNCIL DECISION:

Minute No: 11604

Commissioner resolved:

That Council:

- 1. Request the Chief Executive Officer to write a letter to the Minister of Health advising the Minister of the 845 plus residents request for the proposed fluoridation of the local water supply to cease.**
- 2. Request the Chief Executive Officer to write a letter to the newly appointed Minister of Health following the State election enclosing the 845 plus residents petition; outlining the residents request for the fluoridation of the town's water supply to cease.**
- 3. Request the Chief Executive Officer to write a letter to the Director General of the Health Department requesting a survey be undertaken of local residents to ascertain their position on the fluoridation of their water supply.**

Carried 1/0

In response to this resolution, letters were sent to the Minister for Health, the Hon. Roger Cook MLA and The Director General of the Health Department, Dr DJ Russell-Weisz, on 3 May 2017.

STATUTORY IMPLICATIONS

Nil

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 1.1: Strong community engagement

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

community groups

Objective 1.3: Advocacy of East Kimberley issues and opportunities at regional, state and national levels

Strategy 1.1.1: Investigate and implement options to encourage and integrate community input in Council planning, policies and decisions making.

Strategy 1.3.1 : Actively provide input to decision making at the Regional, State and Federal levels on behalf of the community

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Both the Minister for Health and the Director General have acknowledged the concerns raised by some members of the community with regard to the planned fluoridation of the local Kununurra water supply. Refer Attachment 1 and 2. However, according to the Minister the overriding driver for public health decisions always remains the protection of the health of the community as a whole. As the fluoridation of drinking water is supported by overwhelming scientific evidence and is supported both in the *WA State Oral Health Plan 2016-2020* and the Commonwealth Government's National Oral Health Plan, and numerous other research agencies and government bodies in Australia and worldwide, there is enough evidence to satisfy the Department of Health that fluoridation of the Kununurra local water supply is warranted. Community engagement will continue to be a priority and further queries are welcomed during the planned community information sessions to be held prior to the commencement of fluoridation in December 2017.

ATTACHMENTS

Attachment 1 - 3.2.2.1 Fluoridation Response - Minister for Health

Attachment 2 - 3.2.2.2 Fluoridation Response - Director General

12.4. CORPORATE SERVICES

12.4.1. Annual Budget 2017/18

DATE:	18 July 2017
AUTHOR:	Coordinator Financial Management
RESPONSIBLE OFFICER:	Director Corporate Services, Vernon Lawrence
FILE NO:	FM.02.16
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT 1

Absolute Majority

OFFICER'S RECOMMENDATION 1

1. That Council notes the following categories for 2017/18 rating purposes have been incorporated into the revised *Council Policy CP/FIN-3200 Strategic Rating* endorsed at the 26 April 2017 Ordinary Council Meeting (Minute No: 11663) and subsequently revised at the 13 June Ordinary Council Meeting (Minute No: 11705):

GRV Residential

Includes all GRV valued land within the town site which is used primarily for residential purposes with the exception of Transient Accommodation and as outlined in Appendix A of *Council Policy CP/FIN-3200 Strategic Rating*.

GRV Other Vacant

Includes all GRV valued land within the town site which is deemed to be vacant land (unimproved land).

GRV Commercial

Includes all GRV land which is used primarily for commercial purposes, and may include land uses such as caravan parks, fast food outlets, hotels, restaurants, boarding houses or veterinary consulting rooms as outlined in Appendix A of *Council Policy CP/FIN-3200 Strategic Rating*.

GRV Industrial

Includes all GRV valued land which is used primarily for industrial purposes and as outlined in Appendix A of the *Council Policy CP/FIN-3200 Strategic Rating*.

UV Rural Residential Includes all UV valued land located outside the gazetted town site that is zoned Rural Living, Rural Smallholding and Special Rural which is used primarily for or capable of being used

primarily for rural residential purposes.

UV Pastoral

Includes all UV valued land located outside the gazetted town site which is used or capable of use primarily for pastoral purposes. Properties such as these have the characteristics of a commercial operation in an undeveloped and sparsely populated area.

UV Commercial/Industrial

Includes all UV valued land located outside the gazetted town site that is used primarily for, or capable of being used primarily for commercial, industrial and/or tourism purposes.

UV Rural Agriculture 1

Includes all UV valued land located outside the gazetted town site which is zoned Rural Agriculture 1 or General Rural which is used or capable of being used primarily for extensive agriculture, agroforestry and/or horticultural purposes.

UV Rural Agriculture 2

Includes all UV valued land located outside the gazetted town site which is zoned Rural Agriculture 2 which is used primarily for, or is capable of use primarily for intensive agriculture and/or horticultural purposes.

UV Mining

Includes all UV valued land located outside the gazetted town site which is used primarily for mining purposes and encompasses mining leases, petroleum exploration permits and general purpose mining leases.

UV Exploration and Prospecting

Includes all UV valued land located outside the gazetted town site which is used primarily for mining purposes and encompasses exploration and prospecting licences.

UV Other Includes all UV valued land located outside the gazetted town site which is not otherwise rated as Rural Residential, Pastoral, Rural Agriculture 1, Rural Agriculture 2, Mining or Mining Vacant.

COUNCIL DECISION

Minute No: 18/07/2017-11732

Commissioner resolved:

1. That Council notes the following categories for 2017/18 rating purposes have been incorporated into the revised *Council Policy CP/FIN-3200 Strategic Rating* endorsed at the 26 April 2017 Ordinary Council Meeting (Minute No: 11663) and subsequently revised at the 13 June Ordinary Council Meeting (Minute No: 11705):

GRV Residential

Includes all GRV valued land within the town site which is used primarily for residential purposes with the exception of Transient Accommodation and as outlined in Appendix A of *Council Policy CP/FIN-3200 Strategic Rating*.

GRV Other Vacant

Includes all GRV valued land within the town site which is deemed to be vacant land (unimproved land).

GRV Commercial

Includes all GRV land which is used primarily for commercial purposes, and may include land uses such as caravan parks, fast food outlets, hotels, restaurants, boarding houses or veterinary consulting rooms as outlined in Appendix A of *Council Policy CP/FIN-3200 Strategic Rating*.

GRV Industrial

Includes all GRV valued land which is used primarily for industrial purposes and as outlined in Appendix A of the *Council Policy CP/FIN-3200 Strategic Rating*.

UV Rural Residential Includes all UV valued land located outside the gazetted town site that is zoned Rural Living, Rural Smallholding and Special Rural which is used primarily for or capable of being used primarily for rural residential purposes.

UV Pastoral

Includes all UV valued land located outside the gazetted town site which is used or capable of use primarily for pastoral purposes. Properties such as these have the characteristics of a commercial operation in an undeveloped and sparsely populated area.

UV Commercial/Industrial

Includes all UV valued land located outside the gazetted town site that is used primarily for, or capable of being used primarily for commercial, industrial and/or tourism purposes.

UV Rural Agriculture 1

Includes all UV valued land located outside the gazetted town site which is zoned Rural Agriculture 1 or General Rural which is used or capable of being used primarily for extensive agriculture, agroforestry and/or horticultural purposes.

UV Rural Agriculture 2

Includes all UV valued land located outside the gazetted town site which is zoned Rural Agriculture 2 which is used primarily for, or is capable of use primarily for intensive agriculture and/or horticultural purposes.

UV Mining

Includes all UV valued land located outside the gazetted town site which is used primarily for mining purposes and encompasses mining leases, petroleum exploration permits and general purpose mining leases.

UV Exploration and Prospecting

Includes all UV valued land located outside the gazetted town site which is used primarily for mining purposes and encompasses exploration and prospecting licences.

UV Other Includes all UV valued land located outside the gazetted town site which is not otherwise rated as Rural Residential, Pastoral, Rural Agriculture 1, Rural Agriculture 2, Mining or Mining Vacant.

Carried 1/0

VOTING REQUIREMENT 2

Absolute Majority

OFFICER'S RECOMMENDATION 2

That Council, pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995, adopts the *Council Policy CP/FIN-3200 Strategic Rating* and imposes differential general rates and minimum payments on Gross Rental Value properties and Unimproved Value properties for the 2017/18 financial year as follows:

As per Ordinary Council Meeting 13 June 2017 (Minute No: 13/06/2017-11705):

Adopted Rate or Payment - 13 June 2017

Differential Rating Category	Dollars	Minimum Payment \$
GRV Residential	0.0953	1,112
GRV Other Vacant	0.1430	1,112
GRV Commercial	0.1240	1,112
GRV Industrial	0.1144	1,112
UV Rural Residential	0.0110	1,112
UV Pastoral	0.0570	1,112
UV Commercial/Industrial	0.0077	1,112
UV Rural Agriculture 1	0.0116	1,112
UV Rural Agriculture 2	0.0094	1,112
UV Mining	0.2821	1,112
UV Exploration and Prospecting	0.1411	310
UV Other	0.0065	1,112

COUNCIL DECISION

Minute No: 18/07/2017-11733

Commissioner resolved:

That Council, pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995, adopts the *Council Policy CP/FIN-3200 Strategic Rating* and imposes differential general rates and minimum payments on Gross Rental Value properties and Unimproved Value properties for the 2017/18 financial year as follows:

As per Ordinary Council Meeting 13 June 2017 (Minute No: 13/06/2017-11705):

Adopted Rate or Payment - 13 June 2017		
Differential Rating Category	Dollars	Minimum Payment \$
GRV Residential	0.0953	1,112
GRV Other Vacant	0.1430	1,112
GRV Commercial	0.1240	1,112
GRV Industrial	0.1144	1,112
UV Rural Residential	0.0110	1,112
UV Pastoral	0.0570	1,112
UV Commercial/Industrial	0.0077	1,112
UV Rural Agriculture 1	0.0116	1,112
UV Rural Agriculture 2	0.0094	1,112
UV Mining	0.2821	1,112
UV Exploration and Prospecting	0.1411	310
UV Other	0.0065	1,112

Carried 1/0

VOTING REQUIREMENT 3

Absolute Majority

OFFICER'S RECOMMENDATION 3

That the Council, pursuant to section 66 of the *Waste Avoidance and Resource Recovery Act 2007*, adopts a general rate for the Waste Management Charge to be imposed on all rated properties for the 2017/18 financial year at a rate in the dollar of:

RATE TYPE	Rate in \$ cents
GRV - Residential	0.0001
GRV - Other Vacant	0.0001
GRV - Commercial	0.0001
GRV - Industrial	0.0001
UV - Rural Residential	0.0001
UV - Pastoral	0.0001
UV - Commercial/Industrial	0.0001
UV - Rural Agriculture 1	0.0001
UV - Rural Agriculture 2	0.0001
UV - Mining	0.0001
UV - Exploration and Prospecting	0.0001
UV - Other	0.0001

COUNCIL DECISION

Minute No: 18/07/2017-11734

Commissioner resolved:

That the Council, pursuant to section 66 of the *Waste Avoidance and Resource Recovery Act 2007*, adopts a general rate for the Waste Management Charge to be imposed on all rated properties for the 2017/18 financial year at a rate in the dollar of:

RATE TYPE	Rate in \$ cents
GRV - Residential	0.0001
GRV - Other Vacant	0.0001
GRV - Commercial	0.0001
GRV - Industrial	0.0001
UV - Rural Residential	0.0001
UV - Pastoral	0.0001
UV - Commercial/Industrial	0.0001
UV - Rural Agriculture 1	0.0001
UV - Rural Agriculture 2	0.0001
UV - Mining	0.0001
UV - Exploration and Prospecting	0.0001
UV - Other	0.0001

Carried 1/0

VOTING REQUIREMENT 4

Absolute Majority

OFFICER'S RECOMMENDATION 4

That the Council adopt a minimum payment to apply to the Waste Management Charge imposed on all rated properties in accordance with section 66 of the *Waste Avoidance and Resource Recovery Act 2007* and Part 5 of the *Local Government (Financial Management) Regulations 1996* for the 2017/18 financial year of:

	Minimum Payment
RATE TYPE	\$
GRV - Residential	200
GRV - Other Vacant	200
GRV - Commercial	200
GRV - Industrial	200
UV - Rural Residential	200
UV - Pastoral	200
UV - Commercial/Industrial	200
UV - Rural Agriculture 1	200
UV - Rural Agriculture 2	200
UV - Mining	200
UV - Exploration and Prospecting	200
UV - Other	200

COUNCIL DECISION

Minute No: 18/07/2017-11735

Commissioner resolved:

That the Council adopt a minimum payment to apply to the Waste Management Charge imposed on all rated properties in accordance with section 66 of the *Waste Avoidance and Resource Recovery Act 2007* and Part 5 of the *Local Government (Financial Management) Regulations 1996* for the 2017/18 financial year of:

	Minimum Payment
RATE TYPE	\$
GRV - Residential	200
GRV - Other Vacant	200
GRV - Commercial	200
GRV - Industrial	200
UV - Rural Residential	200
UV - Pastoral	200
UV - Commercial/Industrial	200
UV - Rural Agriculture 1	200
UV - Rural Agriculture 2	200
UV - Mining	200
UV - Exploration and Prospecting	200
UV - Other	200

Carried 1/0

VOTING REQUIREMENT 5

Absolute Majority

OFFICER'S RECOMMENDATION 5

That Council:

1. Pursuant to section 6.12(1)(b) of the *Local Government Act 1995*, approves a waiver of fees associated with the issuing of domestic waste vouchers to be provided for the period 1 August 2017 to 31 July 2018 for properties within the following rating categories:

Yellow Domestic Waste Vouchers will be issued to properties in the following rating categories where the property has a domestic residence:

- a. GRV Residential
- b. UV Rural Residential
- c. UV Rural Agriculture 1
- d. UV Rural Agriculture 2

Red Domestic Waste Vouchers will be issued to properties at the price set out in the 2017/18 Schedule of Fees and Charges for the following rating categories where the property has a domestic residence and a waste collection service is not provided:

- a. GRV Residential
- b. UV Rural Residential
- c. UV Rural Agriculture 1
- d. UV Rural Agriculture 2

2. Notes that a Yellow Domestic Waste Voucher entitles the user to dispose of 1 cubic metre (6x4 trailer plus 1 Sulo bin or 4 Sulo bins or 16 domestic bin bags) of domestic waste per annum.

3. Notes that a Red Domestic Waste Voucher entitles the user to dispose of 52 x 240 Litres (equivalent size to a green rubbish Sulo bin) of domestic waste per annum.

COUNCIL DECISION

Minute No: 18/07/2017-11736

Commissioner resolved:

That Council:

1. Pursuant to section 6.12(1)(b) of the *Local Government Act 1995*, approves a waiver of fees associated with the issuing of domestic waste vouchers to be provided for the period 1 August 2017 to 31 July 2018 for properties within the following rating categories:

Yellow Domestic Waste Vouchers will be issued to properties in the following rating categories where the property has a domestic residence:

- a. GRV Residential**
- b. UV Rural Residential**
- c. UV Rural Agriculture 1**
- d. UV Rural Agriculture 2**

Red Domestic Waste Vouchers will be issued to properties at the price set out in the 2017/18 Schedule of Fees and Charges for the following rating categories where the property has a domestic residence and a waste collection service is not provided:

- a. GRV Residential**
- b. UV Rural Residential**
- c. UV Rural Agriculture 1**
- d. UV Rural Agriculture 2**

2. Notes that a Yellow Domestic Waste Voucher entitles the user to dispose of 1 cubic metre (6x4 trailer plus 1 Sulo bin or 4 Sulo bins or 16 domestic bin bags) of domestic waste per annum.

3. Notes that a Red Domestic Waste Voucher entitles the user to dispose of 52 x 240 Litres (equivalent size to a green rubbish Sulo bin) of domestic waste per annum.

Carried 1/0

VOTING REQUIREMENT 6

Absolute Majority

OFFICER'S RECOMMENDATION 6

That the Council pursuant to section 6.45 of the *Local Government Act 1995* and in accordance with Regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, nominates the following due dates for the payment of rates and service charges for the 2017/18 financial year:

- a. 8 September 2017 or to pay in full within 35 days of the issue of the rates notice;
- b. To pay by 2 equal instalments being:
 - i. 50% of the rates: 8 September 2017 or within 35 days of the issue of the rates notice;
 - ii. 50% of the rates: 12 January 2018 or within 4 months of (i);
- c. To pay by 4 (25%) equal instalments being:
 - i. 8 September 2017 or within 35 days of the issue of the rates notice;
 - ii. 10 November 2017 or within 2 months of (i);
 - iii. 12 January 2018 or within 2 months of (ii);
 - iv. 16 March 2018 or within 2 months of (iii) being 6 months from the expiration of the initial 35 day period and 6 months and 35 days from the date of issue of the rates notice.

COUNCIL DECISION

Minute No: 18/07/2017-11737

Commissioner resolved:

That the Council pursuant to section 6.45 of the *Local Government Act 1995* and in accordance with Regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, nominates the following due dates for the payment of rates and service charges for the 2017/18 financial year:

- a. 8 September 2017 or to pay in full within 35 days of the issue of the rates notice;**
- b. To pay by 2 equal instalments being:**
 - i. 50% of the rates: 8 September 2017 or within 35 days of the issue of the rates notice;**
 - ii. 50% of the rates: 12 January 2018 or within 4 months of (i);**
- c. To pay by 4 (25%) equal instalments being:**
 - i. 8 September 2017 or within 35 days of the issue of the rates notice;**
 - ii. 10 November 2017 or within 2 months of (i);**
 - iii. 12 January 2018 or within 2 months of (ii);**
 - iv. 16 March 2018 or within 2 months of (iii) being 6 months from the expiration of the initial 35 day period and 6 months and 35 days from the date of issue of the rates notice.**

Carried 1/0

VOTING REQUIREMENT 7

Absolute Majority

OFFICER'S RECOMMENDATION 7

- 1. That Council pursuant to section 6.16 of the Local Government Act 1995, adopts the amended Schedule of Fees and Charges for 2017/18 outlined in Attachment 2 to be effective from either 1 July 2017 or 1 January 2018, whichever date is indicated in Attachment 2.**
- 2. Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 68 of the *Local Government (Financial Management) Regulations 1996*, imposes an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option (excluding eligible pensioners and seniors).**
- 3. Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*, imposes an instalment administration charge where the owner has elected to pay rates and service charges through an instalment option of \$11.80 per instalment after the initial instalment is paid.**
- 4. Pursuant to Section 6.16 of the *Local Government Act 1995* and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*, impose an administration fee of \$59.70 on any ratepayer who wishes to negotiate a rates special payment arrangement.**

COUNCIL DECISION

Minute No: 18/07/2017-11738

Commissioner resolved:

- 1. That Council pursuant to section 6.16 of the Local Government Act 1995, adopts the amended Schedule of Fees and Charges for 2017/18 outlined in Attachment 2 to be effective from either 1 July 2017 or 1 January 2018, whichever date is indicated in Attachment**
- 2. Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 68 of the *Local Government (Financial Management) Regulations 1996*, imposes an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option (excluding eligible pensioners and seniors).**
- 3. Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*, imposes an instalment administration charge where the owner has elected to pay rates and service charges through an instalment option of \$11.80 per instalment after the initial instalment is paid.**
- 4. Pursuant to Section 6.16 of the *Local Government Act 1995* and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*, impose an administration fee of \$59.70 on any ratepayer who wishes to negotiate a rates special payment arrangement.**

Carried 1/0

VOTING REQUIREMENT 8

Absolute Majority

OFFICER'S RECOMMENDATION 8

That the Council:

1. Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the *Local Government Act 1995* and Regulation 70 of the *Local Government (Financial Management) Regulations 1996*, imposes an interest rate of 9% for rates (and charges) and costs of proceedings to recover such charges that remain unpaid after becoming due and payable (excluding eligible pensioners and seniors).

COUNCIL DECISION

Minute No: 18/07/2017-11739

Commissioner resolved:

That the Council:

1. Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the *Local Government Act 1995* and Regulation 70 of the *Local Government (Financial Management) Regulations 1996*, imposes an interest rate of 9% for rates (and charges) and costs of proceedings to recover such charges that remain unpaid after becoming due and payable (excluding eligible pensioners and seniors).

Carried 1/0

VOTING REQUIREMENT 9

Absolute Majority

OFFICER'S RECOMMENDATION 9

That the Council:

1. Pursuant to Section 6.13 of the *Local Government Act 1995*, impose interest at 9% on any amount of money (other than rates and service charges which is owed to Shire and has been owed for a period of 35 days in accordance with *Council Policy CP/FIN-3214- Sundry Debt Collection*

COUNCIL DECISION

Minute No: 18/07/2017-11740

Commissioner resolved:

That the Council:

1. Pursuant to Section 6.13 of the *Local Government Act 1995*, impose interest at 9% on any amount of money (other than rates and service charges which is owed to Shire and has been owed for a period of 35 days in accordance with *Council Policy CP/FIN-3214- Sundry Debt Collection*

Carried 1/0

VOTING REQUIREMENT 10

Absolute Majority

OFFICER'S RECOMMENDATION 10

That the Council:

1. Notes that the following annual attendance fees and annual allowances in addition to the annual attendance fees have been incorporated into the 2017/18 Budget (Attachment 1) as adopted at the 26 April 2017 Ordinary Meeting of Council (Minute No. 11665):

Description	2016/17 Adopted in Minute No: 11490		2017/18 Proposed 70%		2017/18 Proposed from 21/10/2017	
	Individual Members	All Members	Individual Members	All Members	Individual Members	All Members
Annual Attendance Fees for a Council Member other than the President	23,000	184,000	16,100	128,800	11,116	88,928
Annual Attendance Fee for a Council Member who holds the office of President	30,841	30,841	21,589	21,589	14,905	14,905
Annual Allowance for a President	62,727	62,727	43,909	43,909	30,315	30,315
Annual Allowance for a Deputy President (25%)	15,682	15,682	10,977	10,977	7,579	7,579
ICT Allowance	Nil	Nil	2,400	21,600	1,657	14,913
TOTAL	132,250	293,250	94,975	226,875	65,572	156,640

2. Notes the revised Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements adopted at the 26 April 2017 Ordinary Meeting of Council (Minute No. 11665):

- a. The President's Annual Meeting Attendance Fee is 70% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.

- b. The Elected Members Annual Meeting Attendance Fee is 70% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.
- c. The President's Annual Allowance is 70% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.
- d. The Deputy President's Annual Allowance is 25% of the President's Allowance.
- e. The Elected Members will receive an ICT Allowance of \$2,400 per annum

For the 2017/18 financial year, adopt the maximum Salaries and Allowances Tribunal (SAT) determination levels so that:

3. Pursuant to section 5.99 of the Local Government Act 1995, adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:
 - a. President \$21,589
 - b. Councillors \$16,100
4. Pursuant to section 5.98(5) of the Local Government Act 1995, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:
 - a. President \$43,909
5. Pursuant to section 5.98(5) of the Local Government Act 1995, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:
 - a. Deputy President \$10,977
6. Notes that that per Schedule 2.4, clause 5 of the Local Government Act 1995 the Minister for Local Government; Community Services; Seniors and Volunteering; Youth has determined the remuneration paid to the Commissioner is \$35,000 per quarter plus expenses until a new Council is elected in October 2017.

COUNCIL DECISION

Minute No: 18/07/2017-11741

Commissioner resolved:

That the Council:

1. Notes that the following annual attendance fees and annual allowances in addition to the annual attendance fees have been incorporated into the 2017/18 Budget (Attachment 1) as adopted at the 26 April 2017 Ordinary Meeting of Council (Minute No. 11665):

Description	2016/17 Adopted in Minute No: 11490		2017/18 Proposed 70%		2017/18 Proposed from 21/10/2017	
	Individual Members	All Members	Individual Members	All Members	Individual Members	All Member
Annual Attendance Fees for a Council Member other than the President	23,000	184,000	16,100	128,800	11,116	88,92
Annual Attendance Fee for a Council Member who holds the office of President	30,841	30,841	21,589	21,589	14,905	14,90
Annual Allowance for a President	62,727	62,727	43,909	43,909	30,315	30,31
Annual Allowance for a Deputy President (25%)	15,682	15,682	10,977	10,977	7,579	7,57
ICT Allowance	Nil	Nil	2,400	21,600	1,657	14,91
TOTAL	132,250	293,250	94,975	226,875	65,572	156,64

3. Notes the revised Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements adopted at the 26 April 2017 Ordinary Meeting of Council (Minute No. 11665):

- a. The President's Annual Meeting Attendance Fee is 70% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.
- b. The Elected Members Annual Meeting Attendance Fee is 70% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.
- c. The President's Annual Allowance is 70% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.
- d. The Deputy President's Annual Allowance is 25% of the President's Allowance.
- e. The Elected Members will receive an ICT Allowance of \$2,400 per annum

For the 2017/18 financial year, adopt the maximum Salaries and Allowances Tribunal (SAT) determination levels so that:

4. Pursuant to section 5.99 of the Local Government Act 1995, adopts the following annual fees for payment of elected members in lieu of individual

meeting attendance fees:

- a. President \$21,589
- b. Councillors \$16,100

7. Pursuant to section 5.98(5) of the Local Government Act 1995, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

- a. President \$43,909

8. Pursuant to section 5.98(5) of the Local Government Act 1995, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

- a. Deputy President \$10,977

Notes that that per Schedule 2.4, clause 5 of the Local Government Act 1995 the Minister for Local Government; Community Services; Seniors and Volunteering; Youth has determined the remuneration paid to the Commissioner is \$35,000 per quarter plus expenses until a new Council is elected in October 2017.

Carried 1/0

VOTING REQUIREMENT 11

Absolute Majority

OFFICER'S RECOMMENDATION 11

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.

COUNCIL DECISION

Minute No: 18/07/2017-11742

Commissioner resolved:

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 1/0

VOTING REQUIREMENT 12

Absolute Majority

OFFICER'S RECOMMENDATION 12

That Council, in accordance with section 6.11 of the Local Government Act 1995, approves:

- i. the establishment of a Capital Works Reserve where the purpose is “to ensure that funds allocated to Capital Works Projects remain available for future Capital Works if amounts are not expended at the end of a financial year”**
- ii. the establishment of a Municipal Property Revaluation Reserve where the purpose is “to hold funds for the expenditure relating to Municipal Property Revaluation conducted every 4 years.”**
- iii. the establishment of a Election Expenditure Reserve where the purpose is “to hold funds for expenditure relating to Council Elections conducted every 2 years.”**

COUNCIL DECISION

Minute No: 18/07/2017-11743

Commissioner resolved:

That Council, in accordance with section 6.11 of the Local Government Act 1995, approves:

- i. the establishment of a Capital Works Reserve where the purpose is “to ensure that funds allocated to Capital Works Projects remain available for future Capital Works if amounts are not expended at the end of a financial year”**
- ii. the establishment of a Municipal Property Revaluation Reserve where the purpose is “to hold funds for the expenditure relating to Municipal Property Revaluation conducted every 4 years.”**
- iii. the establishment of a Election Expenditure Reserve where the purpose is “to hold funds for expenditure relating to Council Elections conducted every 2 years.**

Carried 1/0

VOTING REQUIREMENT 13

Absolute Majority

OFFICER'S RECOMMENDATION 13

That Council, in accordance with section 6.11 of the Local Government Act 1995, approves the modification of the purpose of the following reserve to be;

- 1. Drainage Reserve - to provide for the maintenance, renewal, upgrade of existing and new drainage Infrastructure within the Shire of Wyndham East Kimberley**

COUNCIL DECISION

Minute No: 18/07/2017-11744

Commissioner resolved:

**That Council, in accordance with section 6.11 of the Local Government Act 1995, approves the modification of the purpose of the following reserve to be;
Drainage Reserve - to provide for the maintenance, renewal, upgrade of existing and new drainage Infrastructure within the Shire of Wyndham East Kimberley.**

Carried 1/0

VOTING REQUIREMENT 14

Absolute Majority

OFFICER'S RECOMMENDATION 14

That Council adopts the revised Council Policy CP/FIN-3201 Significant Accounting Policies provided in (Attachment 3).

COUNCIL DECISION

Minute No: 18/07/2017-11745

Commissioner resolved:

That Council adopts the revised Council Policy CP/FIN-3201 Significant Accounting Policies provided in (Attachment 3).

Carried 1/0

VOTING REQUIREMENT 15

Absolute Majority

OFFICER'S RECOMMENDATION 15

Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, Council adopt the Municipal Fund Budget as contained in Attachment 1 of this agenda, for the Shire of Wyndham East Kimberley for the 2017/18 financial year which includes the following:

1. Statement of Comprehensive Income by Nature and Type
2. Statement of Comprehensive Income by Program
3. Statement of Cash Flows;
4. Rate Setting Statement showing a net amount required to be raised from rates (after the inclusion of concessions and ex-gratia rates) of \$10,376,869;
5. Notes to and Forming Part of the Budget;
6. Fees and Charges Schedule.

COUNCIL DECISION

Minute No: 18/07/2017-11746

Commissioner resolved:

Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, Council adopt the Municipal Fund Budget as contained in Attachment 1 of this agenda, for the Shire of Wyndham East Kimberley for the 2017/18 financial year which includes the following:

1. Statement of Comprehensive Income by Nature and Type
2. Statement of Comprehensive Income by Program
3. Statement of Cash Flows;
4. Rate Setting Statement showing a net amount required to be raised from rates (after the inclusion of concessions and ex-gratia rates) of \$10,376,869;
5. Notes to and Forming Part of the Budget;
6. Fees and Charges Schedule.

Carried 1/0

PURPOSE

The purpose of this report is to consider the Municipal Fund Budget for the 2017/18 Financial Year together with the supporting schedules, including imposition of rates and minimum payments, adoption of the fees and charges, setting of Elected Members fees for the year and other consequential matters arising from the Budget papers.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Advocator - advocate and support initiatives on behalf of the community and the Kimberley

Facilitator - bring stakeholders together

Funder - provide funds or other resources

Leader - plan and provide direction through policy and practices

Provider - provide physical infrastructure and essential services

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The 2017/18 Budget has been prepared in accordance with the requirements of the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

The process of preparing the 2017/18 Budget commenced in early 2017. The budget process has comprehensively conducted detailed budget analysis and preparation, executive review and budget briefing workshops. The contents of the budget have been refined over this period after presentations, analysis and review by the Chief Executive Officer, executive and senior staff, followed by extensive workshops and consultation with the Commissioner and stakeholders.

The draft 2017-18 Budget has been developed within a strategic financial planning framework after due consideration of Council priorities and the resource allocation requirements of these priorities.

The process for the development of the draft 2017/18 Budget is in alignment with both the *Corporate Business Plan 2017/18 - 2020/21* and the Shire's *Strategic Community Plan*, to ensure the Shire is delivering on the vision "For the East Kimberley to be a thriving community with opportunities for all" in an achievable and sustainable manner.

Council is requested to re-adopt the Schedule of Fees and Charges for the 2017/18 financial year. In accordance with *section 6.16(1)* of the *Local Government Act 1995*, the Council may impose and recover a fee or charge for any goods or services it provides or proposes to provide, other than a service for which a service charge is imposed.

The Council has a number of charges, which are applicable from 1 July 2017, and therefore it was recommended that the proposed Schedule of Fees and Charges is adopted prior to the adoption of the annual budget so that all fees can apply from 1 July 2017.

All fees and charges were reviewed by Council Officers with their recommended changes incorporated in the Final Schedule of Fees and Charges adopted at the Ordinary Meeting of Council held on 26 April 2017 **Minute No: 26/04/2017 – 11661**, Shire officers referred to this document when compiling the 2017/2018 draft Budget.

Decisions of Council relevant to the 2017-18 budget process are as follows:

COUNCIL DECISION

Minute No: 28/02/2017-11618

Commissioner resolved:

That Council retain the current Differential Rates rating method for the raising of municipal rates.

Carried 1/0

COUNCIL DECISION

Minute No: 28/02/2017-11619

Commissioner resolved:

That Council:

- 1. Endorse a change to the process of awarding Rates Concessions to one of awarding Annual Community Grants to provide rate relief to Community Organisations.**
- 2. Amend the policy CP/COM-3582 Community Grants Scheme to accommodate these changes for consideration of Council.**
- 3. Endorse the proposed assessment model for the the Community Organisations applying for rates relief under the Community Grants Scheme.**
- 4. Rescind the policy CP/FIN-3209 Rates Concession (Rateable Land)**
- 5. Endorse Shire staff entering into a process of informing affected Community Organisations on the implementation of the change to the Annual Community Grants Scheme.**

Carried 1/0

COUNCIL DECISION

Minute No: 26/04/2017 – 11661

Commissioner resolved:

- 1. That Council adopts the proposed Fees and Charges for 2017/18 outlined in Attachment 1 to be effective from either 1 July 2017 or 1 January 2018, whichever date is indicated in Attachment 1.**
- 2. Requests the Chief Executive Officer to give local public notice of the Council's intention to impose the Schedule of Fees and Charges 2017/2018, to apply from**

1 July 2017, in accordance with section 6.19 of the Local Government Act 1995.

3. Pursuant to section 6.16 of the Local Government Act 1995, adopts the fees and charges for 2017/18 outlined in Attachment 1, effective from 1 January 2018 relating to Aerodromes:

- a. Fixed wing aircraft – MTOW - All fixed wing aircraft – per tonne pro rata - \$29.30 (including GST) and All fixed wing aircraft – one landing fee is applicable per one hour session of training circuits or one hour maintenance check flights - \$29.30 (including GST)**
- b. Fixed wing aircraft – General Aviation (GA) - All fixed wing aircraft – per tonne pro rata - \$20.20 (including GST) and All fixed wing aircraft – one landing fee is applicable per one hour session of training circuits or one hour maintenance check flights - \$20.20 (including GST)**
- c. Rotary Wing Aircraft - All fixed wing aircraft – per tonne pro rata - \$15.20 (including GST) and All fixed wing aircraft – one landing fee is applicable per one hour session of training circuits or one hour maintenance check flights - \$15.20 (including GST)**

5. Pursuant to section 67 of the Waste Avoidance and Resources Recovery Act 2007, imposes the following charges for the 2017/18 financial year effective from 1 July 2017:

- A. An annual waste receptacle charge of \$307.00 for one (1) service per week of verge collection waste from a 240 Litre mobile garbage bin;**
- B. An annual waste receptacle charge of \$507.00 for each additional service one (1) per week of verge collection waste from one (1) 240 Litre mobile garbage bin;**
- C. An annual waste receptacle charge of \$507.00 for one (1) service per week of verge collection waste from a 240 Litre mobile garbage bin; for exempt / non rateable properties.**

6. That Council pursuant to section 53 of the Cemeteries Act 1986 adopts the fees and charges for the Seven Mile Cemetery, Nine Mile Cemetery, Afghan Cemetery, Pioneer Cemetery, Gully Cemetery, Kununurra Cemetery, and other cemetery associated fees as specified in Attachment 1.

7. Pursuant to Regulation 53 of the Building Regulations 2012, a Swimming Pool

Inspection Levy of \$14.36 is set on each owner or occupier of land on which there is a swimming pool, for the 2017/18 financial year.

8. Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the Local Government Act 1995 and Regulation 70 of the Local Government (Financial Management) Regulations 1996, imposes an interest rate of 9% for rates (and charges) and costs of proceedings to recover such charges that remain unpaid after becoming due and payable (excluding eligible pensioners and seniors).

9. Pursuant to Section 6.45 of the Local Government Act 1995 and Regulation 68 of the Local Government (Financial Management) Regulations 1996, imposes an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option (excluding eligible pensioners and seniors).

10. Pursuant to Section 6.45 of the Local Government Act 1995 and Regulation 67 of the Local Government (Financial Management) Regulations 1996, imposes an instalment administration charge of \$11.80 per instalment after the initial instalment is paid.

11. Pursuant to Section 6.45 of the Local Government Act 1995 and Regulation 67 of the Local Government (Financial Management) Regulations 1996, impose a flat fee of \$59.70 plus administration charge of \$9.80 per instalment of payment arrangement on any ratepayer who wishes to negotiate a special payment arrangements.

Carried 1/0

COUNCIL DECISION

Minute No: 26/04/2017 – 11662

Commissioner resolved:

1. Pursuant to Section 6.13 of the Local Government Act 1995, impose interest at 9% on any amount of money (other than rates and service charges which is owed to Shire and has been owed for a period of 35 days in accordance with Council Policy CP/FIN-3214- Sundry Debt Collection.

Carried 1/0

COUNCIL DECISION

Minute No: 26/04/2017 – 11665

Commissioner resolved:

That Council:

1. Adopts the revised Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements noting the inclusion of reimbursements would now apply to:

a. The President's Annual Meeting Attendance Fee is 70% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.

b. The Elected Members Annual Meeting Attendance Fee is 70% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.

c. The President's Annual Allowance is 70% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.

d. The Deputy President's Annual Allowance is 25% of the President's Allowance.

e. The Elected Members will receive an ICT Allowance of \$2,400 per annum.

For the 2017/18 financial year, adopt the maximum Salaries and Allowances Tribunal (SAT) determination levels so that:

2. Pursuant to section 5.99 of the Local Government Act 1995, adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:

I. President \$21,589

II. Councillors \$16,100

3. Pursuant to section 5.98(5) of the Local Government Act 1995, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

I. President \$43,909

4. Pursuant to section 5.98(5) of the Local Government Act 1995, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

II. Deputy President \$10,977

Carried 1/0

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

COUNCIL DECISION

Minute No: 23/05/2017-11683

Commissioner resolved:

That Council endorse the draft Shire of Wyndham East Kimberley 2017/18 - 2020/21 Corporate Business Plan for community consultation.

Carried 1/0

COUNCIL DECISION

Minute No: 23/05/2017-11687

Commissioner resolved:

The Council endorse the Draft Budget 2017/18 for the purposes of community consultation.

Carried 1/0

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;

Differential Rates	2017/18				
	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.

Carried 1/0

STATUTORY IMPLICATIONS

Local Government Act 1995

Part 5 Administration

Division 5 - Annual reports and planning

5.56. Planning for the future

- (1) A local government is to plan for the future of the district.*
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district. Local*

Government (Administration) Regulations 1996

Part 5 - Annual reports and planning Division 3 - Planning for the future 19DA.

Corporate business plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) A corporate business plan for a district is to —*
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) A local government is to review the current corporate business plan for its district every year.*
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*
**Absolute majority required.*
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

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 (i) 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; or

Local Government Act 1995

Part 2 – Constitution of local government

Division 2 – Local governments and councils of local government

2.7. Role of council

(1) The council —

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

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

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

Local Government Act 1995

Part 6, Division 2 – Annual Budget

6.2. Local government to prepare annual budget

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

** Absolute majority required.*

(4) The annual budget is to incorporate —

(c) the fees and charges proposed to be imposed by the local government...

Local Government Act 1995

Part 6 - Financial management

Division 4 - General financial provisions Division

6.11. Reserve accounts

(1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.

(2) Subject to subsection

(3), before a local government —

- (a) changes* the purpose of a reserve account; or*
 - (b) uses* the money in a reserve account for another purpose, it must give one month's local public notice of the proposed change of purpose or proposed use. * Absolute majority required.*
- (3) A local government is not required to give local public notice under subsection*

(2) —

(a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or

(b) in such other circumstances as are prescribed.

- (4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.
- (5) Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
- (b) waive or grant concessions in relation to any amount of money; or
- (c) write off any amount of money, which is owed to the local government.

* Absolute majority required.

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

6.13. Interest on money owing to local governments

- (1) Subject to any other written law, a local government may resolve* to require a person to pay interest at the rate set in its annual budget on any amount of money (other than rates and service charges) which —
- (a) that person owes to the local government; and
- (b) has been owed for the period of time referred to in subsection (6).

* Absolute majority required.

- (2) A resolution under subsection (1) is to be included in the annual budget.
- (3) The rate of interest that may be set by the local government under this section is not to exceed the rate for the time being prescribed as the maximum rate of interest that may be set for the purposes of this section.
- (4) Where a local government imposes interest under subsection (1) on any outstanding amount of money the local government is not to also impose an additional charge in relation to that amount.
- (5) Accrued interest is, for the purpose of its recovery, taken to form part of the money owed to the local government on which it is charged.
- (6) A local government is not to impose interest on any amount of money under subsection (1) until the money has been owed to the local government for the period of time set by the local government in its annual budget (not being less than 35 days) after the date which is stated on the relevant account for payment as being the date the account was issued.
- (7) Regulations may provide for the method of calculation of interest.

Local Government Act 1995

Part 6, Division 5 – Financing local government activities

6.16 Imposition of fees and charges

(1) A local government may impose and recover a fee or charge for any goods and service it provides or proposed to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

(2) A fee or charge may be imposed for the following —

(a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;

(b) supplying a service or carrying out work at the request of a person;

(c) subject to section 5.94, providing information from local government records;

(d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;

(e) supplying goods;

(f) such other service as may be prescribed.

(3) Fees and charges are to be imposed when adopting the annual budget but may be —

(a) imposed during a financial year; and*

(b) amended from time to time during a financial year.*

** Absolute majority required.*

6.17 Setting level of fees and charges

(1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —

(a) the cost to the local government of providing the service or goods; and

(b) the importance of the service or goods to the community; and

(c) the price at which the service or goods could be provided by an alternative provider.

(2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.

(3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —

(a) under section 5.96; or

(b) under section 6.16(2)(d); or

(c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.

(4) Regulations may —

(a) prohibit the imposition of a fee or charge in prescribed circumstances; or

(b) limit the amount of a fee or charge in prescribed circumstances.

6.18. Effect of other written laws

(1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —

(a) determine an amount that is inconsistent with the amount determined under the other written law; or

(b) charge a fee or charge in addition to the amount determined by or under the other written law.

(2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

(a) its intention to do so; and

(b) the date from which it is proposed the fees or charges will be imposed.

6.2. Local government to prepare annual budget

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

* Absolute majority required.

(2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —

(a) the expenditure by the local government; and

(b) the revenue and income, independent of general rates, of the local government; and

(c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.

(3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.

(4) The annual budget is to incorporate —

(a) particulars of the estimated expenditure proposed to be incurred by the local government; and

(b) detailed information relating to the rates and service charges which will apply to land within the district including —

(i) the amount it is estimated will be yielded by the general rate; and

(ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges; and

(c) the fees and charges proposed to be imposed by the local government; and

(d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government; and

(e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used; and

(f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
(g) such other matters as are prescribed.

(5) Regulations may provide for —

(a) the form of the annual budget; and

(b) the contents of the annual budget; and

(c) the information to be contained in or to accompany the annual budget.

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, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005; or

(b) a purpose for which the land is held or used as determined by the local government; or

(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 a 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.

(5) A differential general rate that a local government purported to impose under this Act before the Local Government Amendment Act 2009 section 39(1)(a) came into operation is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.

6.34. Limit on revenue or income from general rates

Unless the Minister otherwise approves, the amount shown in the annual budget as being the amount it is estimated will be yielded by the general rate is not to —

(a) be more than 110% of the amount of the budget deficiency; or

(b) be less than 90% of the amount of the budget deficiency.

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; and
 - (b) to land rated on unimproved value; and
 - (c) to each differential rating category where a differential general rate is imposed.
- [Section 6.35 amended by No. 49 of 2004 s. 61.]

6.50. Rates or service charges due and payable

- (1) Subject to —
 - (a) subsections (2) and (3); and
 - (b) any concession granted under section 6.47; and
 - (c) the Rates and Charges (Rebates and Deferments) Act 1992, a rate or service charge becomes due and payable on such date as is determined by the local government.
- (2) The date determined by a local government under subsection (1) is not to be earlier than 35 days after the date noted on the rate notice as the date the rate notice was issued.
- (3) Where a person elects to pay a rate or service charge by instalments the second and each subsequent instalment does not become due and payable at intervals of less than 2 months.

Local Government (Financial Management) Regulations 1996

Part 2 – General financial management

5. CEO's duties as to financial management

- (1) Efficient systems and procedures are to be established by the CEO of a local government —
 - (g) to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.
- (2) The CEO is to —
 - (b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year).

Local Government (Financial Management) Regulations 1996

Part 5 – Rates and service charges

53. Amount prescribed for minimum payment (Act s. 6.35(4))

The amount prescribed for the purposes of section 6.35(4) is \$200.

Waste Avoidance and Resource Recovery Act 2007

Part 6, Division 3 – Local laws and local government rates, fees and charges

66. Local government may impose waste collection rate

(1) A local government may impose on rateable land within its district, and cause to be collected, an annual rate for the purpose of providing for the proper performance of all or any of the waste services it provides

(2) The annual rate must not exceed —

(a) 12 cents in the dollar on the gross rental value; or

(b) where the system of valuation on the basis of the unimproved value is adopted, 3 cents in the dollar on the unimproved value of the land in fee simple.

(3) The provisions of the Local Government Act 1995 relating to the making, payment and recovery of general rates apply with respect to rates referred to in subsection(1).

67. Local government may impose receptacle charge

(1) A local government may, in lieu of, or in addition to a rate under section 66, provide for the proper disposal of waste, whether within its district or not, by making an annual charge per waste receptacle, payable in one sum or by equal monthly or other instalments in advance, in respect of premises provided with a waste service by the local government.

(2) The charge is to be imposed on the owner (as defined in section 64(1)) or occupier, as the local government may decide, of any premises provided with a waste service by the local government.

(3) The provisions of the Local Government Act 1995 relating to the recovery of general rates apply with respect to a charge referred to in subsection (1).

(4) In the case of premises being erected and becoming occupied during the year for which payment is to be made, the charge for the service provided is to be the sum that proportionately represents the period between the occupation of the premises and the end of the year for which payment is made.

(5) Notice of any charge made under this section may be included in any notice of rates imposed under section 66 or the Local Government Act 1995, but the omission to give notice of a charge does not affect the validity of the charge or the power of the local government to recover the charge.

(6) A charge may be limited to premises in a particular portion of the area under the control of the local government.

(7) Charges under this section may be imposed in respect of and are to be payable for all premises in respect of which a waste service is provided, whether such premises are rateable or not.

(8) A local government may make different charges for waste services rendered in different portions of its district.

68. Fees and charges fixed by local government Nothing in this Part prevents or restricts a local government from imposing or recovering a fee or charge in respect of waste services under the Local Government Act 1995 section 6.16.

Cemeteries Act 1986

Part II – Cemeteries

Part VIII – Local laws, by-laws and regulations

53. Fees and charges

There are also numerous other sections of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* that deal with specific parts of the Annual Budget. Where relevant the sections and/or regulations have been specifically mentioned in the officer's recommendations.

POLICY IMPLICATIONS

Each of the Council Policies outlined below are relevant in the adoption of the annual budget:

- CP/FIN-3201 – Significant Accounting Policies
- CP/FIN-3200 – Strategic Rating
- CP/FIN-3208 – Rates Exemptions for Charitable Organisations (Non Rateable Land)
- CP/FIN-3209 – Rates Concession (Rateable Land)
- CP/FIN-3211 – Fees and Charges Pricing
- CP/CNC-3141 – Elected Member Allowances and Entitlements
- CP/COM-3582 - Community Grants Scheme

FINANCIAL IMPLICATIONS

The annual budget is the primary means for a local government to manage and allocate its financial resources. The budget also provides the ability to impose rates, which is one of the primary means for a local government to raise income to fund the upcoming year's projects. Should the Council adopt the budget at this time, it will permit the issuing of rates notices which will facilitate the cash flow management of the Shire and ensure the continued delivery of services.

Specific financial implications are outlined in the detail section of this Report and as itemised in the 2017/18 Budget (Attachment 1) for adoption.

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

Strategy 2.2.8 : Support and advocate for further development of the East Kimberley regional airport to attract more aircraft and greater competition

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

Strategy 2.3.2 : Plan, design and budget for sustainable infrastructure

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.

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.

The following outlines the consultation processes that have been undertaken in order to provide the opportunity for both the community and the Commissioner to contribute to the Corporate Business Plan for 2017/18 to 2020/21, 2017/18 Annual Budget process, Rates Model and Fees and Charges:

28 February 2017 - Ordinary Council Meeting - A report to Council evaluating the merits of the Flat Rate model against the existing Differential Rating model. The Commissioner resolved to retain the current Differential Rating method for the raising of municipal rates. (Minute No: 28/02/2017 - 11618).

28 February 2017 - Ordinary Council Meeting - Council endorsed a change from the process of awarding Rates Concessions to Community Groups to one of awarding Annual Community Grants to provide rate relief to Community Organisations. The action taken was to rescind the *Council Policy CP/FIN-3209 Rates Concession (Rateable Land)* and amend *Council Policy CP/COM-3582 Community Grants Scheme* to accommodate these changes for consideration of Council. (Minute No. 28/02/2017-11619)

26th April 2017 - Ordinary Council Meeting - Council adopted the 2017/18 Elected Member Allowances and Entitlements, along with the Schedule Fees and Charges (Minute No: 26/04/2017 – 11661) to commence from 1 July 2017 or 1 January 2018 in the case of some aerodrome fees. Section 6.19 of the *Local Government Act 1995* requires the Shire to give local public notice of the intention to impose fees and charges and the date from which the fees or charges will be imposed.

Along with local public notice, the Shire also distributed general notices to current debtors to ensure that they take any change into account in their future planning.

26th April 2017 - Ordinary Council Meeting - Council endorsed the proposed rate in the dollar, adoption of *CP/FIN-3200 Strategic Rating Policy* and community engagement plan. Local public notice for submission to Impose Differential General Rates and Minimum Payments was endorsed to advertise for comment from 4 May 2017.

23rd May 2017 - Ordinary Council Meeting - Community Consultation - In accordance with the Community Engagement Plan, advertising occurred in the following manner in order to seek public submissions on the Draft 2017/18 Budget and the Corporate Business Plan 2017/18 - 2020/21 given the direct link between the documents:

- Local public notice placed in the Kimberley Echo;
- Local public notices available at the Civic Centres, Coles and Libraries in both Kununurra and Wyndham;
- Media Release on the Shire's Facebook page and website;
- Draft Corporate Business Plan 2017/18 to 2020/21 and draft 2017/18 Budget was placed on the Shire's website,
- Shire of Wyndham East Kimberley Stakeholder Advisory Group invited to comment and provide feedback.

A series of Integrated Planning and Budget Reporting Workshops were arranged with the Commissioner, Stakeholder Groups and the public which focussed on the Corporate Business Plan and the various elements of the budget.

8th and 14th April 2017 - Public Forums - Public Forums were held in Wyndham and Kununurra that provided an overview of the draft 2017/18 - 2020/21 Corporate Business Plan and what had been incorporated to date; an overview of the capital and operating expenditure that was contained in the Draft 2017/18 Annual Budget;

13th June 2017 - Ordinary Council Meeting - The Council considered the public submissions and adopted the rating model for inclusion in the 2017/18 Budget subject to Ministerial approval.

July 2017 - Ministerial approval was received in relation to differential rates and minimum payments applications.

April-July 2017 - Budget Briefing - Shire officers, the Executive and the Commissioner engaged in budget briefings to discuss the draft Corporate Business Plan, Annual Budget, Rates Model, Schedule of Fees and Charges and Elected Members remuneration.

COMMENTS

To compile the Annual Budget, Administration accesses and refers to financial information, commentary and forecasts that may have an impact, such as the State and Federal Budgets. Both of these Budgets included items that impacted the Shire budget preparations. One of the more significant aspects from a Federal perspective was that the Commonwealth Financial Assistance Grants indexation remained frozen. The State Government also announced the removal of motor vehicle licensing and stamp duty concessions. The licensing changes have subsequently been reinstated with some qualification.

Administration has monitored the Shire's financial performance throughout the financial year. It employed a rigorous process together with the Shire responsible officers to project end of year balances and consequently the funding requirements and capacity for 2017/18. These projections remain estimates and are subject to change as actual data is captured. Since the results for 2016/17 end of year will only be completed in September 2017 with the annual audit, it is likely that there will be differences between the actual audited results reported and the projected data. This may impact the final end of year surplus (or deficit) identified in the Rate Setting Statement to be transferred to an identified Shire Reserve account. Any material changes between the actual data and the budget data will be reported to Council once quantified.

The following documents provide a comprehensive outline of the proposed 2017/18 Budget:

- 2017/18 Statutory Budget (**Attachment 1**)
- 2017/18 Schedule of Fees & Charges (**Attachment 2**)

Attachment 1 provides the detailed Annual Budget, with the Statement of Comprehensive Income (by Nature and Type) reflecting the following totals in respect to the Operating position.

The Shire has prepared the budget to ensure that there is sufficient cashflow to meet all its operational and capital asset commitments. Sufficient cash is generated to ensure that all reserves are adequately supported by cash resources. There is however an imbalance between the operational expenditure and the capital asset expenditure that results in operating expenditure being greater than the operating revenue. This difference is the Operating Surplus and is the primary measure of how the Shire is performing with respect to its ordinary operations. The 2016/17 budget delivered a difference between operating revenue and operating expenses of \$6.612 million. The Shire's performance against this measure for the current year is a projected difference of \$0.445 million. This figure is inflated by the receipt of the advance Financial Assistance Grant of \$1.9 million. This is a significant improvement on the budgeted position.

The difference between budgeted operating revenue and the operating expense for 2017/18 is \$ 6.416 million. This is similarly distorted by the Financial Assistance Grants Revenue recognised in the 2016/17 year. Without the adjustment the difference would be \$4.516 million which is an improvement over the prior year of \$2.096 million. There are a number of factors that contribute towards this difference one of which is the imbalance between operational expenditure and the capital asset expenditure. The *Long Term Financial Plan (LTFP)* considers these factors and proposes actions over the forecast period to ensure an appropriate balance between operating revenue, operating expenditure and asset renewal expenditure is achieved.

Comments relating to the changes in each operating income and expense category, comparing to the 2016/17 budget and the forecast actuals are provided below;

Operating Revenue By Category	2016/17 Original Budget \$ 000	2016/17 Forecast \$ 000	2017/18 Budget \$ 000
Rates	10,151	10,149	10,377
Operating Grants	4,612	6,335	2,165
Fees and Charges	7,640	7,364	8,074
Interest Earnings	419	480	427
Other Revenue	417	427	414
Total	23,239	24,755	21,457

Rates Revenue \$10.376 million (2016/17 - \$10.151 million)

In developing the Rating strategy, the Shire has endeavoured to retain equity and fairness in the process by ensuring that the setting of the Minimum Rate and calculation of the General Rate (Rate-in-the-Dollar) only recovers an amount (referred to as the Budget Deficiency), which is considered essential to the running of Shire's activities and ensuring the Shire's long term financial sustainability.

In accordance with the requirements of Section 6.36(1) of the *Local Government Act 1995* a local public notice was published on 4th May 2017 detailing proposed Differential General and Minimum Rates for 2017/18. This provided the opportunity for ratepayers to comment and ask questions. The rates advertised were designed to meet a budget deficiency of approximately \$10.377 million. Submissions were received from the Community and were considered at the Ordinary Council Meeting held on 13 June 2017.

The Rates modelling used in deriving the rates advertised have been adjusted to incorporate the latest valuations provided to the Shire's by the Valuer General and accommodates a reduction to the Residential Improved category.

It should be noted that properties rated on an Unimproved Value (UV) basis are revalued annually, whereas Gross Rental Values (GRV) are revalued every three years (a revaluation was last received in 2014/15). The Ordinary Council Meeting held on 13 June 2017, note of the changes to several UV property values advised to the Shire by Landgate. Overall the property values reduced for the affected rate categories. This necessitated an increase in the rate in the dollar to compensate for the reduction in UV values in order to maintain the rate yield. In the vast majority of cases the increase in the rate in the dollar will be offset by the reduction in the UV values. While many ratepayers will see a reduction in their rates notices in the affected categories, several properties will increase beyond the Shire's budgeted increase of 1.2%. The categories affected are the UV Rural residential, UV Pastoral, UV Commercial/Industrial, UV Rural Agriculture 1 and UV Rural Agriculture 2.

The modified Differential General and Minimum Rates are stated in the following table.

Public Notice released 4th May 2016			Adopted Rate - 13 June 2017		
Differential Rating Category	Cents in the dollar	Minimum Payment \$	Cents in the dollar	Minimum Payment \$	
GRV Residential	0.0953	1,112	0.0953	1,112	
GRV Other Vacant	0.1430	1,112	0.1430	1,112	
GRV Commercial	0.1239	1,112	0.1240	1,112	
GRV Industrial	0.1144	1,112	0.1144	1,112	
UV Rural Residential	0.0100	1,112	0.0110	1,112	
UV Pastoral	0.0544	1,112	0.0570	1,112	
UV Commercial/Industrial	0.0069	1,112	0.0077	1,112	
UV Rural Agriculture 1	0.0097	1,112	0.0116	1,112	
UV Rural Agriculture 2	0.0069	1,112	0.0094	1,112	
UV Mining	0.2821	1,112	0.2821	1,112	
UV Exploration and Pros	0.1411	310	0.1411	310	
UV Other	0.0065	1,112	0.0065	1,112	

Operating Grants, Contributions & Subsidies \$2.165 million (- 53%)

Operating Grants and Subsidies has decreased, primarily due to an advance payment of Financial Assistance Grants revenue from the Local Government Grants Commission received in 2016/17 (approximately \$1.9 million). The accounting standards require the Shire to recognise the income in 2016/17, although the substance of the receipt is that it relates to revenue for the 2017/18 financial year. The revenue received in 2016/17 has been allocated to the Unspent Grants and Loans Reserve to restrict the proceeds until the 2017/18 financial year.

Interest Earnings \$0.427 million (+ 2%)

Despite the cash rate being at historic lows the Shire is estimating an increase in the interest earning from investment due to anticipated higher cash reserve balances.

Fees and Charges \$ 8.073 million (+ 6%)

Each year all fees and charges imposed by Council are reviewed as part of the budget process to ensure compliance requirements are met, cost recoveries are in place and market rates are comparable. The Schedule of Fees and Charges for 2017/18 is included as **Attachment 2** previously adopted by Council (**Minute No: 26/04/2017 – 11661**) and is to be effective from 1 July 2017 and from 1 January 2018 where it relates to Aerodromes.

The Shire currently has approximately 700 fees (including statutory fees) generating projected revenue of \$7.364 million in 2016/17, compared to rating income of \$10.149 million for the same period. It is clear that revenue from fees and charges is significant and therefore the process of setting the fees and charges and the monitoring of revenue performance needs to be reviewed on a regular basis.

The setting of the Fees and Charges was completed in accordance with the Council Policy *CP/FIN-3211 Fees and Charges Pricing*. The intent of the Policy acknowledges that there are competing priorities between community service obligations, full cost recovery in a “user pays” environment and ensuring that the community is not unduly burdened. Where there is not a full cost recovery fee in place, the shortfall is made up by the ratepayers in general from municipal funds. Therefore, the Policy seeks to ensure that the Shire’s fees and charges are determined utilising key principles that ensure fair and reasonable charging to the community for the goods and services that the Shire provides, thereby achieving an appropriate balance between these competing principles.

In reviewing the fees and charges for 2017/18 the Policy sets out this matrix to enable Shire Officers to make the appropriate determination on the structure of individual fees.

Benefits	Pricing Basis
<i>1. Public Benefit – service provides a broad community benefit and therefore full cost recovery should not apply. Partial cost recovery could apply in some circumstances.</i>	<i>Zero To Partial Cost Recovery</i>
<i>2. Private Benefit – service benefits particular users making a contribution to their individual income, welfare or profits generally without any broader benefits to the community.*</i>	<i>Full Cost Recovery</i>
<i>3. Shared Benefit – service provides both community benefits and a private benefit</i>	<i>Partial Cost Recovery</i>
<i>4. Regulatory – fee or charge fixed by legislation</i>	<i>100% of Regulatory Fee or Charge</i>

Benefits Pricing Basis

** Note that for the Private Benefit Category, 2 additional Pricing Basis classifications may be considered by Council being:*

- 1. Full Cost Recovery + Possible Markup*
- 2. Full Cost Recovery + Possible Future Consideration*

A major factor in determining the increase to fees and charges was centred on what basis to use as the Index. The most common of these is the Consumer Price Index. The Australian Bureau of Statistics (ABS) when calculating the Consumer Price Index (CPI) uses a basket of goods base that is not reflective of the mix of business activities of a local government.

The Local Government Cost Index (LGCI) is the most appropriate measure of price changes over time for the Shire as it takes expenditure items like road construction, machinery and equipment, and street lighting.

In 2016/17 the Shire adopted a 2.55% (1.5% x 0.7 Kimberley factor) average increase to Fees and Charges when the Local Government Cost Index was 1.5%. CPI for the same period was 1.3%. In determining the increase for fees and charges for the 2017-18 financial year LGCI data for the three quarters to March 2017 was used to estimate a forecast change in prices. Shire officers determined at the time of adopting the Fees and Charges at the (26th April 2017) Ordinary Council Meeting (**Minute No: 26/04/2017 – 11661**), that an increase of 1% would fairly represent the increase in the Local Government Cost Index and therefore a reasonable factor to use. The Local Government Cost Index based on Western Australian Local Government Association (WALGA) Economic Briefing from May 2017 showed that the change in the index for the March 2016 to March 2017 period was in fact 1%.

The majority of Recreation and Culture fees and charges have remained unchanged to ensure access and affordability for the community.

Waste Vouchers

The Shire introduced the provision of waste vouchers with the distribution of Rates Notices for the 2013/14 financial year as a result of no longer accepting 'free' domestic waste from 1 October 2013. In 2016/17, yellow domestic waste vouchers were provided to those properties within the GRV Residential, UV Rural Residential, UV Rural Agriculture 1 and UV Rural Agriculture 2 rating categories. Properties in all other rate categories did not receive a yellow domestic waste voucher. The issuing of yellow domestic waste vouchers for the 2017/18 financial year will remain unchanged.

Red domestic waste vouchers are provided to properties within the GRV Residential, UV Rural Residential, UV Rural Agriculture 1 and UV Rural Agriculture 2 rating categories where the property has a domestic residence and a waste collection service is not provided. These vouchers were provided free of charge in the 2016/17 year. This practice is regarded as inequitable as other ratepayers who receive a service have to pay for it. Officers propose that for the 2017/18 year that Red Vouchers for domestic waste are provided to the same rate categories that received them in the 2016/17 year but at a fee that is 50% of the domestic waste service fee. Properties in all other rating categories are not entitled to receive a Red Voucher for domestic waste. Red Vouchers for domestic waste will no longer be issued free of charge and the relevant fee payable is now listed in the fees and charges schedule in attachment 2.

Other Revenue \$0.414 million (-1%)

The primary reason for the variance in Other Revenue is the reduction in anticipated revenue relating to digital advertising at the Kununurra Airport.

Majority of the revenue estimated for the Other Revenue category relates to Emergency Services Levy (ESL) 2017/18 budget \$0.371 million. As local Government are required to collect the Emergency Services Levy (ESL) on behalf of the Department of Fire and Emergency Services (DFES). This is billed to all ratepayers as part of the Annual Rates notices.

Operational Expenditure

The table details the summarised operational expenditure in proposed for 2017-18.

Operating Expenditure By Category	2016/17 Original Budget \$ 000	2016/17 Forecast \$ 000	2017/18 Budget \$ 000
Employee Costs	10,925	10,079	11,372
Materials and contracts	8,210	5,121	5,924
Utility Charges	1,220	841	968
Depreciation	7,277	7,277	7,374
Interest Expenses	317	317	258
Insurance Expenses	606	606	571
Other Expenditure	1,291	957	1,403
Total	29,851	25,201	27,873

Employee Costs \$ 11.372 million (+ 4%)

The staffing Full Time Equivalents are forecast to be 100.4 for the 2017/18 year (96.00 - 2016/17). This represents a change over the prior year of 4.4. This change in the establishment is due to the following:

- WANDRRA Engineer - 1 FTE - contract position for the duration of the WANDRRA works. This is budget neutral as this cost will be reimbursed to the Shire as part of the approved claims process.

- Manager Assets and Financial Accountant - 1 FTE - these were positions that were approved by Council in the 2016/17 year but were only budgeted for half of the year. These positions have been filled and need to be budgeted for the full year.
- Part time records officer - 0.8 FTE to ensure compliance requirements with the *State Records Act 2000*. This is a temporary position, employed on a short term basis until work completed.
- Trainees at the Recreation Centre - 0.6 FTE - This reflects the line item in the Corporate Business Plan Strategy Item 2.4.4 action number 351.
- Landfill and Depot restructure - 0.4 FTE - The appointment of full time permanent staff to replace casual employees. The Shire reviewed casual contracts and resource capacity during the 2016/17 financial year and in the process of moving from casual labour to permanent positions additional 0.4 FTE was created at minimal cost to the organisation.
- ICT part time technical staff - 0.3 FTE - This increase has been included to ensure the organisation retains corporate knowledge and recognises service delivery expectations and requirements in the ICT area.
- Economic Development Officer - 0.3 FTE - The 2016/17 budget provided for this position for a period of 9 months during the financial year. The 2017/18 Budget process has provided a full FTE for the position at minimal additional cost to the Shire.

Shire is anticipating an increase in employee costs moving into the 2017/18 Budget. While the forecast actuals for 2016/17 are lower than budgeted for 2016/17, this is a result of a large number of vacancies throughout the year. The 2017/18 budget has not allowed for vacancy savings given their unpredictability. The budget FTE's for 2017/18 are 100.4 with a budget of \$11.372 million compared with 96.00 FTE's with a budget of \$10.925 million in 2016/17.

It should be noted that the employee costs incorporate not only salaries and allowances, but also superannuation, workers compensation insurance, safety and protective clothing, training, fringe benefits tax and other employee costs associated with recruitment and reallocation. Shire officers have examined these costs for operational savings. This has allowed the total average cost of employment per to employee to have increased by only .05%.

If there are savings identified throughout the 2017/18 year as a result of vacancies, these will be captured as part of the Mid-Year Budget Review and the Council can determine the use for those funds at that point in time.

Materials and Contracts \$ 5.924 million (- 28%)

A rigorous process was conducted in compiling the budget with responsible officers. This has resulted in Materials and Contracts being reduced by 28% over the 2016/17 estimates while maintaining service levels. Listed below is a broad summary of the expenditure types and a brief description of the nature of the expenditure.

Materials & Contracts

Sub-Programme Description	Budget 2017/18	Comments
Rates	179,545.00	Rates Valuation Expense
Members Of Council	40,000.00	Council election expense, elections to be held in October through postal and in person on the day of election.
Other Governance	331,434.00	Integrated Planning and reporting expenditure including Strategic Community Plan and Growth Centre Planning. Subscriptions for Kimberley Zone and WALGA. Expenditure associated with Citizenship Ceremonies and annual audit fees.
Fire Prevention	54,980.00	Operational costs
Animal Control	3,000.00	Operational costs
Other Law, Order And Public Safety	59,750.00	Operational costs
Preventative Services - Administration	14,820.00	Operational costs
Preventative Services - Pest Control	14,080.00	Operational costs
Care Of Families And Children	72,000.00	Implementation of TAMS Program and demolition costs of Lot 828 Koolama Street
Staff Housing	84,000.00	Staff housing building maintenance average cost per staff house is approximately \$3652
Sanitation - Household Refuse	939,892.00	Operating costs
Sanitation - Other	190,600.00	Litter collection expenditure and closure plans for Wyndham Landfill site - CBP action item 3.2.1 - 380
Protection Of The Environment	80,000.00	Foreshore Plan Review - Protection of Environment - CBP 3.5.3.1

Town Planning And Regional Development	133,500.00	Kununurra Business & Structure Planning and Strategic and Land Use Planning
Other Community Amenities	214,269.00	Majority of expenditure relating to cost associated with maintenance of Shire buildings and Public Conveniences. Important corporate business plan action is the Develop Community safety plan - CBP action item #338 2.4.1
Public Halls	21,950.00	Building Maintenance - Peter Reid Memorial Hall
Swimming Areas And Beaches	213,450.00	Operational costs associated with swimming complex, foreshores and boat ramps for Kununurra and Wyndham.
Other Recreation And Sport	479,590.00	Operational costs associated with Kununurra Leisure Centre, Wyndham Youth and Recreation Centre, ovals, sporting facilities and parks and gardens maintenance. Corporate Business Plan objections include Master plan design for ovals, recreation and courts resurfacing, playgrounds and park maintenance, community tree planting program Kununurra and Wyndham.
Television And Radio Re Broadcasting	2,000.00	Operational costs
Libraries	197,410.00	Cost associated with the library include; joint use contribution with KDHS, local collection, storytime and activities, public computer, exchange travel, visiting author program, writers festival, Children's Book Week and better beginnings program
Heritage	3,200.00	Operational costs
Streets Roads And Bridges - Maintenance	864,538.00	Cost associated include rural and urban road, bridges, boat ramps and Jetty maintenance include street sweeping, rural road grading, street lighting, drainage cleaning and repair for Kununurra and Wyndham.
Aerodromes	597,189.00	Operational costs
Tourism And Area Promotion	7,000.00	Operational costs
Building Control	18,600.00	Operational costs

Other Economic Services	1,000.00	Operational costs
Public Works Overheads	290,555.00	Operational costs
General Administration Overheads	402,501.00	Operational costs
Plant Operation	413,232.00	Operational costs
5,924,085		

Utility Charges \$ 0.969 million (- 21%)

Utility charges comprise Water, Electricity and Gas are based on forecast unit charges together with any growth in usage. Whilst there are decrease across these cost areas, it is the Street Lighting component which is the most substantial driver. Budget calculations for Street Lighting were based on the actual number currently charged.

Depreciation \$ 7.374 million (+1 %)

Depreciation is an accounting process which recognises the consumption of the Shire's property, plant and equipment including infrastructure assets such as roads and drains that has occurred during the financial year. The increase is due to the growth in assets held by the Shire, the revaluation exercise undertaken during the 2016/17 financial year.

Insurance Expenses \$ 0.572 million (- 6%)

A decrease to the expected Insurance expenditure for 2017/18 as a result reduced premiums payable and a significant review of asset coverage and considerable negotiation conducted with the insurance providers during the 2016/17 financial year to obtain best value for money for the ratepayers. It should be noted that the workers compensation insurance premiums are reported as part of the employee costs.

Interest Expenses \$ 0.258 million (- 19%) and borrowings

The Interest Expense relates to loan agreement with Western Australian Treasury Corporation (WATC). Note 7 of the 2017/18 Budget details the ongoing loan commitments as well as any potential new loans. The 2017/18 Budget does not propose any new borrowings be entered into other than the Self Supporting Loan for the Ord River Sports Club Inc. Loan principal outstanding is expected to decrease from \$5.166 million at 30 June 2017 to \$4.171 million at 30 June 2018.

Plant Replacement Program

The plant replacement program has been significantly reviewed during the 2017/18 budget process. In 2016/17 the plant replacement program was significantly reduced by the removal of light plant from the replacement schedule until 2017/18. This requires the Shire to replace a number of the light fleet to ensure that the net cost of replacement is to the best advantage of the Shire.

The heavy plant replacement program has also been reviewed for the current year. The Plant Replacement Program will in future years be determined by the Asset Management Plan on the basis that there is a fixed average amount available for plant replacement and that plant replacement will be done at the time of best economic advantage to the Shire.

Elected members allowances

Elected Members allowances were considered at the 26 April 2017 Ordinary Council Meeting **Minute No: 26/04/2017 – 11665**. The Commissioner endorsed Elected Members Allowances and Entitlements at 70% of the maximum SAT determination and allocated an ICT Allowance of \$2400 per annum.

Description	2016/17 Adopted in Minute No: 11490		2017/18 Proposed 70%		2017/18 Proposed from 21/10/2017	
	Individual Members	All Members	Individual Members	All Members	Individual Members	All Members
Annual Attendance Fees for a Council Member other than the President	23,000	184,000	16,100	128,800	11,116	88,928
Annual Attendance Fee for a Council Member who holds the office of President	30,841	30,841	21,589	21,589	14,905	14,905
Annual Allowance for a President	62,727	62,727	43,909	43,909	30,315	30,315
Annual Allowance for a Deputy President (25%)	15,682	15,682	10,977	10,977	7,579	7,579
ICT Allowance	Nil	Nil	2,400	21,600	1,657	14,913
TOTAL	132,250	293,250	94,975	226,875	65,572	156,640

Setting of materiality for monthly reporting

The Local Government Act 1995 and associated regulations require the Council to set the materiality level at which explanations are required for variations between year to date budget and year to date actual figures. The materiality level established for 2016/17 was +/- 10% and +/- \$20,000 at account level (this is general ledger account number level), and +/- \$100,000 at a financial statement level (equivalent to the program level). It is recommended that these materiality levels remain for 2017/18.

Reserves

In accordance with section 6.11 of the *Local Government Act 1995*, a local government is required to establish and maintain a reserve account where it wishes to set aside money for use for a specific purpose in a future financial year. The local government is also required to

disclose where a change of the purpose of the use of money is proposed. During the budget discussions with the Commissioner, officers and senior staff have highlighted the need to create several new reserves. The following reserves accounts have been established in the 2017/18 budget process;

- i. **Capital Works Reserve whereby the purpose is “to ensure that funds allocated to Capital Works Projects remain available for future Capital Works if amounts are not expended at the end of a financial year”**
- ii. **Municipal Property Revaluation Reserve whereby the purpose is “to hold funds for the expenditure relating to Municipal Property Revaluation conducted every 4 years.”**
- iii. **Election Expenditure Reserve whereby the purpose is “to hold funds for expenditure relating to Council Elections conducted every 2 years.”**

During the 2017/18 Budget process the Commissioner identified the importance of enhancing the Shire’s capacity to deliver drainage projects in the future. This will enhance the Shires’ ability to meet the future infrastructure demands. At the 2016/17 midyear budget review an amount of \$208k was placed in the Drainage Reserve for future capital works. An estimated additional \$401k will be transferred to the Drainage Reserve, to have an closing estimated balance of \$609k at 30 June 2018. Other reserves that have been built up are the Waste Reserve which has a projected balance at 30 June 2018 of \$977k and the Plant and Equipment Reserve to have a projected balance of \$53k.

Capital Works Program

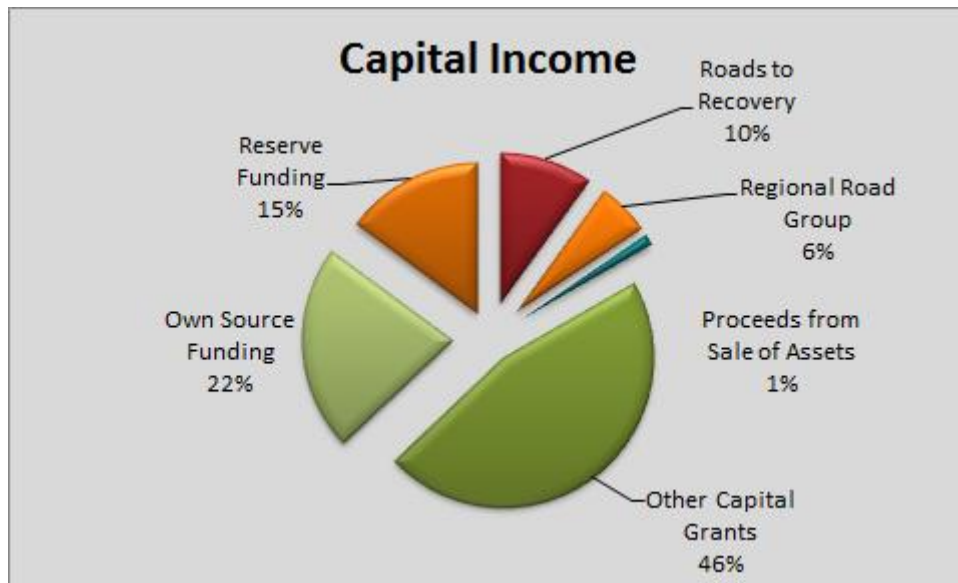
The Capital Works Program is developed with the aim of balancing the demands for new infrastructure against the need to maintain, renew, upgrade and replace existing assets. Asset management plans are being developed for the different asset classes to assist with the programming of maintenance, renew, upgrade and replacement for existing assets in future periods.

The majority of the Capital Works Programs relates to the expenditure for flood recovery works to be conducted under the Western Australian Disaster Relief Recovery Assistance (WANDRRA) program. It is estimated that the Shire will spend \$8 million in 217/18 of which the vast majority of this will be reimbursed to the Shire.

In order to meet the Asset Management obligations under the benchmarks set out by the Department of Local Government Guidelines, the majority of expenditure is focused on renewals rather than upgrade and new assets. The Shire meets its asset sustainability and consumption benchmarks for the 2016/17 estimates. As the Asset Management Plan has not been finalised with finance as yet the Asset Renewal Funding Ratio cannot be determined at this time.

The capital expenditure program has been set and prioritised based on a process of consultation with the Commissioner and community engagement that has enabled the Shire to assess the needs for each project and the priorities of the community, balanced against the Shire's financial and resourcing capacity.

The capital program for 2017/18 is proposed to be \$ 18.478 million (including carry forward projects).



Capital Income	
External	2017/18 budget \$
Roads to Recovery	1,812,660
Regional Road Group	1,049,361
Proceeds from Sale of Assets	220,039
Other Capital Grants (Including WANDRRA Funding)	8,479,736
Internal	
Own Source Funding	4,184,186
Reserve Funding	2,732,287
Total Funding Source	18,478,269

Major projects included in the capital works program for 2017/18 include:

Project Description	2017/18 budget \$
WANDRRA Funding - Monsoonal Trough and Associated Flooding	8,001,129
Road and Drainage Upgrade - Nutwood & Rosewood and surrounds	1,215,292
Lake Argyle Road - Widening	1,021,638
Resurfacing program (R2R) - Kununurra town site	797,862
Kalumburu Road - Re-sheet	751,460
Bandicoot Drive - Road and Drainage upgrade	400,000
Light Plant - Purchase Price	375,186
Medium Plant - Purchase Price	200,681
Implement Trails Master Plan	200,000
Heavy Plant - Purchase Price	186,017
Security Screening Equipment Compliance Replacement - (ETD)	165,000
Airport Plant - Purchase Price	157,089
Drainage Upgrade - Gambier Street, Wyndham	150,000
Reticulation Upgrades - Wyndham & Kununurra	150,000
Road Reseals - Townsites	150,000
Kununurra Drainage and Road Design	100,000
Wyndham – Dulverton St reconstruct road pavement (Engineering)	100,000
Apron Lighting for RPT Bay 3	100,000
Footpath renewal	90,000

ATTACHMENTS

Attachment 1 - Statutory Budget

Attachment 2 - Schedule of Fees and Charges for 2017/18

Attachment 3 - CP/FIN-3201 Significant Accounting Policy

Attachment 4 - Ministerial approval of minimums 2017-18

Attachment 5 - Ministerial approval of differential rating 2017-18

12.4.2. Long Term Financial Plan 2017 - 2027

DATE:	18 July 2017
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM.02.16
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council notes the report and attached Long Term Financial Plan 2017 - 2027 and:

1. Endorses the proposed action to integrate the Long Term Financial Plan with the Shire's Workforce Plan and Asset Management Plan.
2. Requests the Chief Executive Officer to advertise the Long Term Financial Plan 2017 - 2027 for a period of 14 days for community comment.

COUNCIL DECISION

Minute No: 18/07/2017-11747

Commissioner resolved:

That Council notes the report and attached Long Term Financial Plan 2017 - 2027 and:

1. Endorses the proposed action to integrate the Long Term Financial Plan with the Shire's Workforce Plan and Asset Management Plan.
Requests the Chief Executive Officer to advertise the Long Term Financial Plan 2017 - 2027 for a period of 14 days for community comment.

Carried 1/0

PURPOSE

The purpose of producing the Long Term Financial Plan (LTFP) is to provide a high level planning document that is governed by financial strategies and key performance indicators that establishes a financial framework within which sound financial decisions can be made that ensure the financial sustainability of the Shire.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Section 5.56(1) of the Local Government Act, 1995 (the Act) requires Council's to plan for the future under The regulations under Section 5.56(2) require the minimum requirements to achieve this. In 2010 the Integrated Planning and Reporting (IPR) Framework and Guidelines were introduced. In September 2016 the Advisory Standard was issued which compliments the legislative requirements. This Plan has been drawn up to be compliant with these provisions.

STATUTORY IMPLICATIONS

Local Government Act 1995

Part 5

Division 5 Annual Reports and Planning

5.56. Planning for the future

(1) A local government is to plan for the future of the district.

(2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no cost implications with the production of this report or its integration with the other integrated planning documents. There will be financial implications for the organisation as a whole over the life of the plan should decision making be in line with the assumptions made in compiling the plan. These financial implications will all be positive for the financial sustainability of the Shire.

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.

Strategic 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

The LTFP will be advertised for a period of 14 days for comment from the community.

COMMENTS

Attachment 1 details the commentary on the basis of preparation, the assumptions made, outcomes of the modelling and the detailed schedules produced.

This document is a starting point and is aspirational. It has been constructed on the basis that all the key performance indicators will be achieved by the end of the forecast period. In order to achieve this, assumptions needed to be made in particular with employment costs, materials and contracts and capital works. The Plan does not integrate with the Asset Management Plan and the Workforce Plan at this stage. This is the logical and proposed next step in refining the LTFP.

The key assumptions made in the Plan are:

1. The model is prepared in constant real 2017/18 dollar terms. This means that no adjustment is made for the time value of money unless the expectation is that there will be movements greater or lesser than the standard measures used (Local Government Cost Index - LGCI).
2. The Shire will achieve a natural growth in the rates base of 1% on an annual basis.
3. Rate increases are forecast to be 0.25% above LGCI.
4. Employees' costs will reduce by 1% in real terms for each year of the LTFP.
5. Materials and Contracts will reduce by 0.5% in real terms for each year of the LTFP as operational efficiencies are found.
6. Expenditure on capital works renewal programs approximates the amount provided for depreciation on an annual basis.

The main outcomes of the LTFP are as follows:

1. The operating surplus ratio improves over the forecast period to be positive in year 10.
2. The Shire is forecast to maintain adequate cash reserves to meet its ongoing operations.
3. The asset sustainability ratio and the asset consumption ratio meet the benchmark over the forecast period.
4. No asset renewal funding ratio is calculated as the data from the Asset Management Plan has not been integrated with the LTFP as yet.

5. All other ratios meet the benchmark requirements.

The next major step in the development of the LTFP is to integrate the Asset Management Plan. This will provide detailed data of what the Shire can do with the resources available over the forecast period. It is expected that out of this integration process a forward capital works program is developed that covers at least the ten year forecast window. An assessment will also be made at this stage as to whether the Shire is spending sufficient funds on asset maintenance from the data that the Asset Management Plan provides. Following this the Workforce Plan will be integrated into the LTFP.

After the period of advertising, any comments from the community will be considered as the next steps in the Plan are taken.

ATTACHMENTS

Attachment 1 - Long Term Financial Plan 2017 - 2027

12.4.3. List of Accounts Paid From Municipal Fund and Trust Fund

DATE:	18 July 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 129225 - 129506 (01 Jun - 29 Jun 2017)	\$ 1,283,377.99
Municipal cheques 51578 - 51593 (01 Jun - 29 Jun 2017)	\$ 99,827.22
Trust cheques 1033 - 1055 14 Jun- 30 Jun 2017	\$ 14,983.41
Trust EFT 501405 - 501424 (01 Jun – 30 Jun 2017)	\$ 18,941.60
Payroll (07 Jun - 29 Jun 2017)	\$ 508,225.51
Direct bank debits (01 Jun - 30 Jun 2017)	\$ 209, 073.25
TOTAL	\$ 2,134,428.98

COUNCIL DECISION

Minute No: 18/07/2017-11748

Commissioner resolved:

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

Municipal EFT 129225 - 129506 (01 Jun - 29 Jun 2017)	\$ 1,283,377.99
Municipal cheques 51578 - 51593 (01 Jun - 29 Jun 2017)	\$ 99,827.22
Trust cheques 1033 - 1055 14 Jun- 30 Jun 2017	\$ 14,983.41
Trust EFT 501405 - 501424 (01 Jun – 30 Jun 2017)	\$ 18,941.60
Payroll (07 Jun - 29 Jun 2017)	\$ 508,225.51
Direct bank debits (01 Jun - 30 Jun 2017)	\$ 209, 073.25
TOTAL	\$ 2,134,428.98

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 June 2017

12.4.4. Interim Monthly Financial Report as at 30 June 2017

DATE:	18 July 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 Interim monthly financial report as at 30 June 2017.

COUNCIL DECISION

Minute No: 18/07/2017-11749

Commissioner resolved:

That Council receives the Interim monthly financial report as at 30 June 2017.

Carried 1/0

PURPOSE

For Council to receive the interim monthly financial report for the period ended 30 June 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 - Interim Monthly Financial Report as at 30 June 2017.

12.5. INFRASTRUCTURE

12.5.1. Adoption of new Master Plan for East Kimberley Regional Airport

DATE:	18 July 2017
AUTHOR:	Manager East Kimberley Regional Airport
RESPONSIBLE OFFICER:	David Klye, Director Infrastructure
FILE NO:	LP.02.10
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the Draft East Kimberley Regional Airport Master Plan 2017, in principle, for the purpose of community consultation and that a further report then be submitted to August 2017 Council Meeting.

COUNCIL DECISION

Minute No: 18/07/2017-11750

Commissioner resolved:

That Council adopt the Draft East Kimberley Regional Airport Master Plan 2017, in principle, for the purpose of community consultation and that a further report then be submitted to August 2017 Council Meeting.

Carried 1/0

PURPOSE

To present for adoption the draft East Kimberley Regional Airport (EKRA) Master Plan 2017 that is intended to provide a planning framework for long-term aeronautical and non-aeronautical development.

The infrastructure needs of the Plan will be more fully reviewed in a report to the August 2017 Council meeting including a draft Airport Asset Management Plan 2017.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Advocator - advocate and support initiatives on behalf of the community and the Kimberley

Facilitator - bring stakeholders together

Leader - plan and provide direction through policy and practices

Provider - provide physical infrastructure and essential services

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL

An initial Airport Master Plan was commissioned by Council in 2011 with a document produced by Rehbein Airport Consulting dated 11 January 2013. While there are references to its adoption in Council Reports of 2012 and 2013 a specific resolution has not been identified. The Rehbein document has provided the basis for strategic planning including work to strengthening the runway and options for its extension.

The Corporate Business Plan 2016-17 identified the need to review the Master Plan. Factors include decision of Council to endorse a 601m runway extension in September 2016; need to clarify approaches to achieve a longer-term widening; respond to opportunities for commercial activities that was also recognised in the Planning Scheme Amendment and respond to infrastructure needs.

The Shire was successful in obtaining matching funding under WA Regional Airports Development Scheme (\$20,000) to access some external support for a combined project linking an updated Master Plan and Asset Management Plan.

A Briefing Paper on the Airport Master Plan was presented to a briefing session on 6 June 2017.

STATUTORY IMPLICATIONS

While a Master Plan is not a legislative requirement it is an important tool that can at an early stage identify and support the resolution of issues across aviation needs, landside developments, safety and emergency management.

Specific legislation that needs to be recognised in the Plan includes:

1. Federal Civil Aviation Safety Regulations
2. Federal Aviation Transport Security Act/Regulations
3. Federal Manual of Standards - Aerodromes
4. WA Planning Act.

POLICY IMPLICATIONS

The draft Master Plan has potential impacts across the following policy areas:

1. Economic development
2. Community development and engagement
3. Leasing of Council owned land

4. Asset management policy and plans
5. Airport Safety Management System
6. Road and parking management
7. Transport Security.
8. Integrated Planning and Reporting Framework and in particular long term financial plan,

A well-developed Master Plan across these areas will positively impact on risk management and achievement of integrated outcomes.

FINANCIAL IMPLICATIONS

With the airport being a multi-million dollar operation the Master Plan directly inputs to the character of operations, creation/management/disposal of existing assets, forward works programs and financial outcomes.

The Plan needs to successfully anticipate the operating environment and means to maximise revenue and manage costs/overheads.

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

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

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

Objective 1.3: Advocacy of East Kimberley issues and opportunities at regional, state and national levels

Objective 2.2 Maintenance of economic diversity and greater community returns from investment in the region

Objective 3.4 Enhancement of community facilities

Strategy 1.3.1 : Actively provide input to decision making at the Regional, State and Federal levels on behalf of the community

Strategy 2.2.8 : Support and advocate for further development of the East Kimberley regional airport to attract more aircraft and greater competition

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

RISK IMPLICATIONS

The wider risk implications are as follows:

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

Control: Develop agreed standards of service and communicate with the community

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

Control: Increased accountability to the Audit (Finance and Risk) Committee

COMMUNITY ENGAGEMENT

Key Stakeholders have been engaged in the preparation of the draft document. These include Airport operators, representatives of the Shire, aviation industry, Kimberley Development Commission, Kununurra Visitor Centre and a local real estate agent.

These consultations identified a number of key considerations that included:

1. Significant tourism potential with proximity to nature based areas such as Bungle Bungles and Lake Argyle.
2. Airports long term potential is limited by existing infrastructure with key projects being extension of runway to accommodate larger aircraft.
3. Limited capability of existing airport infrastructure.
4. Demand for development of precinct land for both aviation and non-aviation development.
5. Airport be managed in a financially responsible manner.

Prior to final adoption of the new Master Plan it is proposed that the document be made available for community comment and that this consultation be reported to Council.

COMMENTS

Background: The initial Airport Master Plan was completed in 2013 and has provided effective strategic guidance. However due to a range of subsequent initiatives a review and preparation of a new Plan has been supported. These matters have included:

1. Completion in 2015 of a major reseal of the runway that has improved its performance and ability to accommodate aircraft.
2. Adoption in 2016 of a Prefeasibility Study providing for an extension of the runway capable of accommodating larger aircraft with ability to reach non-stop all destinations in Australia and key destinations in southeast Asia.
3. Review of a number of land leases in 2016 that identified the need for a more strategic approach to land management.
4. Recognition of the Airport's potential to better support regional development through the provision of land, infrastructure and business opportunities.
5. Support for additional land-uses through the Shire's Planning Scheme review.
6. Proposals to trial direct air services to Melbourne in 2018.

7. Responding to operational needs including the current provision of car parking and medium term increase in Terminal facilities.

Work on the Master Plan project has been supported through funding in 2016/17 Shire Budget and a matching grant under the WA Regional Airports Development Scheme (RADS).

To assist in providing a context for the proposals a graphic of the current Airport activities and infrastructure together with the adopted 2016 Runway Extension is provided in Attachment 1. The overall land holding comprises 275 ha with an east-west runway to be extended from 1,829m to 2,430m, a modern Terminal (1,660m²) on southside with adjoining parking and support facilities. To the west and east of Terminal are general aviation aprons with adjoining hangars. Access is provided to the Precinct directly from Victoria Highway (some 4km west of Kununurra township).

Methodology: The approach to develop the new Master Plan has provided for the identification of a Shire vision and objectives; review of Master Plan 2013; consultation; forecasting of passenger numbers; airport design parameters and land use/infrastructure plans.

A copy of the draft EKRA Master Plan 2017 comprises Attachment 2.

Vision and Objectives: The following guiding statements have been developed:

Vision: To develop the East Kimberley Regional Airport as a premier facility that meets the region's evolving transportation needs. This will be done through the provision of competitive infrastructure and services to enable airlines together with other aviation and non-aviation groups to operate cost effectively while providing airport users with a convenient and welcoming service.

Objectives:

1. Inform and engage with the community and private aviation interests in the planning and delivery of Airport infrastructure and services.
2. Ensure the Airport can accommodate forecast air traffic demands in terms of volume, range of destinations, mix of passengers, freight, training, tourism and charter services.
3. Provide for the long-term viability of the Airport through the assessment of capital investments; achieving operating efficiencies; managing liabilities such as asset management; and reducing financial risks through a range of income streams.
4. Ensure legislative requirements are considered and adhered across all strategic and operational areas.
5. Broaden the contribution of Airport to the region's economic development through the attraction of increased business and commercial activities and making best use of the land opportunities.
6. Meet environmental sustainability expectations and standards across noise; air and water quality; impacts on neighbouring communities; biodiversity; heritage; waste management; and energy consumption.
7. Provide the highest standards in aircraft safety; airport security; public safety; occupational health and safety; and risk management.

Forecasting aviation activity: EKRA currently has 46 weekly scheduled regular public transport (RPT) services with 74,300 passengers in 2015-16 - the 50th busiest airport nationally.

Based on a twenty year horizon the key drivers have been identified as population growth; local industry growth; tourist growth; and airline activity potential.

This led to the development of four growth scenarios comprising:

Low Growth 1: Until 2020-21 current decreasing passenger numbers continue followed by a subsequent annual increase of 2% in line with population growth (2026-37 92,146 passengers).

Low Growth 2: Until 2020-21 average of current decreasing passenger numbers and population growth followed by an annual increase of 2% in line with population growth (2036-37 102,019 passengers).

Medium Growth: Until 2022-23 passenger numbers increase annually by 3.5% in line with population growth/economic activity. In 2022-23 a B737-800 aircraft commences weekly flights in addition to traffic resulting from growth in Scenario 2. Subsequent annual passenger growth of 3.5% (2036-37 176,654 passengers).

High Growth: Until 2022-23 passenger numbers increase annually by 4.0% in line with population growth/economic development/tourist activity. In 2022-23 a B737-800 aircraft commences weekly flights in addition to traffic resulting from growth in Scenario 2. Subsequent annual passenger growth of 4.0%. Then in 2027-28 a further B737-800 service commences weekly flights with annual passenger growth continuing at 4.0% (2036-37 215,327 passengers).

The scenario utilised in the Plan is 'High Growth' based on expectations for continuing economic growth (e.g. Ord Irrigation expansion, development of Project Sea Dragon and tourism) together with the availability of more cost effective services/increased direct flights (e.g. accommodation of larger planes through runway extension and proposed trial of direct Melbourne flights in 2018).

Design aircraft: Consistent with the adopted Runway Extension Prefeasibility Study (2016) the most demanding aircraft expected to use EKRA is the B737-800 - necessitating an increase in the Aerodrome Reference Code from 3C to 4C. This extends the range of directly served destinations to all airports within Australia and key destinations in southeast Asia.

Extended Runway and associated airside infrastructure: The extension of current runway by 601m and upgrading taxiways A-C are identified as a short term action. The resurfacing of the remaining taxiways and GA aprons are identified as a medium term action. A subsequent widening of runway to 45m is proposed in the longer term with a case study from Gladstone illustrating an approach where works can co-exist with use of the runway.

Expanded Land Use Activity: As originally raised in the 2013 Plan a significant opportunity is identified to accommodate additional activity in the EKRA Precinct that can support aviation

and wider regional economy. This could also include an Air Force facility recognising the strategic location of Kununurra.

Land Use Plan: A conceptual presentation of the Airport and works anticipated during the planning period has been prepared (Attachment 3). The key elements are:

Runway: An extension of 540m to west and 61m to east while it is recognised that international flights would necessitate an increased Runway End Safety Area (RESA). A long-term runway widening from 30m to 45m in a widened strip of 300m is supported.

Taxiways: Works to Taxiways A-C serving RPT traffic are included while significant investment is needed for other Taxiways. An extension of Taxiway F (parallel to runway) is identified to support the extended runway.

Aprons: RPT Apron works identified in the Prefeasibility Study are supported. Improvements need to be investigated for the General Aviation Aprons.

Aviation Expansion Area: Lengthening of West GA Apron west to end of former runway is to be investigated to increase aircraft based activity.

Terminal Building: Depending on RPT aircraft arrival management a 50% expansion of floor area to west will be needed.

Parking: An expanded precinct is proposed south of the Terminal capable of meeting short and long term parking needs. This will likely impact on the current road network and a potential relocation of the Airport Works Depot.

Freight Precincts: Facilities are proposed to west of extended Terminal Building.

Commercial Precincts: Two areas of land are identified comprising:

- Southern Commercial Precinct - located west of main Taxiway A it essentially wraps around the extended West GA.
- Northern Commercial Precinct - while not having formal road access or utility services it has potential for uses that could include a defence presence.

Land is proposed for leasing only to ensure the Shire retains long-term management.

Other Facilities: More significant matters are:

Infrastructure for international flights: Through detailed planning there is a need to accommodate sites for Control Tower and Rescue and Firefighting Facility.

Security requirements: Changes are not expected to current facilities in short-term. Fencing upgrade in CWP to be completed in current stages.

Support for aircraft:

- Meteorological facility - relocation if clearances constrain West GA Apron.
- Aerodrome lighting - relocated edge lights and replace landing approach lighting.
- Northern Illuminated Windssock - relocate further north when extend runway.
- Ground based navigational aids (NDB & VOR/DME) - monitor impact of land-use restrictions and effects of new technologies on longer term needs.
- Aviation fuel supplies - retain existing facilities adjoining East GA and monitor potential for smaller facility at West GA.
- Obstacle limitation surfaces (OLS): These define operational airspace around the airport - requirements are consistent with those in 2013 Master Plan.

Utilities: Investigations have confirmed that the limited available utility infrastructure is a major constraint to short term development - power, water, sewerage and communications. One option for investigation is a solar power facility with recent successes at Darwin and Alice Springs Airports.

A long-term Works Depot is proposed consolidating the current Airport and Shire facilities.

Land Acquisition: Three areas of land have been identified for acquisition to safeguard future operations being north west of runway, east end of runway (to accommodate small area of extended RESA) and south east of Airport (current fuel facility).

In addition two adjoining parcels of land (to west and south) are identified as having potential to be consolidated into the Airport and support increased development.

Implementation: On the basis that Council adopts the Master Plan 2017 initial actions would be:

Implementation Plan: Progress proposals (p47-50) through technical assessment, stakeholder engagement, feasibility and costed capital works plans.

Airport Farm: Majority is identified to comprise the Northern Commercial Area however due to limited current demand, lack of formal road access and absence of utility services it is proposed that it be leased with five-year reviews. The income can meet management costs, a financial return and support good land husbandry.

Commercial Precincts: Undertake feasibility studies on servicing and development.

Airservices Navigational Aids: Work with Airservices to support ongoing aerodrome operations that limit land-use restrictions on other activities.

Technical Plans: Review ANEF (noise) and OLS (obstacle) plans.

Asset Management: There are significant implications due to the scale of asset creation. This has been recognised from early in the planning process and a report to the Council Meeting in August will address the adoption of an updated Airport Asset Management Plan.

Conclusion

The draft Airport Master Plan has been prepared to address a number of initiatives including forecast growth, the runway extension and other new infrastructure, increased contribution to economic development in the region and longer term planning of airport and adjoining land

On basis that Council recognises the key directions and initiatives it is proposed that the document be exhibited and made available for community comment with a further report being submitted to the August Meeting.

ATTACHMENTS

Attachment 1 - EKRA - existing infrastructure and proposed runway extension

Attachment 2 - Draft EKRA - Master Plan 2017

Attachment 3 - Draft EKRA Land Use Plan 2017

12.5.2. Asset Management Policy, Strategy and Plan

DATE:	18 July 2017
AUTHOR:	Asset Manager
RESPONSIBLE OFFICER:	David Klye, Director Infrastructure
FILE NO:	CM.10.4
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Adopts, in principle, the draft PS/OPS-3641 Asset Management Plan as per Attachment 3 and the draft PS/OPS-3642 Asset Management Strategy as per Attachment 2;**
- 2. Requests the Chief Executive Officer to advertise the draft PS/OPS-3641 Asset Management Plan as per Attachment 3 and the draft PS/OPS-3642 Asset Management Strategy as per Attachment 2 for 14 days for public comment, and;**
- 3. Adopts the draft Asset Management Policy CP/OPS-3659 which replaces CP/FIN-3216 as per Attachment 1.**

COUNCIL DECISION

Minute No: 18/07/2017-11751

Commissioner resolved:

That Council:

- 1. Adopts, in principle, the draft PS/OPS-3641 Asset Management Plan as per Attachment 3 and the draft PS/OPS-3642 Asset Management Strategy as per Attachment 2;**
- 2. Requests the Chief Executive Officer to advertise the draft PS/OPS-3641 Asset Management Plan as per Attachment 3 and the draft PS/OPS-3642 Asset Management Strategy as per Attachment 2 for 14 days for public comment, and;**
- 3. Adopts the draft Asset Management Policy CP/OPS-3659 which replaces CP/FIN-3216 as per Attachment 1.**

Carried 1/0

PURPOSE

For Council to: consider the reviewed Asset Management Policy, redesignating it from CP/FIN-3216 to CP/OPS-3659; and consider a draft Asset Management Strategy, and draft Asset Management Plan.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

Provider - provide physical infrastructure and essential services

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Asset Management Policy CP/FIN-3216 was adopted on the 25th of August 2015 and is due for review in August 2017. The Policy has been reviewed and found to be applicable in all respects and requires no amendment. The proposed Asset Management Policy CP/OPS-3659 replaces the 2015 version with no changes to the content.

Council has not Previously considered an Asset Management Strategy and the previous Shire Asset Management Plan was not presented to Council.

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 5.56

Local Government (Administration) Regulations 1996 Section 19DA

POLICY IMPLICATIONS

The Asset Management Strategy and the Asset Management Plan are both requirements of the attached CP/OPS-3659 Asset Management Policy.

FINANCIAL IMPLICATIONS

It is important for the Shire's Asset Management Plan to align with the Long Term Financial Plan expected to be presented to Council in July 2018 for consideration.

It is known that there is a funding gap between recent Shire maintenance budgets and the cost of maintaining the Shire's assets in their current condition. A greater understanding of future grant levels, along with processes for managing the level of maintenance, and determining the remaining useful life of some assets is required. This will require a higher understanding of Shire assets and a greater integration of asset management planning and long term financial planning. To this end the Shire has initiated a program to improve its ability in asset management.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

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

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

Objective 3.4: Enhancement of community facilities

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

Strategy 2.3.2 : Plan, design and budget for sustainable infrastructure

Strategy 3.4.1 : Maintain, manage and upgrade public parks and amenities to ensure they meet community need and are accessible to people of all ages and abilities.

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

RISK IMPLICATIONS

The wider risk implications are as follows:

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

Control: Develop agreed standards of service and communicate with the community

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

Control: Increased accountability to the Audit (Finance and Risk) Committee

COMMUNITY ENGAGEMENT

It is proposed to seek public comment on the draft plan and strategy prior to formal adoption by Council.

Further, setting a Levels of Service Agreement is a key component of an Asset Management Plan which requires significant community engagement. This is the next step to progress the Asset Management Plan. Community engagement will take place in accordance with the Shire Community Engagement Guidelines and will include surveys and public consultation.

COMMENTS

Asset management planning is a comprehensive process to ensure delivery of services from infrastructure is provided in a financially sustainable manner.

The asset management strategy enables the Shire to show how the Shire's asset portfolio will meet the service delivery needs of its community into the future, enables the Shire's asset management policies to be achieved, and ensures the integration of the Shire's asset management with its long term strategic plan.

The Asset Management Plan details information about infrastructure assets including actions required to provide an agreed level of service in the most cost effective manner. The plan defines the services to be provided, how the services are provided and what funds are required to provide the services.

The previous Asset Management Strategy and Asset Management Plan were developed in 2012 and are overdue for review. These initial documents provided mostly recommendations rather than strategy and plans. In the 4 months leading up to the delivery of the current draft Asset Management Strategy and Plans, the asset management team has reviewed the asset management registers for accuracy. This has resulted in an in-house revaluation of all roads and drainage throughout the Shire. This was completed in conjunction with a revaluation of buildings and associated plant as part of an insurance valuation.

The Shire's current Asset Management Policy is due for review. The policy has been reviewed and found to still be applicable in all respects and requires no amendment. The draft Asset Management Policy CP/OPS-3659 replaces the 2015 version with no changes to the content and is recommended for adoption.

Draft copies of the Asset Management Plan, the Asset Management Strategy and the Asset Management Policy are attached to this report.

Maintaining and updating asset related data to the level necessary to support and influence future decision making is a significant task for the Shire into the future. The process to develop the Asset Management Plan to maturity is iterative and seeking public comment on this draft plan is the first step in that process. The next steps are to develop a Service Level Statement that can be taken to public consultation to develop a Service Level Agreement. Following this the Asset Management Plan, the Service Level Agreement and the Long Term Financial Plan will all converge to a coherent set of documents to produce the 10 and 20 year forward works plans for the Shire. It is recommended that the attached revisions of the Asset Management Plan and the Asset Management Strategy be supported in principle and advertised for public comment.

ATTACHMENTS

- Attachment 1 - Draft Asset Management Policy
- Attachment 2 - Draft Asset Management Strategy
- Attachment 3 - Draft Asset Management Plan

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

COUNCIL DECISION

Minute No: 18/07/2017-11752

Commissioner resolved:

That Council move into camera with relevant staff to remain.

Carried 1/0

16.1. RFT 09 16/17 - STAGE 1 NUTWOOD CRESCENT & ROSEWOOD AVENUE DRAINAGE UPGRADE

DATE:	18 July 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

- (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: 18/07/2017-11753

Commissioner resolved:

That Council;

- **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 corrected fixed lump sum price of \$551,075.36 excluding GST; and**
- **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 \$551,075.36 excluding GST.**

Carried 1/0

PURPOSE

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

COUNCIL DECISION

Minute No: 18/07/2017-11754

Commissioner resolved:

That Council come out from camera

Carried 1/0

The gallery and remaining staff returned to the Council Chambers at 6:05pm.

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 closed the meeting at 6:08pm