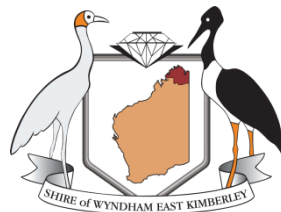


I hereby certify that the Minutes of the Ordinary Council Meeting held are a true and accurate record of the proceedings contained therein.

Commissioner

Date



SHIRE OF WYNDHAM | EAST KIMBERLEY

MINUTES ORDINARY COUNCIL MEETING

19 October 2017

DISCLAIMER

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.

An audio and/or video record will be made of these proceedings to assist in the taking of minutes.

Signed on behalf of Council



CARL ASKEW

CHIEF EXECUTIVE OFFICER

NOTES

- 1. Councillors wishing to make alternate motions to officer recommendations are requested to provide notice of such motions electronically to the minute taker prior to the Council Meeting.**
- 2. Councillors needing clarification on reports to Council are requested to seek this from relevant Officers prior to the Council meetings.**

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**SHIRE OF WYNDHAM EAST KIMBERLEY
ORDINARY COUNCIL MEETING MINUTES
KUNUNURRA COUNCIL CHAMBERS
TO BE HELD ON 19 OCTOBER 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.

An audio and/or video record will be made of these proceedings to assist in the taking of minutes.

The commissioner declared the meeting open 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
J Ninyette	A/Director Community Development
V Lawrence	Director Corporate Services
K Williams	Executive Assistant (Minute Taker)

P Bracegirdle	SWEK
S Sibly	SWEK
M Davidson	SWEK
P Bawden	SWEK
K Poynton	WAEC
K Wright	
S Rushby	
A Petherick	
M Dear	
J Farquhar	
D Pearce	
P Kruiff	Kimberley Echo
S Dessert k	
L Yuryevich	

3. DECLARATION OF INTEREST

- Financial Interest

<ul style="list-style-type: none">• Councillor/ Officer	Item	Title	Description of Interest
C Askew	16.1	CEO Performance Review	Financial

- Impartiality Interest
- Proximity Interest

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS

Nil

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 26 September 2017

COUNCIL DECISION

Minute No: 19/10/2017- 117809

Commissioner resolved:

That Council confirms the Minutes of the Ordinary Council Meeting held on 26 September 2017

Carried 1/0

Note: The Minutes of the Ordinary Council Meeting held on 26 September 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. Draft Workforce Plan

DATE:	12 October 2017
AUTHOR:	Manager Organisational Development
RESPONSIBLE OFFICER:	Carl Askew – Chief Executive Officer
FILE NO:	CM10.09
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple majority

OFFICER'S RECOMMENDATION

That Council note the review and update of the Shire's Workforce Plan, as an informing strategy to support Council's Community Strategic Plan and Corporate Business Plan.

COUNCIL DECISION

Minute No: 19/10/2017-117810

Commissioner resolved:

That Council note the review and update of the Shire's Workforce Plan, as an informing strategy to support Council's Community Strategic Plan and Corporate Business Plan.

Carried 1/0

PURPOSE

Workforce planning aims to have the right people in the right place at the right time. The *Shire of Wyndham East Kimberley Workforce Plan 2017–2027* (the Plan) aims to build, attract and retain a relevant, skilled workforce to meet the needs of Shire sustainably into the future. It contains a range of focus areas to support Shire workforce development challenges and improvements. These priorities will be based on the following core considerations, over the period of the plan, including:

- Examination of existing capacity and capability of the workforce
- Assessment of current and future demand for workforce skills and responsive management of those capabilities
- The development of realistic and achievable workforce development strategies
- The external environment and trends that relate to workforce planning to inform our strategies
- The cultural, environmental and social setting for staff in the Shire and development of the Shire as an employer of choice

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

The adopted 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 Workforce Plan is an informing strategy under the Integrated Planning and Reporting Framework that supports the Corporate Business Plan 2017/18 - 2020/21.

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 Workforce Plan aligns with our Strategic Community Plan and Corporate Business Plan. It acts to inform workforce activities in the *Shire of Wyndham East Kimberley* for the next ten years, and offer approaches that ensure service delivery that is supported by a strong staff resource. The plan should be considered and monitored annually to ensure it delivers against goals and remains responsive and relevant as a decision making tool. It needs to align with the Shire's Long Term Financial Plan.

The Shire's workforce is the critical element in delivering all strategies and objectives for Council as outlined in the SCP and CBP and as such it represents a significant cost, as contained within the Shire's Annual Budget. There is also an ongoing cost associated with the review of the Workforce Plan and 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

Objective 1.4: Business innovation, efficiency and improved services

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

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

The wider risk implications are as follows:

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

Control: Current budget and service levels. Develop agreed standards of service and communicate with the community.

COMMUNITY ENGAGEMENT

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

No community engagement is required.

COMMENTS

The Shire has responsibility for the capability of its workforce to deliver the key priorities contracted in the Corporate Business Plan to our community. To do this the Workforce Plan highlights the need for:

- Investment in workforce planning, development and expertise
- Becoming a place based employer of choice
- Retaining our staff and attracting a diverse skilled diverse workforce
- Investing in skills and systems that keep us contemporary, resilient and responsive
- Improving workforce productivity through good workforce planning
- Developing management and leadership skills
- Collaborating more productively internally and externally to promote our workforce capability.

Key agenda for workforce planning includes a commitment to:

- Create a performance culture and embed our vision, mission and agenda into roles at the Shire and ensure managers and staff enact this through review and promotion process that strongly links KPIs to community agenda.
- Develop feedback and engagement systems in teams and across the organisation and commit to responding to staff identified matters that improve business activity, outcomes and value.
- Invest in team planning days, cross directorate collaboration, annual all staff events and regular family and staff social events.
- Encourage and promote staff engagement in community activity that aligns with the values of the community and develops and promotes our workforce capability and value.
- Capture and grow structures that provide insight into informing workforce data that enables identification of critical needs, highlights required staffing and has a forward thinking approach to ensure responsive workforce planning.
- Review salary and benefits and seek smart approaches tailored to our workforce.

The Shire's Workforce Plan aligns with our Strategic Community Plan and Corporate Business Plan. It acts to inform workforce activities in the *Shire of Wyndham East Kimberley*

for the next ten years, and offer approaches that ensure service delivery that is supported by a strong staff resource. The plan should be considered and monitored annually to ensure it delivers against goals and remains responsive and relevant as a decision making tool.

The framework of workforce planning is relatively new to local government, indicating a need for the work outlined in this plan to be flexible enough to allow for changes, not only due to changing workforce demographics and community expectation over a ten year period, but also inclusion of learnings in this area of local government business over the same period.

To continually improve upon these highlighted challenges in workforce planning, the Shire of Wyndham East Kimberley Workforce Plan 2017–2021 aims to build, attract and retain a relevant skilled workforce to sustainably meet the needs of Shire.

ATTACHMENTS

Attachment 1 - Workforce Plan 2017 - 2027

12.2.2. Kimberley Regional Group Development of an Energy and Natural Gas Chain

DATE:	19 October
AUTHOR:	C Askew, Chief Executive Officer
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council;

Support the Kimberley Regional Group, in the development of an Energy and Natural Gas Chain project and concept.

COUNCIL DECISION

Minute No: 19/10/2017-117811

Commissioner resolved:

That Council;

Support the Kimberley Regional Group, in the development of an Energy and Natural Gas Chain project and concept.

Carried 1/0

PURPOSE

To collaborate and champion the regional development prospect of the Energy and Natural Gas Value Chain.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Facilitator – Bringing stakeholders together

Leader – Plan and provide direction through policy and practices

Advocate – Advocate and support initiatives on behalf of the community and region

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

On 21 August 2017 the Joint Select Committee Northern Australia held an event in Broome to raise the awareness of the potential to develop an Energy and Natural Gas Value Chain to connect remote Kimberley communities. At the event it was urged that regional bodies, including local governments, collaborate and champion the project. It was also agreed that the matter would be tabled at 21 November Kimberley Regional Group Zone meeting in Darwin. The Zone Secretariat has written to the shire in relation to this matter requesting that each council present it to the next Ordinary Council Meeting to seek support for the project and its concepts.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Insert

FINANCIAL IMPLICATIONS

Insert

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

Nil

COMMENTS

See attached letters.

ATTACHMENTS

Attachment 1 - Letter from Zone Secretariat re Development of an Energy and Natural Gas Chain

Attachment 2 - Memo Sheffield Resources

12.2.3. Recording of meetings

DATE:	12 October 2017
AUTHOR:	Senior Governance Officer
REPORTING OFFICER:	Carl Askew, Chief Executive Officer
FILE NO:	CM.16.241
DECLARATION OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Note the progression of the audio/visual recording solution as advised at the October 2017 briefing and described in the comment below.**
- 2. Adopt the Recording of Meetings Policy as at attachment 1 to this item.**

COUNCIL DECISION

Minute No: 19/10/2017- 117812

Commissioner resolved:

That Council:

- 1. Note the progression of the audio/visual recording solution as advised at the October 2017 briefing and described in the comment below.**
- 2. Adopt the Recording of Meetings Policy as at attachment 1 to this item.**

Carried 1/0

PURPOSE

The purpose of this report is to adopt the Recording of Meetings Policy and to provide an update in relation to the Shire's acquisition of an audio/visual system to record proceedings of meetings to ensure the accurate preparation of minutes.

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 on 28 June 2016 Council resolved:

COUNCIL DECISION

Minute No: 11398

Moved: Cr K Wright

Seconded: Cr S Rushby

That Council:

- 1. Adopt the draft policy (as per Attachment 1) for Recording of Council, Committee and Electors Meetings for public advertising for a period of 28 days;**
- 2. Subject to the feedback received in the public advertising period proceed with the acquisition of a wireless audio recording system at a cost of approximately \$35,000 with the inclusion video recording**

Carried 5/4

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

The draft policy was advertised for community comment in the Kimberley Echo edition of 28 July 2016. No comments were received.

STATUTORY IMPLICATIONS

Local Government Act 1995 section 1.3(2), promotes greater accountability of local governments to their communities.

State Records Act 2000 and General Disposal Authority (GDA) for Local Government No. 2015-001. Recordings generated by the proposed solution will be subject to the requirements of the *State Records Act 2000* and GDA.

Freedom of Information Act 1992. Under the proposed policy, recordings generated by the proposed solution will be subject to the *Freedom of Information Act 1992*..

Meeting Procedures Local Law 2016 providing for the recording of meetings in accordance with Section 6.16.

POLICY IMPLICATIONS

A new policy has been developed to govern the recording of meetings which is compliant with the above mentioned legislation and can be found at attachment 1.

FINANCIAL IMPLICATIONS

As noted in the above Council resolution, the request for the audio and video recording was made at the June 2016 Ordinary Council Meeting where an amount of \$35,000 was initially provided. An amount of \$70,000 was included in the 2017/18 Budget to acquire a managed solution for the recording of council Meetings.

A public tender process was conducted to source proposals for an audio visual solution that complied with the Shire's requirements. Following the assessment of Tenders received, the Tender Evaluation Team recommended that no tender be accepted. A decision was made that the Shire's existing hardware/software solution be trialed to determine whether it could accommodate the audio visual requirements. This recommendation was accepted under CEO delegated authority.

The Shire Officers have trialed and implemented the new solution. The estimated cost of purchase and installation of the new solution will be less than \$10,000 (excluding GST). This includes the provision of four (4) cameras (two in each chamber), cables, additional computer equipment and installation costs at both sites. This is well within the budget of \$70,000. Ongoing operational costs of an additional \$2,400 per annum can be accommodated within existing allocated budget.

The preliminary savings for the 2017/18 IT capital budget is \$60,000 and this can be directed towards other priority IT matters including Councillor support (iPads), NBN connectivity and intra-site connectivity for Shire facilities.

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

COMMUNITY ENGAGEMENT

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

No further community engagement will be conducted in relation to this item.

COMMENT

Officer investigations into the acquisition and installation of equipment across both Council chambers (Kununurra and Wyndham) were made after the July 2016 Ordinary Council Meeting and the amount provided of \$35,000 was found to be inadequate for a purchased system that would be sufficiently robust. Furthermore, the range of technology available was vast and finding the right mix of technology, ease of use and value for money proved to be challenging.

An amount of \$70,000 was included in the 2017/18 Budget to acquire a managed solution for the recording of Council Meetings. Shire Officers obtained estimates for the installation of the equipment after conducting the procurement process and a preferred supplier was selected. On further investigation the preferred supplier's offer was found to be defective and a confidential report to Council in August 2017 was withdrawn by the Administration.

COUNCIL DECISION

Minute No: 22/08/2017-11781

Commissioner resolved:

That the report be withdrawn to allow further investigation and the Chief Executive Officer to brief the Commissioner in September 2017, with a decision to be made under delegation.

After not proceeding with any of the submissions as part of the previous tender process, the Shire engaged with one of its current contracted vendors to determine the suitability of obtaining a solution that was compatible with existing infrastructure at the Shire. To this end Shire Officers discussed the use of existing video conferencing technology with the supplier to be used to record Council meetings. The supplier indicated that this was possible and Shire Officers have conducted tests to confirm that it is indeed possible to use the existing technology. The tests conducted revealed a number of issues that needed to be resolved and these included:

- Bandwidth and connectivity issues;
- Field of vision issues; and
- Audio quality

Shire Officers evaluated the equipment needed to ensure that the Shire's immediate requirements were met as well as being flexible enough to meet potential future needs (such as web streaming). The issues have been resolved to the satisfaction of Shire Officers. While the quality of the picture is not perfect, it is functional. As discussed with the Commissioner and as stated in the previous officer report and proposed Policy, the main use for the equipment would be to assist in producing accurate minutes of Council meetings. A better quality picture would not enhance this functionality. While there is the possibility for future live streaming this is not the intention for installing the equipment.

The data will be stored at the service provider and access to the information will be available to Shire staff for the purpose of producing minutes. Access to recordings by the community will only be by a Freedom of Information (FOI) request. The reason for doing this is to limit

the possibility of liability where it could be found that the Shire is party to distributing material that may be defamatory.

The costs for this solution have been estimated to be no more than \$10,000 to set up the Shire Chambers in both Kununurra and Wyndham. There will be an additional operating cost of \$2,400 per annum that can be accommodated within the current Shires budget.

The equipment has been set up in Kununurra and will be duplicated Wyndham in time for the Ordinary Council meeting in November 2017.

Issues and Risks associated with recording meetings

There can be limitations with the recording of meetings, for example, audio recordings may not capture all conversations in Council Chambers – some systems only record the person speaking into the microphone, so there can be inconsistencies. In considering whether to record Council meetings, Council needs to be aware of the risks and possible consequences;

- Councillors are personally responsible for comments made at a Council, Committee and Elector meeting. Councillors do not enjoy the absolute privilege enjoyed by members of parliament.
- LGIS (the Shires insurer) has indicated the Shire's Liability Protection Policy (under libel and slander) does not cover claims arising from the publication or utterance of libel or slander made by or at the direction of the member. This has the potential to increase claims if meetings are recorded.
- The Shire of Wyndham East Kimberley would not be responsible for the resources and costs associated with any claim made against an individual Councillors for comments made at council meetings.
- The recordings may and can be used as evidence in legal proceedings against the Shire, Council or individual Councillors.
- There may be instances where members of the public make ill-advised or defamatory statements at Council meetings. These statements would become a permanent record accessible under FOI requests, and may result in the Shire being liable in defamation in the republication of defamatory remarks, or being otherwise responsible for insulting or malicious comments.
- Personal details of those members of the public who participate in public question time will be included in the recordings.
- Recording may result in reduced comment and debate during council meetings which would not be a desirable outcome.
- Depending on the method of recording, there could be an impact to the way meetings need to be conducted eg. if audio recording only, the details of councillors voting for and against a resolution would need to be read out loud for the benefit of the recording. This could cause delays and increase the length of time taken to conduct a meeting.

Suggested risk treatments

To reduce the risks associated with recording of Council meetings, the following treatments are suggested:

- Department of Local Government and Communities is to be engaged to provide training to Councillors in November as to Serving on Council/Roles Responsibilities, Meeting Procedures and Debating (including attendance at Council meeting and post meeting feedback) which are envisaged to assist in providing context for recording of meetings;
- Councillor induction documentation to include the Recording of Meetings policy and
- Access to recordings is strictly limited and closely managed.

ATTACHMENT

Attachment 1 - Recording of Meetings policy

Attachment 2 - (Confidential Attachment) Tender Evaluation and Recommendation
Summary

12.2.4. Standing Item- Outstanding Actions from Previous Council Resolutions

DATE:	26 September 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: 19/10/2017-117813

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 July 2017 Council resolutions (Attachment 1). Attachment 2 summarises all other actions that are outstanding from previous Council resolutions.

ATTACHMENTS

Attachment 1 - Council Action Register Current

Attachment 2 - Outstanding Actions from Previous Council Resolutions

12.3. COMMUNITY DEVELOPMENT

12.3.1. Waringarri Radio in Whitegum Park

DATE:	6 October 2017
AUTHOR:	Community Development Officer
RESPONSIBLE OFFICER:	A/ Director Community Development
ASSESSMENT NO:	A2152P
FILE NO:	CS.12.7
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council

1. Note Waringarri Media Aboriginal Corporation's proposed Music in Whitegum Park Solar Sound Pole project
2. Authorise the CEO to advertise the proposal for community comment for a period of 28 days.

COUNCIL DECISION

Minute No: 19/10/2017- 117814

Commissioner resolved:

That Council;

1. Note Waringarri Media Aboriginal Corporation's proposed Music in Whitegum Park Solar Sound Pole project
2. Authorise the CEO to advertise the proposal for community comment for a period of 28 days.

Carried 1/0

PURPOSE

That Council note and advertise Waringarri Media Aboriginal Corporation's proposed Music in Whitegum Park, Solar Sound Pole project for community comment and feedback prior to providing support and authorisation for the proposed project.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Facilitator - bring stakeholders together

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Community Development Directorate was approached by Waringarri Media in June 2017 to discuss a proposed project to install solar powered sound poles in Whitegum Park. The proposal involved the installation of two sound poles with a view to broadcast Waringarri Radio through the speakers on a 24 hours a day 7 days a week basis. Waringarri were seeking external funding for the project at the time of the initial discussion.

In September 2017 Waringarri Media were successful in obtaining grant funding for the project. Waringarri Media now seek support from the Shire of Wyndham East Kimberley to undertake the facilitation of Community Consultation for the project, seeking feedback from community members, residents and businesses within the immediate area who may be affected by the project.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

CP GOV-3100 Community Engagement Policy

FINANCIAL IMPLICATIONS

Nil

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 3.1.2 : Promote a greater range of cultural and art activities

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: Failure to consult with the community resulting in loss of reputation.

Control: Undertake Community Consultation in line with Council Policy *CP GOV-3100 Community Engagement*

COMMUNITY ENGAGEMENT

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

- Advertising on the Shire's Community Consultation Website for a 28 day period.
- Community Forum at Kununurra Leisure Centre.
- Letter to ratepayers, residents and businesses within the immediate Whitegum Park vicinity.

COMMENTS

Whilst the project is supported by officers *in principle*, the 24 hour per day, 7 day per week broadcast is not supported, as this may attract antisocial behaviours to the area and have a negative impact on local residents and businesses in the vicinity. In addition, factors such as location, installation and maintenance, volume levels etc. all need to be considered by the Shire.

It is recommended that the project be taken to the community for consultation and feedback on the recommended hours of broadcasting and associated risks and benefits the project may incur.

Waringarri Media will be required to submit appropriate Building Applications and seek approval from the Shire for installation of the aforementioned solar poles, should the project be endorsed.

ATTACHMENTS

Attachment 1 - Waringarri Radio Project Scope

Attachment 2 - Solar Pole Specifications.

12.3.2. Development Application - Panel Beating - Lot 317 Laine Jones Drive, Kununurra

DATE:	19 October 2017
AUTHOR:	Senior Planning Officer
RESPONSIBLE OFFICER:	A/Director Community Development
ASSESSMENT NO:	A5833
FILE NO:	A5833P
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council refuses the application for development approval to allow panel beating at Lot 317 Laine Jones Drive, Kununurra for the following reasons:

- 1. The proposal does not comply with the objective under Town Planning Scheme No. 7 – Kununurra and Environs for airport related uses within Special Site – Airport as it is not deemed to be dependent on the function of the airport, nor incidental to the predominant land use.**
- 2. The proposal is not consistent with the long-term operational needs of the East Kimberley Regional Airport and would set an undesirable precedent for the locality.**

COUNCIL DECISION

Minute No: 19/10/2017- 117815

Commissioner resolved:

That Council refuses the application for development approval to allow panel beating at Lot 317 Laine Jones Drive, Kununurra for the following reasons:

- 1. The proposal does not comply with the objective under Town Planning Scheme No. 7 – Kununurra and Environs for airport related uses within Special Site – Airport as it is not deemed to be dependent on the function of the airport, nor incidental to the predominant land use.**
- 2. The proposal is not consistent with the long-term operational needs of the East Kimberley Regional Airport and would set an undesirable precedent for the locality.**

Carried 1/0

PURPOSE

For Council to consider a development application for Change of Use to allow Panel Beating at Lot 317 Laine Jones Drive, Kununurra.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

An application for planning approval was lodged on 18 September 2017 by Brian Measey to allow a panel beater business to operate from Lot 317 Laine Jones Drive, Kununurra, as an ancillary use to the car hire business, being the predominant use of the land.

The property is located at the East Kimberley Regional Airport on the southern side of Laine Jones Drive and has an area of 2693m². The land is zoned Special Site - Airport under Town Planning Scheme No.7 – Kununurra and Environs (TPS 7).

The subject site adjoins an unused property (to the west) initially approved for car hire and vehicle storage, developed with a ticketing booth/office and ablution with septic system. A development approval in respect to this adjoining property was granted in 2016 for short-term pilot accommodation to house itinerant and student pilots, working for or being trained at HeliSpirit, located directly opposite on the northern side of Laine Jones Drive, however no development has occurred to date.

Further to the west, located on the opposite side of Cyril Kleinig Drive, is a helicopter hangar with transient accommodation, and to the north, on the opposite side of Laine Jones Drive, are airplane and helicopter charter company hangars and offices with airside access.

To the east is an area of land currently leased for rental car storage, and the Shire's airport depot, and to the south is the old aviation fuel site which is still leased until the site has been



fully decommissioned.

Location Plan

The property has already been developed as a car rental depot (Thrifty) with one large shed that includes reception, offices, and workshop, two covered car detailing and washdown bays and hardstand areas.

At the Ordinary Council Meeting of 16 December 2014, Council considered an application to allow the car rental agent to undertake incidental mechanical work on private vehicles to help supplement the business, particularly outside of the tourist season.

The applicant proposed that, in order to maintain the professional image and predominant use as a car rental business, only signage for the promotion of Thrifty would be allowed and only Thrifty rental vehicles are to be parked at the front of the premises. The applicant stated that a maximum of 10 private vehicles will be allowed on the premises at any one time, and would be parked at the rear of the premises.

Council Decision

Minute No. 10725

Moved: Cr G King

Seconded: Cr R Dessert

That Council grants planning consent for Change of Use – Private Motor Vehicle Repair at Lot 317 Laine Jones Drive, Kununurra, subject to the following conditions:

- 1. Use shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Shire.***
- 2. No additional signage to advertise private mechanical works are permitted on the site.***
- 3. All vehicles associated with the use, including both rental cars and private vehicles, are to be parked onsite at all times.***
- 4. A maximum of 10 private vehicles are permitted to be kept onsite at any time.***
- 5. The private mechanical repairs are to remain incidental to the main use of the site as a Car Rental Depot.***

Carried 5/3

***For: Cr J Moulden, Cr R Dessert, Cr G King, Cr D Spackman, Cr G Taylor
Against: Cr B Robinson, Cr D Learbuch, Cr K Wright***

Proposal

The owner of the property is looking to appoint a new agent to operate the business on their behalf, and has received an expression of interest from an existing local panel beating business, Kununurra Smash and Screen Repairs.

The intention is that the agent would operate the Thrifty Car Rental as well as the panel beating business out of the premises.

The applicant states that Thrifty would be the primary business conducted from the premises, with the panel beating business being supplemental to Thrifty's Business, which is seasonal in nature.

The written submission in support of this application, provided at Attachment 1, states that this application is for an additional use, being panel beating, on the basis that it is incidental to the predominant use of the land, being rental car depot for the hire, storage and servicing of rental cars.

The submission also states that it is intention to build a covered fence on the rear of the property, to ensure that there is no visibility of the panel beating works from Victoria Highway.

Although not specified in the submission, Kununurra Smash and Screen Repairs business also includes spray painting and windscreen repairs, which is understood, is also proposed to also take place on the premises.

STATUTORY IMPLICATIONS

Town Planning Scheme No. 7 – Kununurra Townsite and Environs

The land at Lot 317 Laine Jones Drive is zoned Special Site - Airport under Town Planning Scheme No. 7 - Kununurra and Environs (TPS7).

The objective of the Special Site zone is to reflect those sites specifically established for a particular use. Land within the Special Site Zone may be used for the purposes specified on the Scheme Map and the schedule in Appendix No. 2 of the Scheme as applicable to that site and for no other purpose except for a use that Council deems is incidental to the predominant use.

Appendix 2 of TPS 7 identifies the use of this Special Site as 'Airport', however states that other uses may be permitted by Council provided that they are incidental to the predominant use of the land and/or deemed to be dependent on the function of the Airport.

Although previous approval has been granted to allow incidental motor vehicle repair on the site, panel beating and spray painting are specifically excluded from the definition of Motor Vehicle Repair Station which is defined in TPS 7 as below:

Motor Vehicle Repair Station means land and buildings used for or in connection with the electrical and mechanical repairs and overhauls to motor vehicles. The term includes repairs to tyres, but does not include recapping or re-treading of tyres, panel beating, spray painting and chassis reshaping.

Panel beating would therefore be classed as an industry which is defined as follows in TPS 7 -

Industry means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes premises on the same land used for -

- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail; or
- (d) the provision of amenities for employees, incidental to any of those industrial operations;

Industry is separated into a number of types which are listed in Table 1 – Zoning Table, including Industry - Light and Industry - General as follows:

Industry – Light means an industry -

- (a) *in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;*
- (b) *the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;*

Industry - General means an industry other than a cottage, extractive, light, mining, rural or service industry

Based on the above definitions, as panel beating operations can adversely affect the amenity of a locality, normally due to the visual amenity, noise and dust, it may be more appropriate to classify it as a general industry.

However in any instance, the application is required to be determined by Council on the basis that the land is within a Special Site Zone, and any approval can be conditioned to mitigate, avoid or manage potential impacts on the amenity of the area.

Draft Local Planning Scheme No. 9

The subject lot is proposed to be zoned as Special Use in the draft Local Planning Scheme No. 9 (LPS 9). The objective of the Special Use zone is to facilitate special categories of land uses which do not sit comfortably within any other zone, and to enable the local government to impose special conditions associated with the special use.

The special use identified in draft LPS 9 for the East Kimberley Regional Airport, was amended as part of the recommended modifications as endorsed by Council at the 20 December 2016 Ordinary Council Meeting as follows:

Airport: Other uses may be permitted by the local government provided that they are incidental to the predominant use of the land or deemed to be dependent on the function of the Airport or are shown to the satisfaction of local government to be consistent with the Airport's long-term operational needs.

It is noted that the definitions for the various subsets of industry have been streamlined in draft LPS 9, in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* model scheme provisions. As such, under the proposed scheme there is no longer definitions for noxious or general industry, only a definition for industry as follows:

industry means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes -

- (a) *the storage of goods;*
- (b) *the work of administration or accounting;*
- (c) *the selling of goods by wholesale or retail;*

- (d) *the provision of amenities for employees;*
- (e) *incidental purposes*

The definition of industry -light has also been amended as follows:

industry - light *means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.*

East Kimberley Regional Airport Master Plan 2017

The East Kimberley (Kununurra) Regional Airport Master Plan, originally prepared in 2013, was recently reviewed in July 2017, and adopted by Council at the Ordinary Council meeting of 22 August 2017. The objectives of the updated master plan are to:

- Provide strategic directions over a minimum 20-year development framework while recognising that it is a living document;
- Identify scope for diversification through new/expanded opportunity areas that could include the ability to accept larger aircraft, support the economic growth of Kununurra and the tourist, agriculture, resources sectors and defence capabilities; and
- Guide general community, local businesses and development industry through certainty, reduced potential conflict and meeting statutory requirements.

The updated master plan also identifies a number of aeronautical and non-aeronautical developments to be undertaken during the 20-year planning horizon which includes facilitating additional commercial development of airport land to encourage synergies, provide additional revenue sources and support economic development.

A strategic objective identified in the 2017 master plan is to broaden the contribution of the Airport to the region's economic development through the attraction of increased business and commercial activities and making best use of the land opportunities.

In relation to diversification of land uses, the 2017 master plan includes a Land Use Plan that identifies two Commercial Precincts to be established in areas (one north of the runway and one south of the runway) that are not required for aeronautical infrastructure, and therefore provide a significant opportunity to diversify its revenue streams and support wider economic development.

The current master plan suggests that land within these precincts be used for a range of both aviation and non-aviation activities which shall aid in the growth of the airport and support the wider community, and may include:

- Aircraft maintenance facilities;
- General warehousing and bulky goods;
- Retail fuel sales;
- A roadhouse (may be subject to land acquisition)
- Hotels and other short-term accommodation;
- Private hangars;

- Businesses, such as those related to the oil and gas industries which would use the airport to transport important high-value components and equipment;
- Manufacturing and services that are consistent with airport activities and meet environmental standards; and
- Interim storage.

The subject site, as it has already been developed, is not identified in any areas specified on the 2017 Land Use Plan. However, the proposed southern commercial precinct is located to the west, the proposed car park expansion area to the east, and the proposed freight precinct to the north, of the subject site.

The 2013 master plan had previously identified the subject site as part of Precinct 2: Aviation Related Commercial Precinct without Airside Access.

Precinct 2 was identified as land that due to its location and nature is not possible to provide airside access, however, that a variety of business types exist that have an aviation connection and will benefit from a location at the airport. These businesses would either support the aeronautical activities at the airport, support the aviation-related businesses that own, operate or deal with aircraft or gain some benefit from the proximity to the air services from the airport.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

FINANCIAL IMPLICATIONS

An application fee of \$295 for the change of use application has been received.

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

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

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

Strategy 2.2.6 : Support local initiatives that promote entrepreneurial activities and a greater diversity of industries in the East Kimberley

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

The land has been developed and is currently utilised as a car rental depot, which includes washing and detailing of, and mechanical repairs and maintenance to Thrifty's rental car fleet, and mechanical repair of private vehicles by the managing agent as a supplementary source of income has previously been approved by Council.

This change of use application proposes to also allow panel beating, spray painting, and windscreen repairs of private vehicles, in addition to Thrifty's rental car fleet, to allow the proposed managing agent to continue to undertake their existing business in conjunction with managing the Thrifty fleet.

As the land has been set aside as Special Site – Airport, Council's discretion is required to consider and permit other uses provided that they are incidental to the predominant use of the land and/or deemed to be dependent on the function of the Airport, or in accordance with draft Local Planning Scheme No. 9, are considered to be consistent with the Airport's long-term operational needs.

It is acknowledged that the existing use (rental car depot) has previously been approved as a business that benefits from its proximity to the airport, and that in considering the initial application to allow motor vehicle repair to private vehicles there was a concern that it would be difficult for Shire Officers to monitor the ongoing impacts of the proposed private mechanical activities to ensure that they are incidental to the predominant use of motor vehicle hire.

As such, the additional use to allow mechanical repairs on private vehicles was only permitted on the basis that:

- a maximum of 10 private vehicles would permitted to be kept onsite at any time.
- the private mechanical repairs would remain incidental to the main use of the site, i.e. that the Thrifty management would not allow its agent to operate other than as incidental to the Thrifty operation; and
- the use would not change the appearance of the existing building or operations, as there would be no other advertising signs on site, and private vehicles would be required to be parked to the rear of the premises.

The current application to allow panel beating, implies that there is sufficient area for parking on site to store vehicles associated with both the existing and proposed uses, and that it is

intended to screen the fencing to the south to screen activities from view of the Victoria Highway.

The written submission has outlined that the application to allow panel beating is on the basis that it is incidental to the predominant use of the land, being rental car depot for the hire, storage and servicing of rental cars, however does not indicated how this will be ensured.

Although windscreen repair, panel beating and spray painting of the rental car fleet at the premises may reasonably be deemed as ancillary to the predominant use (and would be relatively infrequent), it is considered that the current application is essentially proposing to collocate two separate businesses at the premises, rather than introducing an additional incidental use.

While there may be synergies between the two uses, it is unlikely that the panel beating operation will be, or remain, as incidental to the predominant use as a rental car depot, and therefore cannot be approved on this basis. Panel beating also cannot be deemed to be dependent on the use of the airport, and does not gain benefit from the proximity to the air services from the airport.

It is therefore at the discretion of Council to determine whether the proposed additional use at the site is consistent with the Airport's long-term operational needs and consistent with airport activities.

While it is noted that the updated East Kimberley Regional Airport Master Plan identifies that land uses within the proposed commercial precincts may include manufacturing and services that are consistent with airport activities and meet environmental standards, it is considered that allowing a panel beating operation to collocate at Lot 317 would set an undesirable precedent for the locality, particularly given its proximity to the terminal and the surrounding land uses, both existing and proposed.

ATTACHMENTS

Attachment 1 - Written submission from Salerno Law

Attachment 2 - Site/Floor Plan

Attachment 3 - EKRA Master Plan - Land Use Plan 2017

12.4. CORPORATE SERVICES

12.4.1. Monthly Statement of Financial Activity for the Period Ended 30 September 2017

DATE:	26 September 2017
AUTHOR:	Financial Accountant
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM.09.20
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the monthly financial report as at 30 September 2017.

COUNCIL DECISION

Minute No: 19/10/2017-117816

Commissioner resolved:

That Council receives the monthly financial report as at 30 September 2017.

Carried 1/0

PURPOSE

For Council to receive the monthly financial report for the period ended 30 September 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 18 July 2017 Ordinary Council Meeting, the Council resolved the following:

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

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 versus actual variances are included as comments in the Financial Report attached.

ATTACHMENTS

Attachment 1 - Monthly Financial Report - 30 September 2017.

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

DATE:	19 October 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 130034 - 130279 (08 Sep -29 Sep 2017)	\$ 2,751,017.69
Municipal cheques 51629 - 51648 (08 Sep - 29 Sep 2017)	\$ 84,940.22
Trust cheques 1075 - 1084 (08 Sep - 20 Sep 2017	\$ 4,934.24
Trust EFT 501453 - 501469 (01 Sep – 29 Sep 2017)	\$ 9,330.95
Payroll (13 Sep - 27 Sep 2017)	\$ 511,579.65
Direct bank debits (01 Sep - 29 Sep 2017)	\$ 162,093.70
TOTAL	\$ 3,523,896.45

COUNCIL DECISION

Minute No: 19/10/2017- 117817

Commissioner resolved:

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

Municipal EFT 130034 - 130279 (08 Sep -29 Sep 2017)	\$ 2,751,017.69
Municipal cheques 51629 - 51648 (08 Sep - 29 Sep 2017)	\$ 84,940.22
Trust cheques 1075 - 1084 (08 Sep - 20 Sep 2017	\$ 4,934.24
Trust EFT 501453 - 501469 (01 Sep – 29 Sep 2017)	\$ 9,330.95
Payroll (13 Sep - 27 Sep 2017)	\$ 511,579.65
Direct bank debits (01 Sep - 29 Sep 2017)	\$ 162,093.70
TOTAL	\$ 3,523,896.45

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 September 2017

12.4.3. Budget Adjustments 2017/18

DATE:	19 October 2017
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM 05.15
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council -

- 1. Adopt the changes to the Municipal Fund Budget 2017/18 and reserves as detailed in Annexure 1 and Annexure 2;**
- 2. Adopt the recommendation to transfer an additional amount of \$194,341 to the Drainage Reserve;**
- 3. Establish a Public Art Reserve for the purpose "To provide for the maintenance, renewal, upgrade of existing and new public art Infrastructure within the Shire of Wyndham East Kimberley".**
- 4. Authorise the Chief Executive Officer to give one month's local public notice for the establishment of the Public Art Reserve;**
- 5. Note the receipt of \$10,000 from LandCorp as a contribution towards the ongoing maintenance of the public artwork in the Coolibah / Chestnut subdivision.**

COUNCIL DECISION

Minute No: 19/10/2017- 117818

Commissioner resolved:

That Council

- 1. Adopt the changes to the Municipal Fund Budget 2017/18 and reserves as detailed in Annexure 1 and Annexure 2;**
- 2. Adopt the recommendation to transfer an additional amount of \$194,341 to the Drainage Reserve;**
- 3. Establish a Public Art Reserve for the purpose “To provide for the maintenance, renewal, upgrade of existing and new public art Infrastructure within the Shire of Wyndham East Kimberley”.**
- 4. Authorise the Chief Executive Officer to give one month’s local public notice for the establishment of the Public Art Reserve;**
- 5. Note the receipt of \$10,000 from LandCorp as a contribution towards the ongoing maintenance of the public artwork in the Coolibah / Chestnut subdivision.**

Carried 1/0 therefore by Absolute Majority

PURPOSE

The purpose of this report is to consider changes to the Municipal Fund Budget for the 2017/18 financial year arising from changes to the cash position estimated at the time of the preparation of the budget and the actual cash position presented to the Shire’s auditors in the draft Annual Financial Statements for the year ended 30 June 2017.

To seek Council’s consideration and endorsement for the establishment of a Public Art Reserve and to provide for the contribution for ongoing maintenance of the public art in the Coolibah/Chestnut subdivision.

NATURE OF COUNCIL’S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The 2017/18 Budget was considered by Council at the Ordinary Council Meeting on 18 July 2017. The relevant decision related to the Officer’s Recommendation 15 of the report.

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

COUNCIL DECISION

Minute No: 22/08/2017-11766

Commissioner resolved:

That Council -

- 1. Request the Chief Executive Officer write to LandCorp advising that the Shire of Wyndham East Kimberley accepts their gift of the public artwork in the Coolibah / Chestnut subdivision.**
- 2. Request a Public Art Work Reserve to be established to receipt the \$10,000 LandCorp contribution towards the ongoing maintenance of the public artwork in the Coolibah / Chestnut subdivision.**

Carried 1/0

COUNCIL DECISION

At the 24 February 2015 Ordinary Council Meeting Council resolved as follows:-

Minute No. 10810

Moved: Cr K Wright

Seconded: Cr S Cooke

That Council directs the Acting CEO to:

- 1. Enter into an agreement with LandCorp for the placement, maintenance and insurance of the public art works in Coolibah Estate for a period of two (2) years.**
- 2. Ensure that the formalised agreement with LandCorp includes a requirement for LandCorp to maintain detailed records of the costs incurred during this two (2) year period for the maintenance and/or repair of the art works and provide these records to the Shire.**
- 3. Provide a further report to Council prior to the conclusion of the formalised agreement with LandCorp which includes the following:-**
 - A. Costs incurred for the maintenance and/or repair of the public art works during the period of the agreement; and**
 - B Confirmation of LandCorp's intent to contribute a minimum of \$10,000 or another appropriate amount which reflects incurred maintenance costs towards the ongoing maintenance of the public art works.**
- 4. Bring up notice as the 2 year period draws near so that Council may consider the future of the proposed public art.**

Carried Unanimously 9/0

In accordance with point 1 and 2 of Council's resolution as outlined above a Deed between LandCorp and the Shire of Wyndham East Kimberley was executed on 22 June 2015. The Shire received advice from LandCorp on 16 November 2015 to confirm that the maintenance period for the public art works formally commenced on 13 October 2015.

STATUTORY IMPLICATIONS

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.

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.

6.2. 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.

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).

6.8. Expenditure from municipal fund not included in annual budget

- 1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - b) is authorised in advance by resolution*;
 - c) is authorised in advance by the mayor or president in an emergency.

* Absolute majority required.

(1a) In subsection (1) — **additional purpose** means a purpose for which no expenditure estimate is included in the local government's annual budget.

2) Where expenditure has been incurred by a local government —

- a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
- b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council
- c) [Section 6.8 amended by No. 1 of 1998 s. 19.]

Local Government (Financial Management) Regulations 1996 32. Amounts which may be excluded when calculating budget deficiency (Act s. 6.2(3))

A local government may exclude from the calculation of the budget deficiency —

- a) money borrowed or to be borrowed, to the extent that it is proposed in the annual budget to remain unspent at the end of the financial year; and
- b) reserves, to the extent that they are proposed in the annual budget to remain unspent at the end of the financial year; and
- c) in relation to a land transaction or trading undertaking, assets and liabilities, to the extent to which they are proposed in the annual budget to remain restricted to the purposes of the land transaction or trading undertaking at the end of the financial year; and
- d) any proposed amounts of depreciation of non-current assets; and
- e) assets from grants or gifts or non-cash revenue or expenditure; and
- f) current liabilities which, by their nature, are restricted, to the extent that they are proposed in the annual budget to remain uncleared at the end of the financial year; and
- g) any other current assets which, by their nature, are restricted, to the extent that they are proposed in the annual budget to remain unused at the end of the financial year.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The detailed financial implications have been set out in Annexure 1 and 2. The net impact on the operating position of the Shire is that the additional cash generated of \$386,111 will be allocated to the 2017/18 Operating Budget in the amount of \$191,770 and a transfer to the Drainage Reserve of \$194,341. With respect to the Capital Works portion of the budget an additional \$85,449 of revenue and \$16,647 of proceeds on disposal of plant has been received to fund net additional capital items of \$102,965. There is a net transfer into of reserves of an additional \$1,131,783 more than was forecast.

In accordance with the Deed, LandCorp have provided the Shire a Maintenance Log with costings for the public art, for the period April 2016 to August 2017. Costs incurred for maintenance were \$3,452.00, which equates to approximately \$173.00 per month. LandCorp have also confirmed their intention to contribute \$10,000 for ongoing maintenance of the public art in accordance with clause 4.3 of the Deed:-

"4.3 If by the Latest Date the Shire does not resolve that the Public Art is to be removed from the Land in accordance with clause 5.3, LandCorp will pay to the Shire one lump sum payment of \$10,000 plus GST (Public Art Payment) as soon as practicable."

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

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

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

Strategy 3.3.1 : Improve streetscapes in town and urban centres incorporating public art and 'designing out crime' principles

RISK IMPLICATIONS

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

Control: Annual financial audit.

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

Control: Current budget and service levels.

Risk: Failure to undertake proactive maintenance leading to damaged infrastructure

Control: Proactive maintenance included in Depot Maintenance Works program.

COMMUNITY ENGAGEMENT

No community engagement is required for the changes to the Municipal Fund Budget 2017/18.

For the establishment of the Public Art Reserve no community engagement is considered necessary. Local public notice is being given to the community in terms of section 6.11 of the *Local Government Act 1995*.

COMMENTS

At the time of the preparation of the 2017/18 Budget estimates of both capital and operating expenditure and revenue had to be made as actual data could not be determined at that time. It was the intention that once the actual data was available then the budget would be revisited to adjust budget allocations for any change in circumstances due to any material variance between actual data and estimated data. This is not a review of the budget as contemplated by *Section 33A. Review of Budget - Local Government (Financial Management) Regulations 1996*, but an adjustment to the budget based on information we did not have at the time of the Budget preparation.

In the preparation of the 2017/18 Budget, the Rate Setting Statement detailed the estimated revenue and expenditure of both operating and capital nature, the financing activities and the movement in the Reserves for the 2016/17 financial year. These estimates gave an opening cash position of \$2,573,358. Then actual position as presented to the auditors in the draft Annual Financial Statements for 30 June 2017 differed to the estimated position in each of these categories, yielding a lower opening cash position of \$1,828,735. This is lower by \$744,623. The reason for this is primarily due to more cash being transferred into reserves (\$1,035,136), more cash being expended on capital works (\$95,599) offset by a greater than estimated operating, rates and financing position of \$386,111.

The greater than estimated aggregate spend of capital works has been accounted for in a lower amount of cash being transferred to the Reserves. An analysis however needs to be made of capital works jobs that were incomplete at the end of the 2016/17 financial year and the difference in the estimated and actual expenditure accounted for. Where the forecast expenditure was underestimated and more funds were spent in the 2016/17 year than estimated, those individual budgets have to be reduced in the 2017/18 year. Similarly where the forecast expenditure was overestimated and fewer funds were actually spent in the 2016/17 year, those individual budgets have to be increased in the 2017/18 year. The cash effect of these transactions is all through the relative Reserves.

With respect to the cash difference that has arisen out of the operating, rates and financing position of \$386,111, \$191,770 of this amount has been utilised as detailed in Attachment 1. This allows an amount of \$194,341 which is excess operating funds to be allocated to the Drainage Reserve.

The amended Rate Setting Statement is detailed in Attachment 2.

ATTACHMENTS

Attachment 1 - Analysis of Changes to Budgets for 2017/18

Attachment 2 - Amended 2017/18 Budgeted Rate Setting Statement

12.4.4. Monthly Statement of Financial Activity for the Period Ended 30 September 2017

DATE:	19 October 2017
AUTHOR:	Financial 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 September 2017.

COUNCIL DECISION

Minute No: 19/10/2017- 117819

Commissioner resolved:

That Council receives the Interim monthly financial report as at 30 September 2017.

Carried 1/0

PURPOSE

For Council to receive the interim monthly financial report for the period ended 30 September 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 targets.

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 for the period to 30 September 2017.

12.5. INFRASTRUCTURE

12.5.1. Adoption of Draft East Kimberley Regional Airport - Asset Management Plan

DATE:	19 October 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 adopts the Draft East Kimberley Regional Airport Asset Management Plan 2017 comprising Attachment 2 to provide strategic and operational direction in the creation, utilisation and disposal of airport assets.

COUNCIL DECISION

Minute No: 19/10/2017-117820

Commissioner resolved:

That Council adopts the Draft East Kimberley Regional Airport Asset Management Plan 2017 comprising Attachment 2 to provide strategic and operational direction in the creation, utilisation and disposal of airport assets.

Carried 1/0

PURPOSE

To present the East Kimberley Regional Airport (EKRA) Asset Management Plan (AMP) 2017 for consideration. The plan is intended to provide a framework for the long-term management of assets that support aeronautical and non-aeronautical development as currently constructed and proposed in the EKRA Master Plan 2017.

NATURE OF COUNCIL'S ROLE IN THE MATTER

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

Leader - plan and provide direction through policy and practices

Provider - provide physical infrastructure and essential services

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL

At the Ordinary Meeting of 22 August 2017 Council made the following decisions on the adoption of:

- Shire Asset Management Plan (that does not extend to the Airport).
- East Kimberley Regional Airport Master Plan 2017.

COUNCIL DECISION

Minute No: 22/08/2017-11775

Commissioner resolved:

That Council adopt the draft PS/OPS-3641 Asset Management Plan as per Attachment 1 and the draft PS/OPS-3642 Asset Management Strategy as per Attachment 2.

COUNCIL DECISION

Minute No: 22/08/2017-11776

Commissioner resolved:

That Council:

- 1. Adopt the Draft East Kimberley Regional Airport Master Plan 2017 comprising Attachment 2 to provide strategic direction for the development of the Airport subject to the adding of a reference to Wyndham Airport in s2.1.1 Regional context.**
- 2. Endorses the following outcomes from the Draft East Kimberley Regional Airport Master Plan 2017:**
 - a. Leasing the Airport Farm holding for agriculture related purposes on basis the Shire has opportunity on at least a five-yearly basis to review alternate uses that can support airport related outcomes;**
 - b. Planned widening of existing Runway 12/30 to 45m on the basis construction activities do not interrupt the ability of aerodrome to accommodate Regular Public Transport (RPT) and General Aviation services;**
 - c. Undertaking pre-feasibility studies for the commercial and aviation precincts and improved utility infrastructure; and**
 - d. Negotiations for the incorporation of adjoining land that can safeguard airport operations and accommodate further development.**

STATUTORY IMPLICATIONS

The need to address asset management forms part of the Western Australian Integrated Planning Framework. The Shire is required to adopt plans that support effective investment in infrastructure, buildings, plant and equipment that in turn support service delivery.

Specific legislation that needs to be recognised in the preparation of the Plan includes:

1. Federal Civil Aviation Safety Regulations
2. Federal Aviation Transport Security Act/Regulations
3. Federal Manual of Standards - Aerodromes
4. Western Australian *Local Government Act 1995*.

POLICY IMPLICATIONS

The draft Asset Management 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 asset management planning.

A well-developed Asset Management Plan across these areas will positively impact on risk management and achievement of integrated outcomes.

FINANCIAL IMPLICATIONS

The EKRA currently comprises assets with an estimated renewal value of \$74m of which \$52m are depreciable (i.e. lose value over time). The airport is expected to generate an Annual Average Renewal Funding Demand over the next 20 years of \$1.88m pa.

The EKRA Master Plan 2017 has identified the need to increase the Airport's capacity to manage future demands/opportunities. The AMP recognises new assets with a value of \$33.5m of which \$25.9m are estimated to be depreciable - some further projects are not sufficiently scoped to identify their costing. This would bring the total asset base to \$108.2m with \$78.4m being depreciable.

It is estimated that the additional assets will increase Annual Average Renewal Funding Demand to \$2.45m per annum. The asset costs are a function of a number of variables that are discussed later in this Report.

It is important to recognise that the additional Master Plan based capital investment are expected to support increased income/returns from Airport operations over time.

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 1.4: Business innovation, efficiency and improved services

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

Objective 3.4: Protection and enhancement of community facilities

Strategy 1.4.3: Maintain Council's long term financial viability

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

RISK IMPLICATIONS

The wider risk implications are as follows:

Risk: Inability to fund the infrastructure gap.

Control: Develop LTFP to ensure critical assets maintained in Annual budgets.

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

Control: Develop agreed standards of service and communicate with the community.

COMMUNITY ENGAGEMENT

While no formal community engagement is required for the development of the EKRA Asset Management Plan key stakeholders were engaged during preparation of the Airport Master Plan.

These consultations identified a number of key considerations that included:

1. Airports long term potential is limited by existing infrastructure with the key project being extension of runway to accommodate larger aircraft.
2. Limited capability of existing airport infrastructure.
3. Demand for precinct land to accommodate both aviation and non-aviation development.
4. Airport to be managed in a financially responsible manner.

COMMENTS

Background: This initiative has been supported by modest co-funding from State Government (Regional Airports Development Scheme) and the Shire.

This is second iteration of the AMP with the first developed in 2014. The new version better describes the assets that comprise the EKRA, updates asset condition information, updates the asset renewal demand model for existing assets and considers the long-term renewal demand implications of new assets.

The draft AMP aims to predict current and future asset needs across airside infrastructure such as runway, taxiways, aprons, navigational aids and lighting; together with supporting landside facilities such as terminal, roads/parking, administrative/works buildings, security facilities, plant/furniture and equipment. The location of current assets and proposed Runway Extension are illustrated in Attachment 1.

The Draft EKRA Asset Management Plan (Attachment 2) is based on a 20 year timeframe.

Methodology:

The Plan addresses the following:

1. Identifies and documents the assets that comprise the EKRA.
2. Documents asset renewal values and useful life.
3. Documents the current condition of assets.
4. Identifies the proposed level of service that triggers asset renewal.
5. Estimates the long term cash flows required to achieve the nominated level of service for existing asset renewal.
6. Estimates the cash flow demands that will be required to meet the additional infrastructure identified in the Master Plan.

The key tool utilised in preparing this AMP has been the 'Maloney Model' to determine the future renewal (or replacement) demand to maintain 'like performing asset groups'. The steps to model each asset set (and determine the profile of renewal demand) have been:

- Condition distribution on a scale from 'as new' to 'no remaining value.'
- Deterioration curve expressed in average years of life.
- Unit renewal value of asset e.g. cost per m² to rehabilitate/replace.
- Service level or intervention level at which asset rehabilitation is needed.

Once the actual or proposed renewal expenditure profiles are added to the Model, any renewal gap is identified by taking the proposed expenditure profile from the predicted renewal demand profile.

Assets:

The EKRA has currently been identified to comprise \$74.7m of assets of which \$52.4m are depreciable i.e. deteriorate over time and need maintenance/ultimately renewal. The remaining assets valued at \$22.3m are referred to as non-depreciable and mainly comprise land together with road, runway, taxiway and apron land formations. The asset groupings are summarised in the following Table:

ASSET SUMMARY- EXISTING ASSETS BY CLASS	Est. Renew. Value (\$)	%
Land	4,557,000	6.1%
Buildings	11,614,759	15.5%
Furniture & Equipment	316,424	0.4%
Plant & Equipment	6,297,964	8.4%
Infrastructure - Roads (Kerb)	448,165	0.6%
Infrastructure - Drainage	1,058,650	1.4%
Infrastructure - Pathways	301,856	0.4%
Infrastructure - Airports (Depreciable)	32,081,738	42.9%
Infrastructure - Airports (Non-Depreciable)	17,732,190	23.7%
Infrastructure - Sewerage	150,000	0.2%
Infrastructure - Other	183,060	0.2%
Total Estimated Renewal Value of All Assets	74,741,806	100.0%
Total Estimated Renewal Value of Depreciable Assets	52,452,616	

There is considered to be a good understanding of the composition, location and extent of existing infrastructure assets.

A full asset condition survey was carried out in April 2014 and updated in February 2017. Fair Value assessments were undertaken in July 2013 and are currently being updated at the organisational level. This recognises both fitness for use (condition compared to construction/ refurbishment) and fitness for purpose (functionality tied to use/changing requirements).

Asset lives have been determined and documented across all classes to determine optimum life for lowest lifecycle costings.

The current levels of service are guided by CASA requirements in terms of safety; periodic inspections; maintenance contracts; serviceability inspections and daily inspections of Terminal, runway/taxiways etc.

The EKRA Master Plan (Land Use Plan comprises Attachment 3) proposes an increase in assets of which \$33.5m (\$25.9m depreciable) are recognised in the AMP (remainder need further scoping). This takes the total asset base to \$108.2m, with \$78.4m being depreciable assets.

The key aeronautical and non-aeronautical developments in the Master Plan are:

- Existing 1,829m x 30m runway lengthened to 2,430m (immediate action) and widened to 45m (longer term) together with upgraded taxiways and apron.
- Extend Terminal to accommodate increase from Code 3C to larger Code 4C aircraft.
- Acquire land, largely north of runway for purpose of 'airport safeguarding' together with parcels to south and west for ancillary development.
- Facilitate additional aviation and commercial development to encourage synergies, provide additional revenue and support economic development.

Financials/cost:

Future asset renewal costs were assessed using a renewal demand model based on asset lives, condition profiles, interventions and unit rates. This produced an Annual Average Renewal Funding Demand for current assets over the 20 year period that is estimated at \$1.88m pa. With the additional assets recognised in the AMP the Annual Average Renewal Demand has been estimated at \$2.45m pa.

The Airport currently generates annual income of approximately \$3.9m and has annual operating expenditure of \$3.03m (excluding depreciation). This results in an operating surplus of approximately \$870k that is supplemented by grants and commercial revenue to invest in Capital Renewal and/or Asset Expansion.

The Shire's 2017/18 Corporate Business Plan identifies an average of \$1.69m of annual asset renewal funding over the next 4 years in part reflecting grant funds anticipated for the runway project.

Funding Revenue:

While it is not the purpose of the AMP to identify the funding sources for asset management this is an important consideration, particularly recognising the level of long term depreciation.

The EKRA in common with most regional airports does not by itself fully fund its assets. The Airport has however been able to attract a significant amount of capital funding to assist in meeting the annual renewal demand in addition to capital expansion.

The preparation of a Long Term Financial Plan for the Airport forms part of the 2017/18 Corporate Business Plan. This needs to recognise such aspects as:

- Passenger numbers/landing fees with the Master Plan identifying an increase of 4% pa in the former taking numbers from 72,000 pa to 215,000 pa in 20 years.
- Revenue streams in Master Plan including additional apron and hangar areas, commercial development and contribution of solar farm through feasibility and business cases.
- Continuing access to targeted funding from other levels of government towards both new capital investments and major asset renewals.

Limitations of current Asset Management Model:

While the Maloney Model has provided useful data it is important to acknowledge some limitations in the methodology.

There is a need to test the forecast asset lives (currently based on depreciation periods from 2016/17 Budget) and applicability of rates to Kununurra's climate.

More significant is the approach to predicting funding for asset management and uncertainties over the 20 year horizon. The AMP recognises that the Shire has allocated funds and been successful in obtaining supplementary grant funding over many years. This has resulted in significant expenditure on such major assets as the Runway and Terminal that are in near new condition.

However the modelling of future expenditure on assets has only recognised:

- Renewal funding in current Corporate Business Plan (four years) that includes the Runway Extension project.
- Extrapolation of current annual allocation for depreciation (\$762,000).

This is a major factor in the predicted cumulative renewal gap of \$30m after 20 years, necessitating the equivalent of an on-going annual increase in operating income of some 3%.

This approach has been unable to recognise continuing access to external grants, growth of aircraft landings/passenger numbers (referenced at 4% annually in Master Plan) and commercial income.

The Plan anticipates that the renewal model will be reviewed and refined as planning studies, strategies and increased financial analysis are completed, including an Airport Long Term Financial Plan.

Further development of Airport Asset Management Capability:

Key items identified in the AMP for the short to medium term are:

- Preparation of an Airport Long Term Financial Plan and integration of Airport Forward Capital Works Plan.
- Linking work undertaken for EKRA with that for other Shire assets and systems to provide for improved and more holistic planning and forecasting.
- Formal preparation of information that would typically be included in following documents:
 - Operation and Maintenance Strategy - Setting out requirements to operate each asset and ensure components remain operational to reach their intended life.
 - Renewal and Replacement Strategy - Identifying the cash-flows and activities required to ensure components are replaced at optimum time.
 - Capital Investment Strategy - Detailing financial requirements for upgraded and new assets.
- Documentation of an Airport specific level of service framework.
- Improved appreciation of costs incurred through the differing work categories of maintenance (planned/reactive), operations, renewals, upgrades, new works and asset disposal.
- Reviewing utility upgrades needed to water supply, wastewater, power and telecommunications.
- Further development of Geographical Information Systems (GIS) to support management of Airport infrastructure.

It is recommended that Council adopt the Draft East Kimberley Regional Airport Asset Management Plan 2017.

ATTACHMENTS

Attachment 1 - EKRA - Existing Infrastructure and Proposed Runway Extension

Attachment 2 - Draft EKRA - Asset Management Plan 2017

Attachment 3 - EKRA Master Plan - Land Use Plan 2017

12.5.2. Community Safety and Proposed Initiatives

DATE:	19 October 2017
AUTHOR:	Manager East Kimberley Regional Airport
RESPONSIBLE OFFICER:	David Klye, Director Infrastructure
FILE NO:	CS.09.01
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Note the Shire's progress in the installation of improved CCTV equipment at key operational sites, and**
- 2. Note the Shire's intention to give consideration to the preparation and inclusion of a Community Safety Plan as part of 2017/18 Corporate Business Plan which will include the consideration and use of CCTV**

COUNCIL DECISION

Minute No: 19/10/2017-117821

Commissioner resolved:

That Council:

- 1. Note the Shire's progress in the installation of improved CCTV equipment at key operational sites, and**
- 2. Note the Shire's intention to give consideration to the preparation and inclusion of a Community Safety Plan as part of 2017/18 Corporate Business Plan which will include the consideration and use of CCTV**

Carried 1/0

PURPOSE

To inform Council of concerns raised in the Community Scorecard on antisocial behaviour and community safety and to outline investigations and proposed responses that include the provision of improved Closed Circuit Television at Shire operational sites and the proposed

preparation of a community safety plan which will investigate the matter of CCTV in public spaces within the Shire.

NATURE OF COUNCIL'S ROLE IN THE MATTER

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

Funder - provide funds or other resources

Leader - plan and provide direction through policy and practices

Provider - provide physical infrastructure and essential services

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL

In the SWEK Community Scorecard report of May 2017 one of the key priorities raised was '*anti-social behaviour and community safety*'. It is important however to recognise that the role of the Scorecard did not extend to identifying locations where these concerns were held i.e. town centre, residential precincts or open space; the type of response sought or responsible organisation.

The Council included funds in the adopted 2017/18 Corporate Business Plan/Budget for the provision of CCTV at Kununurra Waste Facility (replacement) and East Kimberley Regional Airport (installation).

Community safety has previously been raised in the town centre together with grant funding opportunities however no specific commitments have been made to date and it is proposed that these issues be canvassed and investigated as part of a broader Community Safety Plan.

STATUTORY IMPLICATIONS

The Shire is able to support improved community safety and work with other agencies including the WA Police under *Local Government Act 1995*.

Statutory standards in relation to the operation of CCTV are provided through:

- Conformance with Western Australian *Surveillance Devices Act 1998* and
- Operators and staff abiding by the *Federal Privacy Act 1988*.

Systems also need to meet the Western Australian Closed Circuit Television Guidelines.

Local governments with CCTV networks have adopted policies with respect to the management of information and maintenance of systems.

POLICY IMPLICATIONS

Safety and security while not specifically addressed at the policy level in the Shire has potential impacts across the following areas:

1. Community development and engagement
2. Economic development

3. Asset management
4. Health and safety

A safe and secure community will positively impact on well-being and achievement of wider social, economic and environmental outcomes.

FINANCIAL IMPLICATIONS

The adopted 2017/18 Corporate Business Plan and Budget includes the installation of CCTV equipment at Kununurra Waste Facility and East Kimberley Regional Airport (EKRA).

The provision of security and surveillance services have the potential to raise significant capital and operational costs.

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 3.3: Towns are safe and inviting for locals and tourists

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

Strategy 3.3.1: Improve streetscapes in town and urban centres incorporating public art and 'designing out crime' principles

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: Inability to fund the infrastructure gap.

Control: Develop LTFP to ensure critical assets maintained in Annual budgets.

COMMUNITY ENGAGEMENT

This report follows concerns raised in the Community Scorecard.

While no formal community engagement is required at this stage the proposed community safety plan would include significant consultation.

COMMENT

Context:

The provision and maintenance of an environment where the community feels safe from threats to their personal safety and property is a growing concern in Australia.

Community safety and crime prevention refers to a range of strategies that are implemented by individuals, businesses, non-government organisations and all levels of government to target the various factors that increase the risk of crime, disorder and victimisation.

The three broad approaches to community safety and crime prevention are:

- *Environmental:* Which includes situational techniques and broader urban planning initiatives that aim to modify the physical environment to reduce opportunities for crime to occur. These techniques include improved surveillance such as CCTV.
- *Social:* Focuses on underlying social and economic causes of crime in the community, on limiting the supply of motivated offenders and adoption of community development models.
- *Criminal justice:* Refers to various programs delivered by police, the courts and corrections that aim to prevent re-offending among those people who have already engaged in antisocial behaviour and who have come into contact with the criminal justice system.

It needs to be recognised that the cost of establishing, maintaining and monitoring sites/localities can be high and as such initiatives need to be carefully targeted. Important tools include Crime Prevention Through Environmental Design (CPTED), community development and character of security/police services. There is also a need to ensure that techniques do not simply result in the displacement of crime from one location to another.

Utilisation of CCTV:

CCTV is a tool that is commonly utilised in responses to anti-social behaviour and community safety.

The attributes of CCTV include an ability:

- to reduce crime levels by deterring potential offenders;
- to reduce the fear of crime;
- to help ensure a fast, effective response in emergency situations;
- to assist in the detection and prosecution of offenders; and
- to help secure a safer environment for the people who live in, work in and visit an area.

CCTV has previously been introduced to two Shire managed assets being the Kununurra Recreation Centre and Kununurra Waste Facility however the current equipment has limited capability and requires upgrade and improvement.

Proposed approach:

Within the Shire two particular roles are identified. The first is as part of a response to the types of concerns identified in the Community Scorecard while the second relates to Shire operated facilities/sites.

Recognising the scale of the commercial district and more significantly the urban area of Kununurra it is considered that the most effective approach would be to prepare a Community Safety Plan (CSP) where the following character of questions can be addressed:

- Which particular areas and what times of the day are community concerns held.
- What are the character of concerns e.g. break and enter, theft, assault, stealing from a person, vehicle theft or malicious damage.
- Working with Police to identify if concerns are based on perceptions or if there are specific localities where crimes are more likely to occur.
- What are the most appropriate tools and how can they be most effectively introduced and maintained i.e. linking to referenced environmental, social and criminal justice approaches.

The preparation of a CSP provides an opportunity to work with the community, businesses and government agencies including the Police. Background and scoping work will be undertaken this financial year and will lead into a full project incorporated into the 2017/18 and 2018/19 Corporate Business Plan (CBP).

The second role is improving the management of community facilities/sites through the provision of security, managing operational risks and reducing theft/vandalism. Surveillance equipment has previously been installed at Kununurra Recreation Centre and Kununurra Waste Facility however due to the scale, attributes and technical support its contribution is currently limited.

The 2017/18 CBP provides for new CCTV equipment at East Kimberley Regional Airport (EKRA) and replacement of equipment at the Kununurra Waste Facility. Due to a minor error in the current Budget the CCTV investment at EKRA is shown as spread over two financial years - this is to be addressed as part of a separate report to this Council Meeting proposing combined expenditure in 2017/18 that will provide economies of scale.

Community Facilities/Site CCTV scheduled in 2017/18:

The detailed proposals are as follows:

EKRA: Support security within the Terminal. monitoring of the car parking areas and RPT apron/jet aircraft. Funding will provide for the initial installation of CCTV cameras while the management of data will be supported by a secure communication link to another Shire site.

Kununurra Waste Facility: Replace the current cameras that will provide coverage of the facility and key operational areas.

Recognising the technical nature of CCTV equipment and evolution of technologies an independent expert has been commissioned to assist with the following tasks:

- Stage 1 Assessment Report (signed-off): To identify the technical requirements, review options and confirm proposed suite of delivery actions.
- Stage 2 Procurement (commenced) - preparation of:
 - Technical Specification (Scope of Works): For provision of hardware including cameras/functionality, data/storage management, network requirements and long-term maintenance support.

- Public Code of Practice: To be adopted by Council covering responsibilities for data/security, managing the CCTV system, work procedures and privacy.
- Standard Operating Procedure: Covering technical instructions, procedures, incident response, recorded material/documentation, licenses and signage.
- Training Package: Covering staff/contractor training from technical and ethical perspective, use of systems and criminal records checks.
- Stage 3 Implementation to include:
 - Adoption of documentation.
 - Installation, testing and commissioning of equipment.

Other Community Facilities/Sites and CCTV support:

The independent expert providing support to the works at EKRA and Waste Facility has also been commissioned to provide an overview of the other key Shire sites in Kununurra including Administration Centre, Leisure Centre, Library and White Gum Park. These sites have been inspected and the report is to be completed this month. This work has potential to support the proposed CSP and CCTV investments that can be considered as part of future draft Budgets.

ATTACHMENTS

- Aerial photographs of EKRA Terminal Precinct and Waste Facility Entrance

12.5.3. Road Maintenance / Asset Register

DATE:	19 October 2017
AUTHOR:	Director Infrastructure
RESPONSIBLE OFFICER:	David Klye, Director Infrastructure
FILE NO:	CP.03.8
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the Draft Shire Road Network Policy (Attachment 1).

COUNCIL DECISION

Minute No: 19/10/2017- 117822

Commissioner resolved:

That Council adopt the Draft Shire Road Network Policy (Attachment 1).

Carried 1/0

PURPOSE

For Council to consider access road maintenance, the extent of public roads on its asset register and the consideration of an appropriate Policy in relation to this matter.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Funder - provide funds or other resources

Leader - plan and provide direction through policy and practices

Provider - provide physical infrastructure and essential services

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

No previous consideration of this matter by Council could be located.

STATUTORY IMPLICATIONS

The *Local Government Act 1995* applies. Council is responsible for maintenance of its assets.

POLICY IMPLICATIONS

This matter will determine Council policy on the extent and termination points of its public road network.

FINANCIAL IMPLICATIONS

The adoption of the proposed policy will remove 4.4% of the length of roads currently on the asset register. The proposed change is expected have an commensurate % negative impact on the Shire's grant funding however it will also reduce the cost of road maintenance required to be delivered.

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

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

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.

COMMUNITY ENGAGEMENT

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

No community engagement is required.

COMMENTS

The Shire Asset Register includes 1046.76 km of unsealed road. The Shire Asset Register and this this length of road is used by the State and Federal Governments to calculate and apportion grant funding to the Shire for road works.

The administrative practice since prior to the tenure of the current Director Infrastructure and the current CEO has been to maintain access roads to the boundary of ratepayers properties. This is normal road maintenance practice for Local Governments across Australia. A formal Council decision on this matter could not be located.

It has come to the attention of the administration that the Shire's Asset Register includes about 38.8 km of unsealed road that does not accord with past maintenance practice, is currently not maintained by the Shire and has not been maintained for the at least the last 5 years.

It is proposed to remove approximately 48 km of unsealed road from the Shire's Asset Register which is expected have about a 4.4% negative impact on the Shire's grant funding however it will also reduce the cost of road maintenance required to be delivered.

Attachment 1 - Draft Shire Road Network Policy is based on normal road maintenance practice for Local Governments across Australia and past maintenance practice of the Shire. It is recommended that the Draft Shire Road Network Policy, Attachment 1 be adopted.

ATTACHMENTS

Attachment 1 - Draft Shire Road Network Policy

12.5.4. Review of Delegation 30 - Temporary Road Closures

DATE:	19 October 2017
AUTHOR:	Director Infrastructure
RESPONSIBLE OFFICER:	David Klye, Director Infrastructure
FILE NO:	PL.02.1, CM.07.1
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Absolute majority

OFFICER'S RECOMMENDATION

That Council adopt the revised delegation 30 *Temporary Road Closures* attached in *Appendix 1*, for the 2017/2018 financial year.

COUNCIL DECISION

Minute No: 19/10/2017-117823

Commissioner resolved:

That Council adopt the revised delegation 30 *Temporary Road Closures* attached in *Appendix 1*, for the 2017/2018 financial year.

Carried 1/0 therefore by Absolute Majority

PURPOSE

For Council to review its temporary road closure delegation to the Chief Executive Officer to include authority to close unsealed roads due to weather and road conditions.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices
Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Council delegations to the CEO for 2017/18 were reviewed and adopted by Council at its Ordinary Council Meeting on 26 September 2017:

COUNCIL DECISION

Minute No: 26/09/2017-11790

Commissioner resolved:

That Council adopt the revised Delegations Register for the 2017/2018 financial year with amendments made to Section 5 and 8.

Carried 1/0

STATUTORY IMPLICATIONS

Section 5.42 of the *Local Government Act 1995* provides for Council to delegate to the Chief Executive Officer exercise of certain powers or the discharge of any of its duties under the Act.

There are no statutory implications arising from this report.

POLICY IMPLICATIONS

This report has no policy implications beyond the stated delegations.

FINANCIAL IMPLICATIONS

There are no financial implications resulting from the proposed delegation.

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 service

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

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

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

Section 5.42 of the *Local Government Act 1995* provides for Council to delegate to the Chief Executive Officer exercise of certain powers or the discharge of any of its duties under the Act.

The proposed amendment to delegation 30 Temporary Road Closures will reduce the time taken to provide decisions on the safe and effective management of roads within the constraints of Council policy and the relevant legislation.

The proposed amendment is entirely captured in point two of the proposed delegation (see Attachment 1) which states;

"2. The Council delegates its authority and power to the Chief Executive Officer temporarily close unsealed roads to avoid traffic damage to the roads when required according to road conditions and weather conditions in accordance with Subdivision 5 (Certain provisions about thoroughfares) of the Local Government Act 1995."

The proposed change is consistent with Council's unanimous decision at its August 2015 Ordinary Council Meeting;

COUNCIL DECISION

Minute No. 11064

Moved: Cr B Robinson

Seconded: Cr G King

That Council authorise the Chief Executive Officer to close unsealed roads to the general public during the wet season as and when required according to road conditions and weather conditions.

Carried Unanimously 8/0

It is recommended that Council adopt the revised delegation *30 Temporary Road Closures* attached in *Appendix 1 - Proposed Delegation 30 Temporary Road Closures 2017-18*, for the 2017/2018 financial year.

ATTACHMENTS

Appendix 1 - Proposed Delegation 30 Temporary Road Closures 2017-18

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13.1. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

Nil

16. MATTERS BEHIND CLOSED DOORS

COUNCIL DECISION

Minute No: 19/10/2017- 117824

Commissioner resolved:

For the meeting to move into camera with officers to remain at 5. 30pm

Carried 1/0

The meeting moved into camera at 5.30 pm

Chief Executive Officer Carl Askew Remained behind closed doors.

16.1. CEO PERFORMANCE REVIEW

C Askew declared a financial interest as this item is in relation to his performance, remuneration review and contract of employment

DATE:	12 October 2017
AUTHOR:	Senior Governance Officer
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
FILE NO:	PL.1907
DISCLOSURE OF INTERESTS:	Carl Askew declares a financial interest as the item is regarding his performance, remuneration review and contract of employment.

COUNCIL DECISION

Minute No: 19/10/2017- 117825

Commissioner resolved:

That Council:

1. **NOTES** that a review of the Chief Executive Officer's performance has been undertaken.
2. **ENDORSES** the finding that Mr. Askew's performance has met performance requirements as the CEO of the Shire of Wyndham East Kimberley.
3. **NOTES** that Mr. Askew has elected not to seek an increase in his Total Reward Package.
4. **VARIES** the following terms of the contract of employment, effective from 1 January 2017:
 - 6.1 **Annual Leave**
The Chief Executive Officer is entitled to six (6) weeks' paid annual leave each year to be taken during agreed periods. The Council may also direct the Chief Executive Officer to take annual leave if they have accrued over thirty (30) days' entitlement.
Note: This change increases the annual leave entitlement from five (5) to six (6) weeks.
 - 6.6 **Community Service and Study Leave**
The Chief Executive Officer is entitled to community service and/or study leave by agreement with the Council.
Note: This change removes the entitlement to Executive Leave.

5. ENDORSES the key result areas and actions for 2017/18 (Attachment 1).

6. SCHEDULES the next appraisal to be completed by 30 May 2018.

Carried 1/0 there for by Absolute Majority

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

PURPOSE

For Council to note and endorse the recommendations of the CEO Performance Review and Selection Panel in relation to the CEO's annual performance and remuneration review.

16.2. APPOINTMENT OF DIRECTOR PLANNING AND COMMUNITY DEVELOPMENT

DATE:	12 October 2017
AUTHOR:	Chief Executive Officer
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
FILE NO:	PL.21.93
DISCLOSURE OF INTERESTS:	Nil

COUNCIL DECISION

Minute No: 19/10/2017- 117826

Commissioner resolved:

That Council notes the Chief Executive Officer's intention to offer a five (5) year performance based contract of employment as Director Planning and Community Development to Applicant # 3 as outlined in the confidential report - subject to the receipt of satisfactory Police Clearance, Medical and Qualifications.

Carried 1/0

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

PURPOSE

For Council to be informed of the Chief Executive Officer's intention to make an appointment to the vacant Director Planning and Community Development position.

16.3. APPOINTMENT OF DIRECTOR INFRASTRUCTURE

DATE:	12 October 2017
AUTHOR:	Chief Executive Officer
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
FILE NO:	PL.21.93
DISCLOSURE OF INTERESTS:	Nil

COUNCIL DECISION

Minute No: 19/10/2017- 117827

Commissioner resolved:

That Council notes the Chief Executive Officer's intention to offer a five (5) year performance based contract of employment as Director Infrastructure to Applicant #3 as outlined in the confidential report - subject to the receipt of satisfactory Police Clearance, Medical and qualifications.

Carried 1/0

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

PURPOSE

For Council to be informed of the Chief Executive Officer's intention to make an appointment to the Director Infrastructure position.

COUNCIL DECISION

Minute No: 19/10/2017-117828

Commissioner resolved:

For the meeting to move out of camera at 6.00pm

Carried 1/0

17. CLOSURE

The Commissioner placed on public record his thanks to the Chief Executive Officer and the administration staff for their support during his tenure. In the last 12 months he has enjoyed some interesting times and has achieved a number of goals and targets. He looked forward to a new cohesive council taking up the responsibility of leading the shire and hoped that the new Council would work in partnership with the Executive and management of the Shire.

The Commissioner declared the meeting closed at 6.06 pm