



SHIRE OF WYNDHAM | EAST KIMBERLEY

AGENDA
ORDINARY COUNCIL
MEETING

19 DECEMBER 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 AGENDA
KUNUNURRA COUNCIL CHAMBERS
TO BE HELD ON 19 DECEMBER 2017 AT 5:00PM**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

3. DECLARATION OF INTEREST

- Financial Interest
- Impartiality Interest
- Proximity Interest

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

6. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Lodge and Cr Brooke have provided written request for leave of absence from the 27 February 2018 Ordinary Council Meeting.

7. PETITIONS

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 28 November 2017.

That Council confirms the Minutes of the Special Council Meeting held on 5 December 2017.

Note: The Minutes of the Ordinary Council Meeting held on 28 November 2017 are provided under separate cover via www.swek.wa.gov.au

Note: The Minutes of the Special Council Meeting held on 5 December 2017 are provided under separate cover via www.swek.wa.gov.au

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

12.1.1. Consideration of Recommendations Contained Within the Minutes of the Audit (Finance and Risk) Committee of 29 November 2017

DATE:	19 December 2017
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
ASSESSMENT NO:	Various - As Detailed in the Minutes of the 29 November 2017 Audit (Finance and Risk) Committee meeting
FILE NO:	Various - As Detailed in the Minutes of the 29 November 2017 Audit(Finance and Risk) Committee meeting
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 1

That Council, with reference to Item 7.1 “*Standing Item - Rates Debtors*” as detailed in the 29 November 2017 Audit (Finance and Risk) Committee Minutes, accept the report that the actions being undertaken by the administration in regard to rates debtors, including rates debts in legal process are sufficient and appropriate.

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 2

That Council, with reference to Item 7.2 “Standing Item - Sundry Debtors” as detailed in the 29 November 2017 Audit (Finance and Risk) Committee Minutes, accept that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 3

That Council with reference to Item 7.3 “*Proposed Meeting Dates for the Audit (Finance and Risk) Committee for 2018*” as detailed in the 29 November 2017 Audit (Finance and Risk) Committee Minutes, recommend to Council:

1. That the Audit (Finance and Risk) Committee meetings for 2018 are held in accordance with the following dates, times and place:

Date	Time	Place
Monday, 12 February 2018	5:00 pm	Council Chambers, Kununurra
Monday, 14 May 2018	5:00 pm	Council Chambers, Kununurra
Monday, 13 August 2018	5:00 pm	Council Chambers, Kununurra
Monday, 5 November 2018	5:00 pm	Council Chambers, Kununurra

2. That local public notice of the meetings outlined in recommendation (1) above is provided in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*.

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 4

That Council, with reference to Item 7.4 “*Regulation 17 Status*” as detailed in the 29 November 2017 Audit (Finance and Risk) Committee Minutes, accept the quarterly reporting for Regulation 17 actions to Council and note the Regulation 17 Action

Register 2017-2018 attached to the Agenda of the 29 November 2017 Audit (Finance and Risk) Committee Meeting.

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 5

That Council, with reference to Item 7.5 “*Standing Item - Leases*” as detailed in the 29 November 2017 Audit (Finance and Risk) Committee Minutes, note the Confidential Lease Schedule and the New and Renewal Lease Schedule attached to the Agenda of the 29 November 2017 Audit (Finance and Risk) Committee Meeting.

VOTING REQUIREMENT

Simple Majority

COMMITTEE’S RECOMMENDATION 6

That Council with reference to Item 7.6 “*Audit and Management Report 2016/17*” as detailed in the 29 November 2017 Audit (Finance and Risk) Committee Minutes, note the officer report and associated attachments attached to the Agenda of the 29 November 2017 Audit (Finance and Risk) Committee Meeting.

VOTING REQUIREMENT

Simple Majority

COMMITTEE’S RECOMMENDATION 7

That Council, with reference to Matters Behind Closed Doors Item 8.1 “*Update on the Recovery of Outstanding Rates - Assessments A2574, A2569 and A411*” as detailed in the 29 November 2017 Audit (Finance and Risk) Committee Minutes, notes:

- 1. That negotiations are continuing with the relevant administrators and ratepayer representatives of assessments A2574 and A2569 and a further updated report will be included in the next Audit (Finance and Risk) Committee Agenda; and**
- 2. That Officers make contact with the Water Corporation to ascertain if they are also proceeding to debt recovery, in relation to Assessment A411 and a further updated report will be included in the next Audit (Finance and Risk) Committee Agenda.**

PURPOSE

To consider the recommendations from the Audit (Finance and Risk) Committee made at its meeting held on 29 November 2017.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The background and details supporting the recommendations are contained in the Audit (Finance and Risk) Committee meeting minutes of 21 August 2017.

STATUTORY IMPLICATIONS

Various - detailed within the Minutes of the 29 November 2017 Audit (Finance and Risk) Committee meeting.

POLICY IMPLICATIONS

Various - detailed within the Minutes of the 29 November 2017 Audit (Finance and Risk) Committee meeting.

FINANCIAL IMPLICATIONS

Various - detailed within the Minutes of the 29 November 2017 Audit (Finance and Risk) Committee meeting.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.4: Business innovation, efficiency and improved services

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

Strategy 1.4.3 : Maintain Council's long term financial viability

RISK IMPLICATIONS

Various - detailed within the Minutes of the 29 November 2017 Audit (Finance and Risk) Committee meeting.

COMMUNITY ENGAGEMENT

Various - detailed within the Minutes of the 29 November 2017 Audit (Finance and Risk) Committee meeting.

COMMENTS

Various - detailed within the Minutes of the 29 November 2017 Audit (Finance and Risk) Committee meeting.

ATTACHMENTS

Nil

12.2. CHIEF EXECUTIVE OFFICER

12.2.1. Standing Item - Use of the Common Seal

DATE:	19 December 2017
AUTHOR:	Governance and Communications Officer
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 11 November 2017 to 12 December 2017.

PURPOSE

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 11 November 2017 to 12 December 2017.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

STATUTORY IMPLICATIONS

Local Government Act 1995

9.49A. Execution of documents

- (1) *A document is duly executed by a local government if —*
 - (a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
 - (b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of —*
 - (a) *the mayor or president; and*

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.4: Business innovation, efficiency and improved services

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

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

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

Date of Use	Document
20/11/2017	Clearing Permit Gravel Reserve/Mulligans Lagoon Road R 31491 and Crossing Falls Road R 47333

ATTACHMENTS

Nil

12.2.2. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	19 December 2017
AUTHOR:	Governance and Communications Officer
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.

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 October 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 October

Attachment 2 - Outstanding Actions from Previous Council Resolutions

12.3. COMMUNITY DEVELOPMENT

12.3.1. Draft Strategic Community Plan 2017-2027

DATE:	19 December 2017
AUTHOR:	Senior Integrated Planning and Reporting Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
FILE NO:	CM.10.8
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council approves:

- 1. The draft Strategic Community Plan 2017-2027 for the purposes of advertising for public comment.**
- 2. The public comment period to close 23 February 2018.**
- 3. Key stakeholder consultation as part of the public comment period.**

PURPOSE

For Council to approve the draft Strategic Community Plan 2017-2027 for public comment and stakeholder consultation.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Facilitator - bring stakeholders together

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In 2010, the Integrated Planning and Reporting (IPR) Framework and Guidelines were introduced in Western Australia as part of the State Government's Local Government Reform Program. All local governments were required to have their first suite of IPR documents in place by 1 July 2013 and the Council adopted its first Strategic Community Plan in February 2013.

Legislation requires the Strategic Community Plan to be reviewed periodically to ensure that it is relevant to the community. At minimum, a desktop review is required every two years and a full review every four years. The most recent review was undertaken in 2015.

The Shire has initiated a full review following a six step process in developing the 10 year Strategic Community Plan. Attachment 1 - Strategic Community Plan Review Process 6 Step Summary provides an overview of the review process and community engagement. A summary of those review steps includes:

1. Community Survey
2. Analysis of Survey Results
3. Plan for the future workshop with key community representatives
4. Develop draft Plan using information from the survey results, workshop with key community representatives and existing Strategic Community Plan 2012-2022
5. Seek community comment on draft Plan through community consultation
6. Finalise Strategic Community Plan 2017-2027 for adoption by Council and publish

The Shire has completed steps one, two, three and four and is now seeking Council approval of the draft document for public comment and stakeholder consultation, which is proposed to close on 23 February 2018 – allowing additional refinement prior to the Council formally considering the matter at its March Ordinary Council Meeting.

Strategic Community Plan Focus Areas

The focus areas within the Strategic Community Plan pick up on sentiment from the 2017 Community Survey and feedback provided from the Future Planning (stakeholder) Forum which was held in September 2017. This highlighted a desire to focus on sustainability and the quality of life and to apply a 'triple bottom line' approach to service provision, consisting of three elements: social equity, economic, and environmental (built and natural). This approach is designed to assist Council in monitoring the effectiveness of its services in assisting in the overall wellbeing and health of the community. To enable the three elements to be achieved, the Shire and other contributing organisations must provide good governance practices, throughout the engagement process. Governance has been captured in focus area four, Civic Leadership.

Each focus area consists of a number of objectives, noting that these are the key outcomes to be achieved. Each objective is in turn supported by underlying strategies and measures. The strategies guide the specific actions related to this Plan and define how to achieve the outcomes. The detailed actions which will be undertaken to help achieve the community vision are specified in the Corporate Business Plan and related Service Delivery Plans.

The review of the Corporate Business Plan will identify the actions required to successfully deliver the new Strategic Community Plan.

The objectives proposed for each focus area in the draft Strategic Community Plan are listed below:

- 1. Healthy Vibrant Active Communities**

To improve liveability through social and recreational opportunities, a range of inclusive community services and activities, and valuing our diversity.

Objectives:

- 1.1 Promote and celebrate our rich culture and heritage

- 1.2 Ensure all community members have access to a broad range of sporting, recreational and leisure opportunities
- 1.3 Promote and advocate for the provision of quality education, health, child care, aged care and youth services

2. Enhancing the Environment

We value our lifestyle and natural environments. We will work to improve the liveability of our towns and their connection to our surrounding environment.

Objectives:

- 2.1 Conserve the Shire's unique natural environment for the enjoyment of current and future generations
- 2.2 Provide quality public infrastructure
- 2.3 Make towns safe and inviting for locals and visitors

3. Economic Prosperity

We will promote economic growth by working with existing business, encouraging new business development, and engaging government agencies.

Objectives:

- 3.1 Support opportunities to grow the economy
- 3.2 Increase the value of tourism

4. Civic Leadership

We will deliver Shire services to the community efficiently, and provide leadership and governance that is future thinking, transparent and accountable.

Objectives:

- 4.1 Advocacy of Shire issues and opportunities to engage with decision makers at regional, state and national levels
- 4.2 Provide accountable and transparent leadership
- 4.3 Ensure a strong and progressive organisation
- 4.4 Sustainably maintain the Shire's long term financial viability

STATUTORY IMPLICATIONS

The requirements for preparation, consideration, consultation and advertising of a Strategic Community Plan are detailed in section 5.56 of the Local Government Act 1995 and regulation 19C of the Local Government (Administration) Regulations 1996.

POLICY IMPLICATIONS

There are no policy implications associated with this matter.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this matter.

STRATEGIC IMPLICATIONS

The Strategic Community Plan sets out the long term vision and aspirations of Shire residents for the next 10 years. It is a strategic roadmap of where the community's priorities lie and the strategies and actions proposed to realise a unified vision.

The Strategic Community Plan is intended to be a resource to help guide Council policies, strategies and actions that relate to the Shire, its services and the community.

RISK IMPLICATIONS

Risk: Failure to ensure that the SCP adequately represents the community's aspirations will result in the Plan being ineffective.

Control: Ensuring adequate community consultation and engagement is undertaken and documented

COMMUNITY ENGAGEMENT

The Plan has been developed in line with the Council's Community Engagement Policy, which has included the use of a community survey and stakeholder workshop, as well as advertising through social and local media.

The review process will also include additional consultation with a range of key stakeholders.

A separate document detailing the community consultation process and results will be developed as an appendices to the final plan.

COMMENTS

Preparation of the draft Strategic Community Plan meets the requirements set out in the Local Government Act. Additional review by virtue of seeking public comment and input from stakeholders is now required for the purposes of finalising the document.

It is proposed that Council approve the draft document for the purposes of advertising for public comment, which would close 23 February 2018. It is furthermore proposed that the Plan be circulated to stakeholders within the public comment period.

ATTACHMENTS

Attachment 1 - Draft Strategic Community Plan 2017 - 2027

12.4. CORPORATE SERVICES

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

DATE:	19 December 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 130507 - 130836 (03 Nov - 30 Nov 2017)	\$ 4,524,908.15
Municipal cheques 51663 - 51677 (03 Nov - 30 Nov 2017)	\$ 115,293.30
Trust cheques 1093 - 1118 (03 Nov - 23 Nov 2017)	\$ 2,933.37
Trust EFT 501488 - 501508 (01 Nov - 30 Nov 2017)	\$ 11,738.20
Payroll (08 Nov - 29 Nov 2017)	\$ 510,234.36
Direct bank debits (01 Nov - 23 Nov 2017)	\$ 101,554.21
TOTAL	\$ 5,266,661.59

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 November 2017

12.4.2. Monthly Statement of Financial Activity for the Period Ended 30 November 2017

DATE:	19 December 2017
AUTHOR:	Coordinator Financial Management
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM.09.5
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

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

PURPOSE

For Council to receive the monthly financial report for the period ended 30 November 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 Kimberleys CP/GOV-3100 Community Engagement Policy has been considered in relation to this item.

No community engagement is required.

COMMENTS

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

ATTACHMENTS

Attachment 1 - Monthly Financial Report for the period to 30 November 2017.

12.5. INFASTRUCTURE

12.5.2. Opening Hours for Kununurra Landfill Site

DATE:	19 December 2017
AUTHOR:	Manager Operations
RESPONSIBLE OFFICER:	Stuart Dyson, Director Infrastructure
FILE NO:	WM.09.3
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council;

- 1. Adopt the proposed change of the weekend opening hours for the Kununurra Landfill Facility from 8:00 am – 3:00 pm Saturday and 8:00 am – 2:00 pm Sunday to, 9am – 1pm on Saturday, Sunday and public holidays effective immediately.**
- 2. Notes the planned public notification process for the change to the Kununurra landfill hours, and**
- 3. Endorse the closure of both landfill sites on Christmas Day and Good Friday.**

PURPOSE

For Council to consider landfill facilities' opening hours, the extent of service levels to the public, and the cost implications to the Shire.

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

Council previously considered this matter as part of the 2013 Budget deliberations; opening hours were amended to Monday – Saturday 8:00 am – 3:00 pm; Sunday 8:00 am – 2:00 pm.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

The recommendation does not raise any policy implications for Council.

FINANCIAL IMPLICATIONS

The Shire currently delivers landfill facilities to the residents of Kununurra between 8:00 am – 3:00 pm Monday – Saturday and 8:00 am – 2:00 pm Sunday. The Shire currently employs one landfill operator during weekend hours, however the Enterprise Agreement requires a minimum of two landfill-operating staff to be present during these working hours, to ensure adequate coverage for break periods.

The annual cost of employing two employees during weekends with the current opening hours would be \$74,062.56. The annual cost of employing a single employee, with reduced opening hours between 9:00 am – 1:00 pm during weekends would be \$25,128.48. This represents a net saving for the Shire of \$48,934.08 annually.

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 3.2: Sustainable waste management and protection of the environment

Strategy 3.2.1: Provide an integrated approach to waste management that includes waste minimisation strategies.

RISK IMPLICATIONS

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

Control: Review Landfill policies and procedures.

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

Control: Current budget and service levels.

COMMUNITY ENGAGEMENT

Community engagement is required, and this will consist of a media release in advance to inform the community of changes to opening hours as well as leaflets or flyers to patrons passing through the gate.

COMMENTS

The Shire amended its Kununurra Landfill opening hours in 2013, following a review of the spread of patronage at the landfill facility though the day. Subsequently the Shire rostered a single employee at the Landfill each Saturday between 8:00 am – 3:00 pm and Sunday between 8:00 am – 2:00 pm.

The Shire Enterprise Agreement states that an employee is entitled to a break after five (5) hours of continuous work. The break must provide sufficient time to allow the employee time away from their duties to eat a meal. It has come to the attention of the administration that the current weekend roster does not comply with this requirement, and this needs addressing.

A number of options were considered including a roster where two staff work for 4 hrs each on each day, however this roster is unattractive to staff and buy in will be challenging as staff could potentially work 12 days straight thus creating fatigue management issues.

In order to be compliant with the Shire Enterprise Agreement, a second employee is required to work each Saturday and Sunday, to provide coverage for the break periods. This would cost the Shire an additional \$49,000 annually.

A recent audit of the Landfill patronage during the weekend opening hours indicates a significant drop in attendance from 1.00 pm on both Saturday and Sunday as follows:

Day	8am - 9am	9am - 1 pm	1pm - 3 pm
Sat	4.9	14.5	3.2
Sun	3	19	3.4

To resolve the work hours issue, it is proposed that the Shire reduce the opening hours of the Kununurra landfill to 9:00 am – 1:00 pm Saturday and Sunday, this will allow one employee to work a full five (5) hour period (8.30am – 1.30pm), without the need for a second employee to cover break periods. This change would save the Shire approximately \$49,000 of additional wages costs (noting that wages over a weekend consist of time and a half and double time).

Based upon current attendance figures it is considered that the reduction in level of service (landfill opening time) to residents is minor compared to the significant annual savings for the Shire which represents in excess of \$900 each weekend.

No evidence could be found indicating a formal decision on closure dates for the landfill sites. Past practice has been for the landfill sites to close on Christmas day and Good Friday. It is proposed to formalise this practice.

Should the proposed changes be accepted, it is considered imperative to implement the changes as soon as possible to gain the savings for the Shire as soon as possible. The Shire will undertake a publicity campaign including publication of the changes on the Shire web site, facebook page, at each Shire office public notice board and by placing an advertisement in the local newspaper. In addition a media release in advance to inform the community of changes to opening hours as well as leaflets or flyers to patrons passing through the gate.

It is therefore recommended that the Kununurra landfill hours be changed to 9:00 am to 1:00 pm on Saturday, Sunday and public holidays and that both landfill sites close on Christmas Day and Good Friday.

ATTACHMENTS

Nil

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

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

16. MATTERS BEHIND CLOSED DOORS

16.1. CHIEF EXECUTIVE OFFICER REVIEW

DATE:	19 December 2017
AUTHOR:	Shire President
RESPONSIBLE OFFICER:	Cr David Menzel, Shire President
FILE NO:	PL.1907
DISCLOSURE OF INTERESTS:	Nil

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

5.23. Meetings generally open to public

(1) *Subject to subsection (2), the following are to be open to members of the public —*

- (a) *all council meetings; and*
- (b) *all meetings of any committee to which a local government power or duty has been delegated.*

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

- (a) *a matter affecting an employee or employees; and*
- (b) *the personal affairs of any person; and*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person,*
where the trade secret or information is held by, or is about, a person other than the local government; and
- (f) *a matter that if disclosed, could be reasonably expected to —*

(i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*

(ii) *endanger the security of the local government's property; or*

(iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*

and

(g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*

(h) *such other matters as may be prescribed.*

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

VOTING REQUIREMENT

Simple majority.

PURPOSE

For Council to note and endorse the recommendations of the CEO Performance Review and Selection Panel in relation to the CEO's contract of employment.

16.2. USE OF AIRPORT LAND FOR TEMPORARY AVIATION ACTIVITY

DATE:	19 December 2017
AUTHOR:	Manager East Kimberley Regional Airport
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
FILE NO:	GOVTBC
DISCLOSURE OF INTERESTS:	Nil

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

5.23. *Meetings generally open to public*

(1) *Subject to subsection (2), the following are to be open to members of the public —*

- (a) *all council meetings; and*
- (b) *all meetings of any committee to which a local government power or duty has been delegated.*

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

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

(h) *such other matters as may be prescribed.*

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

VOTING REQUIREMENT

Simple majority.

PURPOSE

The purpose of this report is to consider a request to use an area of airport land for a temporary aviation activity.

17. CLOSURE