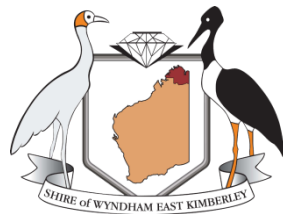


I hereby certify that the Minutes of the Ordinary Council Meeting held are a true and accurate record of the proceedings contained therein.

Shire President

Date



SHIRE OF WYNDHAM | EAST KIMBERLEY

MINUTES ORDINARY COUNCIL MEETING

27 March 2018

DISCLAIMER

Members of the Public are advised that recommendations to Council contained within this Minutes 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 27 MARCH 2018 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 Shire President declared the meeting open at 5.00pm

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

ATTENDANCE

Cr D Menzel	Shire President
Cr T Chafer	Deputy Shire President
Cr M Dear	Councillor
Cr J Farquhar	Councillor
Cr M McKittrick	Councillor
Cr D Pearce	Councillor
Cr N Brook	Councillor
Cr G Lodge	Councillor
C Askew	Chief Executive Officer
V Lawrence	Director Corporate Service
S Dyson	Director Infrastructure
N Kearns	Director Planning and Community Development
M Davidson	Manager Engineering Services
K Williams	Executive Assistant (Minute Taker)
P de Kruijff	Kimberley Echo
D Aladin	
S Rushby	
M Northover	
J Moulden	

LEAVE OF ABSENCE

Cr A Petherick

3. DECLARATION OF INTEREST

- Financial Interest

• Councillor/ Officer	Item	Title	Description of Interest
Cr D Menzel	12.2.3	Development of Ord Biosecurity Group	I am a signatory to the Ordgaurd Plan and could benefit from arrangements voted on in this item
Cr D Pearce	12.3.3	Development Applications Lots 13, 14 & 15 Bandicoot Drive Kununurra	I Have been engaged by the proponent of this development to prepare funding submissions for the proposed centre at lots 13, 14 & 15 Bandicoot Drive Kununurra

- Impartiality Interest

• Councillor/ Officer	Item	Title	Description of Interest
Cr N Brook	12.2.2	Kununurra Visitor Centre Lease	I am a current member of the Kununurra Visitors Centre and was manager of the Visitor Centre from 2008-2010
Cr M Dear	12.2.3	Development of Ord Biosecurity Group	I am a Director on Ord Land and Water as a consequence there may be a perception that my impartiality on the matter may be affected

- Proximity Interest

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Question from Christine McLauchlan PO Box 80 Wyndham WA 6740

Could Council please provide a breakdown of the costs pertaining to the current Wyndham Tip (including total wages and regular push up service), as well as the projected cost of transporting all but recyclable waste from Wyndham to Kununurra?

The Director Infrastructure provided the following response:

The Shire has an average annual budget for Landfill Maintenance (across both Landfill facilities) of approximately \$745,680.00. This figure has been obtained from budget data between financial years 2012/13 – 2016-17. The Wyndham Landfill facility's operational costs are, on average, \$288,500 approx. per annum. The proposed Wyndham Transfer Station is estimated to cost \$230,000 to construct, and incur annual operational costs of \$180,000 +/- 30% for waste volume variances.

Question from Christine McLauchlan PO Box 80 Wyndham WA 6740

Could the Council please explain why budget item 471 (upgrade Wyndham Boat Ramp and floating Pontoon) has been removed from the corporate business plan?

The Director Infrastructure provided the following response:

Action 471 has not been removed from the CBP2017/18 and is included in the current Corporate Business Plan. There is no planned activity in year 1 (current year) therefore is not included in quarterly reporting.

5. PUBLIC QUESTION TIME

Question from Simone Rushby, Resident.

Verification

- A) Can you please advise the step by step process that is undertaken by administrative staff when verifying information to be published in Shire minutes?

The Chief Executive Officer provided the following response:

Certain staff have the responsibility of preparing Council Minutes which are recorded during the meeting from the Agenda. If required staff review the audio and visual recording, as well as minute taking documents to rectify information.

- B) As CEO (Top of employee chain of command- onus of responsibility) how are you actively monitoring staff who have the role of verifying/publishing minutes?

The Chief Executive Officer provided the following response:

Officers have the responsibility of putting together Council Minutes which are recorded during the meeting from the Agenda. They are then reviewed by the Chief Executive Officer prior to publishing.

- C) Council – Given there are ongoing alterations to past minutes, how are you monitoring your employee (CEO) to see that this doesn't continue?

The Shire President provided the following response:

Councillors are provided with a copy of the previous minutes as part of the Agenda process and to the best of our ability Council ensures that they are an accurate recollection of the Council Meeting.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Tony Chafer has provided written request for a leave of absence for the April 2018 Ordinary Council Meeting

That Council approve a leave of absence for Cr Chafer for the 24 April 2018 Ordinary Council Meeting

COUNCIL DECISION

Minute Number: 27/03/2018- 117907

**Moved: Cr N Brook
Seconded: Cr G Lodge**

That Council approve a leave of absence for Cr Chafer for the 24 April 2018 Ordinary Council Meeting

Carried 8/0

7. PETITIONS

Nil

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 27 February 2018

COUNCIL DECISION

Minute Number: 27/03/2018 -117908

**Moved: Cr J Farquhar
Seconded: Cr D Pearce**

That Council confirms the Minutes of the Ordinary Council Meeting held on 27 February 2018

Carried 8/0

Note: The Minutes of the Ordinary Council Meeting held on 27 February 2018 are provided under separate cover via www.swek.wa.gov.au

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Nil

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

- 16.1. T14-17/18 PRE-QUALIFIED SUPPLIER PANEL - PROVISION OF ELECTRICAL SERVICES
- 16.2. RFT 11 17/18 - STAGE 3 LAKE ARGYLE ROAD IMPROVEMENTS
- 16.3. T15 17/18 KALUMBURU AREA ROADWORKS (SUPERVISION)
- 16.4. T18 17/18 KALUMBURU AREA ROADWORKS (WET PLANT AND LABOUR HIRE)
- 16.5. LEASE OF AIRPORT LAND FOR TEMPORARY AVIATION ACTIVITY

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

12.2. CHIEF EXECUTIVE OFFICER

12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	27 March 2018
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.

COUNCIL DECISION

Minute Number: 27/03/2018-117909

Moved: Cr N Brook

Seconded: Cr T Chafer

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

Carried 8/0

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 February 2018 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 - Council Actions Register Outstanding Actions from Previous Council
Resolutions

12.2.2. Visitor Centre Lease 2018

Councillor N Brook declared an Impartiality Interest in this item as she is a Current member of the Kununurra Visitors Centre and was manager of the Visitor Centre from 2008-2010.

DATE:	27 March 2018
AUTHOR:	Chief Executive Officer
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
FILE NO:	CP.07.3
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Notes that the current lease with Australia's North West (ANW) for Tourism House will expire in December 2018 in accordance with Item 4 of the Schedule in the Lease Agreement;**
- 2. Advises Australia's North West (ANW) that the Shire intends to allow the current lease for Tourism House to expire in December 2018;**
- 3. Refer for consideration in the 2018/19 Budget and Long Term Financial Plan future options for an ongoing financial contribution to ANW towards marketing tourism in the region, and in particular the East Kimberley;**
- 4. Advises the Kununurra Visitor Centre that, at the expiry of the current lease to Australia's North West, the Shire intends to offer and enter into a lease directly with the Kununurra Visitor Centre for use of portion of Tourism House in accordance with Council Policy *CP/PMG-3780 Leasing of Council Managed Reserve Land - Community*, excluding any commercially leased or vacant portions of the building.**
- 5. Make contact with the existing tenants of Tourism House and advise them of Council's intention to allow the current lease with Australia's North West (ANW) for Tourism House to expire in December 2018 in accordance with Item 4 of the Schedule in the Lease Agreement.**

COUNCIL DECISION

Minute Number: 27/13/2018-117910

Moved: Cr J Farquhar

Seconded: Cr M McKittrick

That Council:

- 1. Notes that the current lease with Australia's North West (ANW) for Tourism House will expire in December 2018 in accordance with Item 4 of the Schedule in the Lease Agreement;**
- 2. Advises Australia's North West (ANW) that the Shire intends to allow the current lease for Tourism House to expire in December 2018;**
- 3. Refer for consideration in the 2018/19 Budget and Long Term Financial Plan future options for an ongoing financial contribution to ANW towards marketing tourism in the region, and in particular the East Kimberley;**
- 4. Advises the Kununurra Visitor Centre that, at the expiry of the current lease to Australia's North West, the Shire intends to offer and enter into a lease directly with the Kununurra Visitor Centre for use of portion of Tourism House in accordance with Council Policy CP/PMG-3780 *Leasing of Council Managed Reserve Land - Community*, excluding any commercially leased or vacant portions of the building.**
- 5. Make contact with the existing tenants of Tourism House and advise them of Council's intention to allow the current lease with Australia's North West (ANW) for Tourism House to expire in December 2018 in accordance with Item 4 of the Schedule in the Lease Agreement.**

Carried 8/0

PURPOSE

To inform Council of the upcoming Lease expiry for Tourism House (December 2018) and make recommendations to Council in relation to future ownership and management of Tourism House and its current tenants.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader- plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Both Australia's NorthWest Tourism Board (ANW) and the Kununurra Visitor Centre have written to the Shire for the purpose of seeking clarity with regard to the future management of Tourism House.

A 20 year 'Head Lease' is currently in place for Tourism House with SWEK as the Lessor and Australia's Northwest as the Lessee. The head lease expires on 29 December 2018.

The building is currently divided into three tenancies for which ANW provides a sublease:

- Suites 1, 2 and 4 – The Kununurra Visitor Centre (KVC). The KVC has a further sub-lease to Delaware North El Questro for a portion of the commercial space.
- Suite 3 – Vacant tenancy (formerly occupied by the Kununurra Community Resource Centre)
- Suite 5 – Jiang Food Industry (Kimberley Asian Cuisine)

On the 28 July 2015, Council to considered a request from Australia's Northwest (ANW) to sub-lease suite 3, 1 Agate Lane Kununurra (East Kimberley Tourism House).

COUNCIL DECISION

Minute No. 11054

Moved: Cr B Robinson

Seconded: Cr G King

That Council:

- 1) Not approve the request from ANW to allow a sub-lease of Suite 3, 1 Agate Lane Kununurra to a prospective tenant as outlined by ANW, on the basis that both the current purpose of the Reserve and Head Lease conditions do not allow for the proposed use.**
- 2) Request the CEO to notify ANW of Council's decision.**

Carried 7/1

For: Cr B Robinson, Cr G King, Cr J Moulden, Cr D Learbuch, Cr S Cooke,

Cr G Taylor, Cr R Dessert

Against: Cr D Spackman

On the 22 September 2015 Council to endorsed the Shire President and CEO to sign the Sub-Sublease Suites 1, 2 and 4, being for a portion of Suite 4, Tourism House, Kununurra:

COUNCIL DECISION

Minute No. 11136

Moved: Cr S Cooke

Seconded: Cr B Robinson

That Council endorses the Shire President and CEO to sign the Sub-Sub Lease Suite 124, Tourism House, Kununurra.

Carried Unanimously 8/0

On the 22 September 2015 Council to approved a change of lease assignment for Suite 5, East Kimberley Tourism House

COUNCIL DECISION

Minute No. 11137

Moved: Cr G Taylor

Seconded: Cr D Learbuch

That Council approves the assignment of the lease for Suite 5 East Kimberley Tourism House from Jiang Food Industry Pty Ltd to Mrs Ting Huang.

Carried Unanimously 8/0

STATUTORY IMPLICATIONS

Land Administration Act 1997

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

Reserve 27603 is reserved under the *Land Administration Act 1997* (LAA) for the purpose of 'Recreation and Civic Centre'. The Shire holds the management order for the reserve with power to lease for a maximum of 21 years, subject to consent from the Minister for Lands.

Local Government Act 1995

Under section 3.58 of the *Local Government Act 1995* (LGA), the leasing of land is included as a form of disposal of property and is required to be undertaken in accordance with this section of the Act. However, there are exemptions from the requirements outlined in regulation 30 of the *Local Government (Functions & General) Regulations 1996*, which states that a disposition of land is an exempt disposition if –

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

As such, the proposed lease to the Kununurra Visitors Centre Inc. is considered to be an exempt disposition. However a proposed lease to the Jiang Food Industry, and any

proposed lease or sub-lease to Delaware North, will be required to be undertaken in accordance with section 3.58 of the Act.

Lease Provisions

Clause 6 of the Head Lease, outlines that if the Lessee wishes to renew the term of the lease, they are required to give the Lessor notice in writing between 3 - 6 months prior to expiry of the lease. This clause also states, that if there are no outstanding breaches or non-observance of requirements of the lease at the time of giving notice, then the Lessor is required to grant a renewal of the term for the further specified in The Schedule of the lease. However, although it is understood that there are no outstanding breaches and that ANW is complying with the requirements of the lease, the term of renewal specified in Item 5 of The Schedule is 'Nil'. This means that the Shire has no obligation to renew the term of the lease.

It is noted that the existing lease is for a term of 20 years, and that under the management order the Shire has the power to lease for a maximum of 21 years, therefore the existing lease could only be renewed for a maximum term of 1 year. However, the Shire does have the ability to enter into a new lease with ANW, or directly with the other tenants, for a period of up to a maximum of 21 years, subject to the consent of the Minister for Lands.

Clause 3.18 of the Head Lease specifies that upon expiry of the lease, the Lessee is to surrender and yield up the premises, clean and free from rubbish and in good and substantial repair and condition.

Clause 5.3 of the Head Lease, specifies that if the Lessee remains in possession of the premises after the expiry of the lease, then the Lessee will be a monthly tenant, with monthly rent payable, and that any holding over may be terminated by either party giving one months written notice of the intent to terminate.

POLICY IMPLICATIONS

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

The Kununurra Visitor Centre may qualify as a 'Community Group' for the purpose of meeting eligibility requirements to enter into a community lease. The standard lease term is 10 years but may be reduced by Council or otherwise terminated if the Shire decides to alternatively redevelop the property. Lease rent is set at \$500 per annum, excluding GST.

Under the community leasing policy, the lessee is responsible for all maintenance, however, it is acknowledged that some maintenance (for major building and infrastructure) items will need to be undertaken by the Shire. All outgoings will remain the responsibility of the Kununurra Visitor Centre.

Policy CP/PMG-3781 Leasing of Council Managed/Owned Land - Commercial

The existing two commercial leases would need to enter into new commercial leases directly with the Shire in line with this policy. Rent is based on a valuation of fair market rent with a CPI rent review conducted annually. Similar to community leases, the lessee is responsible

for all maintenance, however it is acknowledged that some larger items, as mentioned previously, would need to be maintained by the Shire as a function of the landlord.

Previous strategies

Both the Kununurra Civic Precinct Structure Plan (2015) and the Kununurra Strategic Directions (2010) envisage this property as being co-developed with the balance Shire property and facilities for the purpose of creating a wider office and retail development and potentially including the opportunity to colocate government functions. Additionally, development of the land (and the adjoining parcels, including the former Kununurra Shire administrative building and the Kununurra Leisure Centre) could include consideration for an integrated commercial and recreational facility. Redevelopment, which is largely dictated by the need to replace the existing leisure centre is likely to be within a 5 year period.

FINANCIAL IMPLICATIONS

If Council was to resume the Management of Tourism House there would be requirements both in ongoing maintenance costs and revenue income from tenants. Council currently maintains a reserve account for building maintenance as part of its lease agreement with ANW. That reserve currently has a balance of approximately \$120,000 and the purpose of the reserve is *“to provide for the maintenance, renewal, upgrade of existing and new civic buildings within the Shire of Wyndham East Kimberley”*. Adding this facility to Council’s existing asset base will bring with it a requirement to include it within its asset register, insurance register and maintenance regime.

The Shire currently makes a direct contribution to both ANW for tourism promotion and the Visitor Centre.

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

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 no obligation to consider a term of renewal of the existing lease, and as the Shire only has the ability to lease the land for a maximum of 21 years, could only agree to a 1 year maximum term of renewal in any instance.

Transfer of the building into the Shire's property portfolio may provide some benefit to the Kununurra Visitor Centre through reduced property management fees. Otherwise, all current tenants would be included (under policy) as commercial lessees. Maintenance obligations, nevertheless, between all tenants will need to be negotiated to ensure clear boundaries and financial responsibilities are established between each occupant and the Shire including to ensure that adequate funds are set aside, as they are currently, for any major maintenance/upgrades. Management of the facility at lease expiry by the Shire should also provide better opportunity to engage the existing lease holders directly in the event of potentially redeveloping on this site or on the balance of the reserve, as recommended by previous strategies.

It is acknowledged that part of the concept of the leasing arrangement with ANW is for revenue raised through the sub-leasing arrangements to be utilised towards marketing of the region. However, the Shire may consider other options for a contribution to ANW to enable their continued marketing of the region, and the East Kimberley in particular which can be referred to the annual budgetary process following discussion with ANW and after an assessment of the likely revenue achievable.

Council has a number of options available to it including extending the current lease on a short term basis (albeit as a new lease) with ANW until it determines the broader issues surrounding the current precinct and land uses including the former Shire Administration building and Leisure Centre. This option is preferred by ANW and would allow Council to have the "status quo" remain until other matters are resolved. Equally Council could consider a longer term lease arrangement under similar terms and conditions however this is not recommended by officers at this time or favoured by ANW. Council can elect to allow the current lease to expire and resume management of the facility and the tenancies.

It is recommended that the Council advise Australia's North West that it intends to allow the current lease at Tourism House Kununurra to expire in December 2018, however will consider future options for contribution towards the marketing of tourism in the region and more particularly the East Kimberley, which will then be considered as part of the Council's budgetary process and in line with anticipated returns from commercial lease holders. It is further recommended that the Council advise the Kununurra Visitor Centre that it may be eligible to lease the existing premises, not including any part of the commercial or vacant lease, as a community group and subject to negotiation with respect to the responsibility for property maintenance and length of tenure, which is likely to be for no more than 5 years (initially) in light of potential plans to investigate and redevelop all or parts of the relevant reserves.

ATTACHMENTS

Attachment 1: Letter from Kununurra Visitor Centre

Attachment 2: Letter from Australia North West Tourism Board

Attachment 3: Tourism House Lease 20 year (head) lease

12.2.3. Development of Ord Biosecurity Group

Shire President D Menzel declared a Financial Interest in this Item as is a signatory to the Ordgaurd Plan and could benefit from arrangements voted on at in this item. The Shire President left the room at 5.15pm.

Councillor M Dear declared an Impartiality Interest in this item as is the Director of Ord Land and Water and as a consequence there may be a perception that my impartiality on the matter may be affected.

DATE:	13 March 2018
AUTHOR:	Chief Executive Officer
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
FILE NO:	AM671
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council

- 1. Acknowledge the proposal from Ord Land and Water Inc to update the Biosecurity Plan for the Ord Irrigation Area**
- 2. Support *in principle* the proposal subject to the involvement of relevant industry representatives and State Government Agencies**
- 3. Refer for consideration in the 2018/19 Budget an allocation of \$15,000 to assist in the development and update of the Biosecurity Plan for the Ord Irrigation Area - subject to all SWEK contributions being matched by the Department of Primary Industries and Regional Development on a dollar for dollar basis, with DPI&RD to confirm its contribution in writing**
- 4. Support Ord Land and Water as the coordinator for a biosecurity group for the Ord River Irrigation Area subject to direct partnership with industry representatives and State Government**
- 5. Consider the request for a small percentage (7.5%) of the rates raised from Rural Ag 1 and Rural Ag 2 properties for the ongoing management and delivery of the operational plan developed for the Ord - subject to the involvement of relevant industry representatives and State Government Agencies with matching funding**
- 6. Retain the current Biosecurity Reserve for any emergency plant, pest or disease response as required and approved by Council.**

Councillor D Pearce moved an amendment to the motion which was circulated to all members prior to and at the meeting.

Councillor T Chafer foreshadowed an alternate motion to delete item 5 from the recommendation should the proposed amendment not be supported.

COUNCIL DECISION

Minute Number 27/03/2018- 117911

Moved: Cr D Pearce

Seconded: Cr J Farquhar

That Council

- 1. Acknowledges the proposal from Ord Land and Water Inc. to update the Biosecurity Plan for the Ord Irrigation Area.**
- 2. Supports *in principle* the proposal, subject to the involvement of relevant industry representatives, State Government agencies, and cross-border integration with the *Northern Territory Regional Biosecurity Emergency Response Plan* currently being developed by the NT Government.**
- 3. Refers the request for consideration in the 2018/19 Budget an allocation of up to \$15,000 to assist in the update of the Biosecurity Plan for the Ord Irrigation Area, with a preference that Ord Land and Water obtains matching funding from State Government agencies and other sources if possible.**
- 4. Supports Ord Land and Water as the coordinator for the development and implementation of the updated Biosecurity Plan, in partnership with industry representatives and State Government.**
- 5. Considers through the budget process the request for a small percentage (7.5%) of the rates raised from Rural Ag 1 and Rural Ag 2 properties for the ongoing management and delivery of the operational plan developed for the Ord, subject to the involvement of relevant industry representatives and State Government agencies, and with the intention of supporting Ord Land and Water to secure matching State funding.**
- 6. Retains the current Biosecurity Reserve for any emergency plant, pest or disease response as required and approved by Council.**

6/1 carried

PURPOSE

For Council to consider the proposal from the Ord Land and Water Incorporated to update the East Kimberley Biosecurity Plan 2005 (Ordguard). As part of updating the Biosecurity Plan, give consideration to the formation of a Regional Biosecurity Group to assist in the development and management of the Plan as well as provide advice related to the allocation of the established Biosecurity Fund.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Ord River Irrigation Area (ORIA) has been and is relatively free of pests and diseases, allowing market access to most agricultural production without the requirement to treat for pests and diseases. With the expansion of irrigated agriculture and resulting return from agriculture in the ORIA, biosecurity will become a very important part of market access for production.

Area freedom status for the ORIA has previously been restored after Fruit fly outbreaks in 1995, 1997, 2000 and 2003. The cost of the resultant eradication programs were \$200,000, \$10,000, \$50,000 and \$14,000 respectively (information provided by DAFWA). These outbreaks demonstrated the fragility of horticultural markets and how vulnerable the area is to the re-introduction of fruit flies. The ORIA currently has a National Medfly area freedom for host produce to other states and territories. It also has International Medfly Area freedom with New Zealand (NZ) under the Australia-New Zealand Bilateral Quarantine Arrangement.

The ORIA has had outbreaks of weeds, pests and diseases over the past years. Sugar Cane Smut in 1998, Salvinia in Lily Creek Lagoon in 2000, Rice Blast in 2011, Radish Flea Beetle in 2014 and Medfly in 2015 to name a few. There are a number of possible models that could be considered for future biosecurity response in the ORIA. Agriculture Produce Commission rating system, Shire rating system or the establishment of a recognised biosecurity group in the ORIA.

At the Council meeting on the 15 March 2005, Council agreed to establish a Biosecurity fund to assist the region maintain a competitive advantage in relation to area freedom status of certain pests and diseases. This was done at the request of the Kununurra Pest Control Committee (KPCC) to ensure market access particularly to products impacted by Mediterranean Fly and Silver Leaf White leaf Fly. The fund was introduced for the 2005/06 year, through Council's adopted budget, and raised funds via rates. \$50,000 in each of 2005/06 and 2006/07 was raised, giving a fund balance of \$100,000.

Council's Audit Committee considered whether this fund should be capped at its meeting on the 13 March 2007 and recommended to Council that the fund be continued and be capped at \$200,000, with it earning interest. Council considered the Audit Committee recommendation to cap this fund at \$200,000 at its Council meeting on the 17 April 2007, and deferred the matter back to the May Briefing Session to enable further consideration with the Ord Guard Committee and Department of Agriculture and Food.

At the May 2007 Council meeting, the Council resolved to:

COUNCIL RESOLUTION

Minute No. 7730

Moved: Cr K Wright

Seconded: Cr D Ausburn

- 1. That rate contributions to the Biosecurity fund continue until such time as the Biosecurity Reserve attains \$200,000.**
- 2. That the attached policy titled Biosecurity Policy be presented to the June Council Briefing Session.**

Carried Unanimously: 8/0

In October 2014, a further report was presented to Council as a matter of Urgent Business. The purpose of this report was for Council to consider providing funding from its Biosecurity Reserve for the installation of signage at the Shire entry points from the Northern Territory advising of the risk to local farming from infection by the Cucumber Green Mottle Mosaic Virus.

At that meeting, Council resolved to:

COUNCIL RESOLUTION

Minute No. 10632

Moved: Cr S Cooke

Seconded: Cr K Wright

- 1. A maximum allocation of \$10,000 from its Bio Security Reserve for the purpose of manufacture and installation of signage and preparation of hand out material, regarding the Cucumber Green Mottle Mosaic Virus at the NT Quarantine Station,**
- 2. Creation of new General Ledger accounts to record the transactions; and**
- 3. Amending the adopted 2014/15 Budget to reflect this allocation as part of the mid-year budget review process.**

Carried Unanimously: 8/0

At a Special Council Meeting held 8 July 2015 Council considered releasing further funds from the Shire's Biosecurity reserve for a Mediterranean Fruit Fly (Medfly) eradication program. At that meeting Council resolved:

COUNCIL DECISION

Minute No.11021

Moved: Cr J Moulden

Seconded: Cr R Dessert

That Council:

Considers DAFWA to be the lead agency in any medfly eradication program and

- 1) Pursuant to section 6.8 of the Local Government Act, authorises expenditure of \$10,000 from the biosecurity reserve to be paid to DAFWA Kununurra Regional Office to initiate an eradication program immediately**
- 2) Authorise additional expenditure to a maximum of \$10,000 from the biosecurity reserve, subject to all SWEK contributions being matched by DAFWA on a dollar for dollar basis, with DAFWA to confirm its contribution in writing.**
- 3) Requests the CEO to write to the Minister and requests that DAFWA immediately develop an eradication plan for future outbreaks, including appropriate financial commitment.**

Carried Unanimously 7/0

In July 2015 Council rescinded its resolution of 8 July 2015 and supported the Shire entering into a Memorandum of Understanding (MoU) with DAFWA and Industry in relation to biosecurity within the region and more specifically pest eradication programs such as the current proposed program for Mediterranean Fruit Fly (Medfly).

COUNCIL DECISION

Minute No. 11049

Moved: Cr G King

Seconded: Cr B Robinson

That Council revokes its decision Minute number 11021 of 8 July 2015 reproduced below;

That Council considers DAFWA to be the lead agency in any medfly eradication program and

- 1) Pursuant to section 6.8 of the Local Government Act, authorises expenditure of \$10,000 from the biosecurity reserve to be paid to DAFWA Kununurra Regional Office to initiate an eradication program immediately**
- 2) Authorise additional expenditure to a maximum of \$10,000 from the biosecurity reserve, subject to all SWEK contributions being matched by DAFWA on a dollar for dollar basis, with DAFWA to confirm its contribution in writing.**
- 3) Requests the CEO to write to the Minister and requests that DAFWA immediately develop an eradication plan for future outbreaks, including appropriate financial commitment.**

Carried unanimously 8/0

Ordguard was developed in 2005 and the vision was to capitalise on community driven clean, green and bio secure ORIA for the present and future generations. Its mission was to minimise the introduction, establishment and negative impact of biological threats in the ORIA region.

Its aim and objectives were to keep the ORIA free of pests, diseases and weeds that pose a risk to the plant health and economy of the ORIA, by:

- Creating a regional biosecurity framework and operational structure to realise the vision.
- Clearly define tasks and allocate responsibilities.
- Provide training in key areas of pest incursion management.
- Enhancing awareness of regional biosecurity issues throughout the community.

Its goals included;

- Action strategies to reduce further spread of established key pests, diseases and weeds
- Develop and implement programs to minimise the incursion of exotic pests, diseases and weeds.
- Monitor and manage the impact of established pests, disease and weeds.

STATUTORY IMPLICATIONS

Local Government Act 1995

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;
or*

(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.

POLICY IMPLICATIONS

Council currently has no policy related to this matter.

FINANCIAL IMPLICATIONS

The Shire has a Biosecurity Reserve with a balance of \$259,712 (remaining funds at 1 February 2018). The purpose of this reserve is to hold funds for “*use in emergency situations that threaten the biosecurity of the East Kimberley*”. This is the current purpose that was adopted by the council through the budget process.

Ord Land and Water have requested consideration of the Shire contributing 7.5 % of rural rates revenue to be used to increase awareness in Biosecurity in the Ord and the Implementation of the Biosecurity Plan for the Ord River Irrigation Area. The 2017/18 financial year data for rates raised on Rural Agriculture 1 and 2 rating categories amounted to \$1,045,271. An amount of 7.5% of this is \$78,395.

Should Council consider financially contributing funds to such a proposal it is recommended that and contribution be subject to the involvement of relevant industry representatives and State Government Agencies and with all SWEK contributions being matched by the Department of Primary Industries and Regional Development on a dollar for dollar basis, with DPI&RD to confirm its contribution in writing.

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 at this stage. Should matters progress the review and development of a Biosecurity Plan will require extensive consultation and community engagement, especially within the industry i.e. growers and primary producers, the Department of Primary Industries and Regional Development (and State Government more broadly), Ord land and Water and its members.

COMMENTS

The request as attached is self-explanatory. The Shire maintains a fund for bio-security related matters. The last time the funds were accessed was in 2015 in relation to the "medfly outbreak" and the Council agreed to only use "surplus" funds i.e. interest above the \$200k base. Approximately \$10k was used and was administered in partnership with the Department of Agriculture. At that time Council was also supportive of the above proposal providing all growers and producers were also part of the process (and solution).

The request from Ord land and water, as attached, is outlined below;

Request:

- *Ord Land and Water to access funds from the current shire biosecurity fund to update the biosecurity plan for the Ord Irrigation Area. Approximately \$15,000 required to update the plan.*
- *Ord Land and Water to be established as the coordinator for a biosecurity group for the Ord River Irrigation Area and a small percentage of the rates raised from Rural Ag 1 and Rural Ag 2 used for the ongoing management and delivering on the operational plan developed for the Ord.*
- *Currently approx. \$1,000,000 is raised from rural rates. The use of 7.5% of the rates raised could be used for increased awareness in biosecurity in the Ord and the implementation of the Biosecurity plan for the Ord River Irrigation Area.*
- *The original Biosecurity response fund to remain and to be used for any emergency plant pest or disease response required. Protocols for the*

*use of the response fund to be developed by the Ord Biosecurity group
in conjunction with Shire of Wyndham East Kimberley staff.*

Officers would support the first recommendation in terms of use of Shire funds to update the Biosecurity Plan for the region however some condition should be included to seek matching funds from the State Government and/or industry members. There may also be opportunities to seek *matching* grant funding. The Shire understands that the quoted figure of \$15k is the total value of the cost to update the Plan. Given current timing, it is likely that growers and industry will be busy at this stage of the season and likely will have limited time to contribute to the Plan until perhaps June or July or maybe even at the end of the season i.e. during the wet. If this is the case there is time for OL&W to seek such grant funding as well as contributions from others such as the State Government and Shire. This would also allow the Shire to also consider its own budget processes and priorities.

Request two refers to use the allocation of a percentage of rates and this requires serious consideration by Council and is not supported at this stage without other major contributions from OL&W members and the State Government. Using the 2017/18 financial year data rates raised on Rural Agriculture 1 and 2 rating categories amounted to \$1,045,271. An amount of 7.5% of this is \$78,395. The Shire at present has significant challenges in infrastructure renewals, strategic projects and satisfying the sustainability benchmarks set out by State Government that an amount of this size to be absorbed without an increase in rates is not advisable. Should this burden be passed onto the Rural Agriculture 1 and 2 rating categories there would be an approximate 8.7% increase in their rates in the next financial year. To spread the burden over the entire rates base would necessitate a rate increase of approximately 2.5% which is double what the Shire anticipates as being reasonable at this time in this economy.

Request three would be supported in so far as any moneys that leave the Biosecurity Fund Reserve meet the requirements under which the Reserve was established. Any changes to these requirements would have to be a decision of Council.

Any such Plan will need to have the support of Industry and the State Government and Council's involvement and commitment of funds should be conditional upon that support being forthcoming.

ATTACHMENTS

Attachment 1: Development of Ord Biosecurity Group
Attachment 2: Ord Land and Water Inc. Re Biosecurity Plan

Shire President D Menzel returned to the meeting 5.28pm

12.2.4. Compliance Audit Return 2017

DATE:	13 March 2018
AUTHOR:	Executive Assistant
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council

- 1. Note the 2017 Compliance Audit Return has been completed**
- 2. Authorise the Shire President and CEO to certify the 2017 Compliance Audit Return**
- 3. Authorise the Chief Executive Officer to submit the 2017 Compliance Audit Return to the Department of Local Government by 31 March 2018.**

COUNCIL DECISION

Minute Number: 27/03/2018-117912

Moved: Cr T Chafer

Seconded: Cr N Brook

That Council

- 1. Note the 2017 Compliance Audit Return has been completed**
- 2. Authorise the Shire President and CEO to certify the 2017 Compliance Audit Return**
- 3. Authorise the Chief Executive Officer to submit the 2017 Compliance Audit Return to the Department of Local Government by 31 March 2018.**

Carried 8/0

PURPOSE

The Chief Executive Officer is required to complete and submit a Compliance Audit Return to the Director General of the Department of Local Government together with a copy of the relevant minute as approved by Council at an Ordinary Council Meeting by 31 March each year.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/PREVIOUS CONSIDERATIONS BY COUNCIL/COMMITTEE

Each local government is required to carry out a compliance audit for the period 1 January to 31 December against the requirements of the Compliance Audit Return. The return is completed online.

After the Compliance Audit Return has been presented to Council, a certified copy of the return along with the relevant section of the minutes and any additional information explaining or qualifying the compliance audit is to be submitted to the Director General of the Department of Local Government.

The Compliance Audit is one of the tools that allows Council to monitor how the organisation is functioning in regard to compliance (or otherwise) with the various legislation that pertains to local government administration and decision making.

Regulations require that upon completion of the Compliance Audit Return the return is to be:

- presented to the Council at a meeting of the Council;
- adopted by the Council; and
- recorded in the minutes of the meeting at which it is adopted.

The Compliance Audit is submitted using an online Compliance Audit Return that is prepared by the Department of Local Government.

STATUTORY IMPLICATIONS

The Department of Local Government Compliance Framework is aimed at providing transparency about the Shire's approach to compliance as well as giving the sector and the public certainty about its approach to managing complaints made against the sector (or individuals within it).

The Department of Local Government Compliance Framework is aimed at providing transparency about the Shire's approach to compliance as well as giving the sector and the public certainty about its approach to managing complaints made against the sector (or individuals within it).

LOCAL GOVERNMENT ACT 1995

Part 7, Division 4

7.13. Regulations as to audits

(1) Regulations may make provision —

- (i) requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are —
 - (i) of a financial nature or not; or
 - (ii) under this Act or another written law.

LOCAL GOVERNMENT (AUDIT) REGULATIONS 1996

14. Compliance audits by local governments

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
 - (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.

[Regulation 14 inserted in Gazette 23 Apr 1999 p. 1724-5; am ended in Gazette 30 Dec 2011 p. 5580-1.]

15. Compliance audit return, certified copy of etc. to be given to Executive Director

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
 - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
 - (b) any additional information explaining or qualifying the compliance audit,is to be submitted to the Executive Director by 31 March next following the period to which the return relates.
- (2) In this regulation —
 - certified in relation to a compliance audit return means signed by —
 - (a) the mayor or president; and
 - (b) the CEO.

POLICY IMPLICATIONS

No policy implications apply in the preparation of this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this item.

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.

Operational Risk: Non-compliance regulations.

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

The purpose of this report is to seek endorsement from the Council for the 2017 Compliance Audit Return to enable submission to the Department of Local Government prior to 31 March 2018.

ATTACHMENTS

Attachment 1 - 2017 Compliance Audit Report (Completed)

12.2.5. Kimberley Regional Group Governance Agreement 2018

DATE:	18 March 2018
AUTHOR:	Chief Executive Officer
RESPONSIBLE OFFICER:	Carl Askew Chief Executive Officer
FILE NO:	GR.03.1
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council endorse the Kimberley Regional Group Governance Agreement 2018 and authorise the Shire President and CEO to execute the Agreement on behalf of the Shire of Wyndham East Kimberley.

COUNCIL DECISION

Minute Number: 27/03/2018-117913

**Moved: Cr G Lodge
Seconded: Cr D Pearce**

That Council endorse the Kimberley Regional Group Governance Agreement 2018 and authorise the Shire President and CEO to execute the Agreement on behalf of the Shire of Wyndham East Kimberley.

Carried 8/0

PURPOSE

For Council to consider and endorse the Kimberley Regional Group Governance Agreement 2018.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

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

Facilitator - bring stakeholders together

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In September 2010, as part of the Western Australian State Government's local government reform agenda, the four Kimberley Local Government authorities came together as the Kimberley Regional Collaborative Group by the signing of the Agreement for the Kimberley Zone Regional Collaborative Group with the State of Western Australia. The agreement governing the Kimberley Regional Collaborative Group had a finite life and terminated on 30 June 2015.

In view of this and consistent with the WA State Government's local government reform agenda, the participants came together as the Kimberley Regional Group (KRG) for the purpose of undertaking shared regional initiatives in the Kimberley Region. The Participants resolved to enter into an agreement to govern how they would work together as the KRG. The KRG Governance Agreement expired on 24 February 2018 and while clauses exist to extend the agreement prior to the termination date, these were not actioned, and a new agreement is now required.

The Regional Collaborative Agreement (RCG) involved the formation of a legal document that formalised a group of local governments for the purpose of implementing common service arrangements. Elements of importance in RCGs include integrated strategic planning, asset and financial management and service delivery options.

Following the Zone meeting of 4 August 2010, signing of the RCG agreement was conducted in Broome on 1 September 2010 with formal signing by Presidents and CEOs of Shire of Broome, Shire of Derby West Kimberley, Shire of Halls Creek and Shire of Wyndham East Kimberley and the Director General of the Department of Local Government, Jennifer Mathews. The signing of the agreement was witnessed by the Minister for Local Government, Hon. John Castrilli. During the Minister's visit the Kimberley Zone took the opportunity to meet and raise a number of issues including the potential for Local Government Enterprises (LGEs) and the possibility of the Kimberley Zone piloting such an initiative for evaluation and assessment. It was considered the Kimberley RCG could be a catalyst for the eventual establishment of an agreed LGE model.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Financial implications are contingent upon Council's consideration of the Agreement. The Shire, along with all member Councils, currently contributes \$55,000 per annum to the KRG.

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 CP/GOV-3100 Community Engagement Policy has been considered in relation to this item.

No community engagement is required.

COMMENTS

Under the terms of the KRG Governance Agreement, the participants may, by agreement in writing, extend the term of the agreement prior to the agreement terminating. This has not occurred and a new agreement has been drafted. The new agreement does not differ in intent from the previous agreement with the exception of some minor formatting and grammatical changes. Dates related to inception and termination have also been updated. The schedules attached to the agreement have been reviewed and updated to reflect current information. The attached Agreement seeks member endorsement.

Consultation has occurred between the four individual Kimberley Shire Councils to reach a unified Agreement and the matter was considered at the KRG Meeting on 5 March 2018.

KIMBERLEY REGIONAL GROUP RESOLUTION:

Moved: Cr D Menzel Seconded: Cr M Edwards

That the Kimberley Regional Group:

- 1. Endorse the Kimberley Regional Governance Agreement subject to the Kimberley Regional Group CEO's:***

- a. Reviewing and updating the recital section; and***

- b. Ensuring there is flexibility for additional membership of the Group without limiting any project endorsement decisions.*
- 2. Request the Secretariat forward a copy of the Kimberley Regional Group Strategic Community Plan and Regional Business Plan to the Shire of Christmas Island and the Shire of Cocos Keeling Islands; and*
- 3. Request the Secretariat officially invite the Shire of Christmas Island and the Shire of Cocos Keeling Islands to join the Kimberley Regional Group.*

CARRIED UNANIMOUSLY 4/0

The Objectives of the KRG are:

1. to strive to achieve the Strategic Goals and Outcomes of the KRG in accordance with the KRG's Regional Strategic Community Plan, in a manner that enhances and assists the advancement of the Kimberley Region;
2. to encourage cooperation and resource sharing on a regional basis; and
3. not to detract from the relationships a Participant holds within its community with the State and Federal Governments and other entities it interacts with in the course of usual business.

Officers support the continued operation of the KRG as a vehicle for promoting shared services, ideas, resources, information and best practice and to provide a unified voice for the Kimberley local government sector on matters of joint interest.

Officers support Council's endorsement of the draft Agreement.

ATTACHMENTS

Attachment 1- Draft Kimberley Governance Agreement 2018

12.2.6. Pilbara Kimberley Forum and KRG/Zone Meetings - May 2018

DATE:	13 March 2018
AUTHOR:	Executive Assistant
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
FILE NO:	RK.01
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council

- 1. Notes progress made on the Pilbara Kimberley Forum 2018**
- 2. Notes the intent of the Zone Secretariat to amend the 2018 meeting schedule so the meeting scheduled to occur in Kununurra in May 2018 is rescheduled to occur in Perth on 30 April 2018, one day prior to the Pilbara Kimberley Forum**
- 3. Approve the attendance at both the Zone/KRG meetings and the 2018 Pilbara Kimberley Forum by the Shire's Zone Delegates (Shire President Cr David Menzel, Deputy President and CEO) or their proxy (Cr N Brook and Cr A Petherick).**

COUNCIL DECISION

Minute Number: 27/03/2018-117914

**Moved: Cr J Farquhar
Seconded: Cr D Pearce**

- 1. Notes progress made on the Pilbara Kimberley Forum 2018**
- 2. Notes the intent of the Zone Secretariat to amend the 2018 meeting schedule so the meeting scheduled to occur in Kununurra in May 2018 is rescheduled to occur in Perth on 30 April 2018, one day prior to the Pilbara Kimberley Forum**
- 3. Approve the attendance at both the Zone/KRG meetings and the 2018 Pilbara Kimberley Forum by the Shire's Zone Delegates (Shire President Cr David Menzel, Deputy President and CEO) or their proxy (Cr N Brook and Cr A Petherick).**

Carried 8/0

PURPOSE

The Pilbara Kimberley Forum 2018 is an annual event jointly hosted by the Pilbara and Kimberley regions on alternative years. This year the Pilbara Regional Council is hosting the Pilbara Kimberley Forum. The Pilbara Kimberley Forum 2018 will be held in Perth, from 1-2 May 2018.

The purpose of this report is to seek Council's consideration of Councillor/Officer attendance at the Pilbara Kimberley Forum 2018, which would occur concurrently with the Kimberley Zone Meeting - previously proposed to take place in Kununurra from 30 April -1 May 2018. This meeting would be rescheduled to a venue in Perth to occur the day prior to the Pilbara Kimberley Forum.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

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

Facilitator - bring stakeholders together

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Pilbara Kimberley Forum 2018 is an annual event jointly hosted by the Pilbara and Kimberley regions on alternative years. This year the Pilbara Regional Council is hosting the Pilbara Kimberley Forum.

In 2014 the PRC hosted the Pilbara Kimberley Forum in Jakarta, Indonesia, matching a number of Australian leaders with Indonesian investors and banking capital. The 2016 Forum in Shenzhen, China was considerably larger and received good press from the Shenzhen Daily newspaper (circulation 10M). A number of SWEK Councillors attended the Forum in Shenzhen and also included subsequent meetings with KAI Parent Company Shanghai Zhongfu and owner Mr Wu.

The PRC took the view when evaluating these events that there was little sense in further encouraging investors to consider the Pilbara, if the region was characterised by underdeveloped project concepts or known to be a complex investment environment. In 2018, it was proposed that the event be refocused, both in a strategic pivot inward to State/Federal issues and in a focus on advocacy for reform.

There is already a high level of interest in this forum from both political and industry influencers, with the Premier scheduled to open the event, and CEDA scheduled to run one of their very popular 'regional events' concurrently, for which regional delegates will receive complimentary tickets.

General Theme

The Pilbara Kimberley Forum 2018 will be centred on the theme of 'hot topics' and controversial issues. The intention is for rapid brainstorming, expert panel sessions, provocative opening statements, and breakout discussion and problem solving.

This will mean that each 'hot topic' is not simply discussed by an expert speaker, but debated by opposing views, workshopped by attendees, problem-solved in groups, and then delivered back to the Forum as potential solutions, advocacy topics and regional projects for the region to take forward in FY19.

A Summary Paper arising from the event will be drafted and presented to both the Prime Minister and Premier, along with other significant political figures and key influencers.

Summary of progress thus far

- The Pilbara Development Commission (PDC) will be co-hosting the event with the PRC.
- The Hon Mark McGowan MLA - Premier; Minister for Public Sector Management; State Development, Jobs and Trade; Federal-State Relations will be opening the Forum and stay for the first session,
- Hon Alannah MacTiernan MLC, Minister for Regional Development, will provide a keynote address,
- CEDA will be running a regional event concurrently,
- A premier venue and accommodation provider has been secured (Crown Events & Conferences, and the Crown Metropol).
- A range of sponsorship discussions are underway

Confirmed Event Details

Location: Botanical Rooms 1 - 2 (forum), and Astral Ballroom 1 (CEDA Lunch and Forum dinner)

Dates: May 1 - 2, 2018 (recess weeks for both State and Federal Parliaments)

Attendees: ~100, strictly by invitation only

Tentative Proposed Program

Day One

- Session 1: Keynote Addresses and Opening Remarks
- Session 2: People Power
- CEDA Public Lunch: (Event TBC, negotiations underway)
- Session 4: Survive or Thrive
- Sponsored sun-downer
- Event dinner

Day Two

- Session 5: Keynote Address and Opening Remarks
- Session 6: Meet the Neighbours (regional Consuls General)
- Session 7: First Nations Participation
- Session 8: More Energy
- Closing Session: The Great Debate - The 7th State

Registration and Event Launch

The PRC has set down a preliminary date of the 28 February for the sending of delegate invitations and the opening of registration.

Invited guests will receive an email invitation directing them to register online. As is customary, the PRC will offer all participating LGAs the option of sending details through to PRC staff for manual entry, and the processing of payment via purchase order and invoice. Online purchases through the registration platform are only possible by credit card.

Consultation

Member CEOs have been engaged in the drafting of the FY18 Project Concept Document for this initiative, and Council has deliberated on the event's purpose at the August OCM. The Pilbara Development Commission and Kimberley Regional Group have been briefed on the event and agreed to join as event partners.

The Department of Foreign and Trade will be kept informed of the components of the program that relate to trading partners and Consuls General engagement, and both DFAT and Austrade State Directors will be invited to sponsor and facilitate the day two 'Meet the Neighbours' session.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The PRC is aware of the need for Councillors and regional attendees to purchase flights on top of registration fees and remains committed to ensuring the event is priced competitively at \$929 ex GST/fees inclusive of all event activities, meals and accommodation at Crown Resort.

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 CP/GOV-3100 Community Engagement Policy has been considered in relation to this item.

No community engagement is required.

COMMENTS

The Pilbara Kimberley Forum 2018 is an annual event jointly hosted by the Pilbara and Kimberley regions on alternative years. This year the Pilbara Regional Council is hosting the Pilbara Kimberley Forum. The Pilbara Kimberley Forum 2018 will be held in Perth, from 1-2 May 2018. The Pilbara Kimberley Forum 2018 will occur concurrently with the Kimberley Zone and KRG Meetings - previously proposed to take place in Kununurra from 30 April -1 May 2018.

At the Kimberley Regional Group Meeting held on 5 March 2018 the matter was reported and considered with the following resolution;

KIMBERLEY REGIONAL GROUP RESOLUTION:

Moved: Cr M Edwards Seconded: Cr G Haewera

That the Kimberley Zone:

- 1. Notes progress made for the Pilbara Kimberley Forum 2018; and***
- 2. Request the Secretariat amend the 2018 meeting schedule so the meeting scheduled to occur in Kununurra in May is rescheduled to***

occur in Perth on 30 April 2018, one day prior to the Pilbara Kimberley Forum.

CARRIED UNANIMOUSLY 4/0

It is recommended that the Council attend both the Zone/KRG meetings and the 2018 Pilbara Kimberley Forum and that the Zone delegates (Shire President, Deputy President and CEO) or their proxy (Cr N Brook and Cr A Petherick) represent the Shire.

ATTACHMENTS

Attachment 1- Invitation to Partner -Pilbara Kimberley Forum 2018 (Perth, May 1-2, 2018)

12.3. COMMUNITY DEVELOPMENT

12.3.1. Reach Beyond Temporary Caravan Park

DATE:	27 March 2018
AUTHOR:	Environmental Health Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	A585
FILE NO:	PH.12.5
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council grant a temporary caravan park licence to Reach Beyond Australia for 7 Short Stay Sites at the property known as Reach Beyond Australia, Lot 579 Packsaddle Road, Kununurra from 14 May 2018 to 13 August 2018 subject to the following conditions:

- 1. Only staff and volunteers employed to work at Reach Beyond are to be accommodated in the park.**
- 2. The following minimum ablution facilities are to be available for the duration of the licence:**
 - a. Male: 1 toilet, 1 hand basin, 1 shower**
 - b. Female: 1 toilet, 1 hand basin, 1 shower**
- 3. Ablutions are to be appropriately lit at night.**
- 4. All wastewater (including sullage water) is to be collected and removed from the site to be disposed of at an approved wastewater collection point.**
- 5. Rubbish bins are to be sealed and provided within 90 metres of every site. All rubbish to be removed from site.**
- 6. One fire extinguisher for every 6 sites or a fire hose reel of an appropriate length to reach all sites with unobstructed access must be provided.**

COUNCIL DECISION

Minute Number: 27/03/2018-117915

Moved: Cr T Chafer

Seconded: Cr D Pearce

That Council grant a temporary caravan park licence to Reach Beyond Australia for 7 Short Stay Sites at the property known as Reach Beyond Australia, Lot 579 Packsaddle Road, Kununurra from 14 May 2018 to 13 August 2018 subject to the following conditions:

- 1. Only staff and volunteers employed to work at Reach Beyond are to be accommodated in the park.**
- 2. The following minimum ablution facilities are to be available for the duration of the licence:**
 - a. Male: 1 toilet, 1 hand basin, 1 shower**
 - b. Female: 1 toilet, 1 hand basin, 1 shower**
- 3. Ablutions are to be appropriately lit at night.**
- 4. All wastewater (including sullage water) is to be collected and removed from the site to be disposed of at an approved wastewater collection point.**
- 5. Rubbish bins are to be sealed and provided within 90 metres of every site. All rubbish to be removed from site.**
- 6. One fire extinguisher for every 6 sites or a fire hose reel of an appropriate length to reach all sites with unobstructed access must be provided.**

Carried 8/0

PURPOSE

For Council to consider an application made by Reach Beyond Australia (previously HCJB) for a Temporary Caravan Park and Camping Ground Licence at the property known as Reach Beyond Australia, Lot 579 Packsaddle Road, Kununurra.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Reach Beyond Australia has applied to establish seven short stay (accommodation) sites between 14 May 2018 and 13 August 2018.

Reach Beyond Australia has advised that the short stay sites will accommodate volunteers invited to work on the property for periods of two to four weeks to undertake building work, vehicle maintenance and transmitter work. The visitors will provide their own caravans.

A copy of the application is at Attachment 1.

STATUTORY IMPLICATIONS

Caravan Parks and Camping Grounds Act 1995 (the Act)

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

Caravan Parks and Camping Grounds Regulations 1997 (the Regulations)

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

- 1) *If within —*
 - a) *63 days of receiving an application for a licence; or*
 - b) *35 days of receiving an application for a renewal of a licence, the local government to which the application was made has not informed the applicant whether or not the application has been granted, the applicant may give the chief executive officer of the local government a notice requiring the local government to inform the applicant, within 14 days, whether or not the application is granted.*
- 2) *If within 14 days after receiving a notice referred to in subregulation (1), the local government has not informed the applicant whether or not the application is granted, the local government is to be taken to have refused the application and the applicant may make an application for review to the State Administrative Tribunal under section 27 of the Act.*

r. 54 *Temporary licence*

- 1) *A local government may, on payment of the fee set out in item 3 of Schedule 3, grant a temporary licence for a facility which is to remain in force for such period of less than one year, as is provided in the licence.*
- 2) *A local government is to endorse on a temporary licence for a facility as conditions of the licence —*
 - a) *the maximum number of sites that may be used at the facility;*
 - b) *the maximum number of sites of particular types that may be used at the facility and*
 - c) *the services and facilities that are to be provided.*

Local Planning Scheme No. 7 and draft Local Planning Scheme No. 9

Lot 579 Packsaddle Road, Kununurra is zoned Rural Agriculture 1 under Town Planning Scheme No. 7, and allows a maximum of twelve transient accommodation sites and is permissible without any additional (planning) approval under the existing and new Planning Scheme..

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

If Reach Beyond Australia is granted a temporary licence they will be invoiced for a licence fee to be calculated in accordance with Schedule 3 of the Regulations. For 7 short stay sites of 3 months duration the minimum fee of \$100 will be applicable.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

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

Strategy 2.4.2 : Ensure community compliance with Environmental Health regulations

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The proposed licence meets the requirements and intentions of *Council Policy CP/HTH-3762 Licensing of Temporary Caravan Parks and Camping Grounds* and is a permissible use under the current and proposed Planning Scheme. The licensed area, furthermore, will be occupied only by Reach Beyond Australia staff and volunteers who stay on site for the duration of their engagement.

It is recommended that Council approve the application subject to conditions related to the provision of suitable ablution facilities, waste removal and for fire protection.

ATTACHMENTS

Attachment 1 - Reach Beyond Temporary Caravan Park Application

12.3.2. Road Dedication - Moonamang Road Extension

DATE:	27 March 2018
AUTHOR:	Senior Planning Officer
RESPONSIBLE OFFICER:	Stuart Dyson, Director Infrastructure
ASSESSMENT NO:	N/A
FILE NO:	CP.02.12
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. supports the dedication of Lot 604 on Deposited Plan 410818 as road, being the extension of Moonamang Road to the Western Australia and Northern Territory border, pursuant to Section 56 of the *Land Administration Act 1997*.**
- 2. in accordance with Section 56(4) of the *Land Administration Act 1997*, indemnifies the Minister for Lands against any claim for compensation in an amount equal to the amount of costs and expenses reasonably incurred, excluding costs associated with survey, in considering and granting the dedication.**

COUNCIL DECISION

Minute Number: 27/03/2018-117916

Moved: Cr G Lodge

Seconded: Cr T Chafer

That Council:

- 1. Supports the dedication of Lot 604 on Deposited Plan 410818 as road, being the extension of Moonamang Road to the Western Australia and Northern Territory border, pursuant to Section 56 of the *Land Administration Act 1997*.**
- 2. in accordance with Section 56(4) of the *Land Administration Act 1997*, indemnifies the Minister for Lands against any claim for compensation in an amount equal to the amount of costs and expenses reasonably incurred, excluding costs associated with survey, in considering and granting the dedication.**

PURPOSE

For Council to consider the proposed dedication of Crown land for the extension of Moonamang Road to the Western Australia/Northern Territory Border.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Provider - provide physical infrastructure and essential services

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Shire has received correspondence from the McMullen Nolan Group (MNG) advising that they have been engaged by the Department of Planning, Lands and Heritage (DPLH) to prepare documentation for the acquisition and dedication of portions of Crown land as road for the extension of Moonamang Road to the WA /NT border. In this correspondence, a copy of which is provided at Attachment 1, MNG have advised that a resolution of the local government is required in order to progress the formal dedication process, therefore have requested that Council provide a resolution for the dedication of the road pursuant section 56 of the *Land Administration Act 1997* (LAA).

STATUTORY IMPLICATIONS**Land Administration Act 1997**

There are a number of ways that a road made be dedicated, including under section 27 or section 56 of the Land Administration Act 1997 (LAA).

Under section 27 of the LAA, the Minister for Lands is empowered to subdivide and develop Crown land into lots. Where a plan of survey subdividing Crown land is authorised under section 27, under section 28 of the LAA any roads shown on the plan of survey are automatically dedicated as a road and placed under the care, control and management of the local government.

However, the DPLH general preference is for the dedication of a road to be undertaken in accordance with section 56 of the LAA, as follows:

56. Dedication of land as road

- (1) If in the district of a local government —*
 - (a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government; or*
 - (b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —*
 - (i) the holder of the freehold in that land applies to the local government, requesting it to do so; or*

- (ii) *those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so; or*
 - (c) *land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,*
and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.
- (2) *If a local government resolves to make a request under subsection (1), it must —*
- (a) *in accordance with the regulations prepare and deliver the request to the Minister; and*
 - (b) *provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.*
- (3) *On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then —*
- (a) *subject to subsection (5), by order grant the request; or*
 - (b) *direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
 - (c) *refuse the request.*
- (4) *On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.*
- (5) *To be dedicated under subsection (3)(a), land must immediately before the time of dedication be —*
- (a) *unallocated Crown land or, in the case of a private road, alienated land; and*
 - (b) *designated in the relevant plan of survey, sketch plan or document as having the purpose of a road.*
- (6) *If land referred to in subsection (1)(b) or (c) is dedicated under subsection (3)(a), a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that dedication.*

Under section 56(1) of the LAA, if land is used by the public, as a road under the care, control and management of the local government, and is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.

Under section 56(4) of the LAA, the Shire will also be liable to indemnify the Minister of Lands against any claim for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.

Land Administration Regulations 1998

Regulation 8 of the Land Administration Regulations 1998 outlines the information to be provided by the local government when requesting the dedication of a road, as follows:

8. Local government request to dedicate land as a road (Act s. 56), requirements for

For the purposes of preparing and delivering under section 56(2)(a) of the Act a request to the Minister to dedicate land as a road, a local government must include with the request —

- (a) written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require; and*
- (b) if an application has been made to the local government under section 56(1)(b)(ii) of the Act, a copy of the application and details of the rateable value of all the rateable land relevant to the application; and*
- (c) if the request is made in respect of a private road referred to in section 56(1)(c) of the Act —*
 - (i) written confirmation that the public has had uninterrupted use of the private road for a period of not less than 10 years; and*
 - (ii) a description of the section or sections of the public who have had that use; and*
 - (iii) a description of how the private road is constructed; and*
- (d) copies of any submissions relating to the request that the local government has received, and the local government's comments on those submissions; and*
- (e) any other information the local government considers relevant to the Minister's consideration of the request; and*
- (f) written confirmation that the local government has complied with section 56(2) of the Act.*

POLICY IMPLICATIONS

CP/OPS 3655 - Road Development

One of the objectives of the Shire's Road Development policy (CP/OPS 3655) is to facilitate the upgrading of existing roads to standardised widths, alignments and standards of construction, and specifies that all construction works are required to be carried out in accordance with the approved engineering drawings and specifications to the satisfaction of the CEO and in accordance with current, accepted engineering practice.

FINANCIAL IMPLICATIONS

Although not currently dedicated, the Shire maintains the unsealed section of the road to the border, and has done so for quite some time. The intent of the proposed dedication will simply create a road corridor over the proposed road alignment and facilitate its construction through the application of State funds for this purpose.

In relation to costs and expenses reasonably incurred, survey costs would normally be something that the local government would be liable for as part of an indemnification. It is understood that DPLH have already covered all costs associated with the survey, therefore it is recommended any indemnification provided by the Shire should note that survey costs are excluded.

Although the State Government has committed to constructing the road to the same design standard as the existing sealed portion of Moonamang Road, the road will become an asset of the Shire, and therefore the Shire will be responsible for its ongoing management and maintenance.

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 2.3.2 : Plan, design and budget for sustainable infrastructure

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 State Government has committed to the upgrade and construction of an approximately 5 km section of Moonamang Road, located between the existing sealed (and dedicated) portion of the road to the WA/NT border for the purpose of facilitating future expansion of the irrigated area and/or to support other projects such as Project SeaDragon. Construction of the road will be managed by LandCorp on behalf of the Department of Planning, Lands and Heritage (DPLH), however, the Shire has been advised that the road needs to be dedicated first before State funding for construction can be allocated.

Road dedication under section 56 of the LAA requires the local government to indemnify the Minister of Lands against any claim for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.

Potential claims for compensation may include claims from native title holders, however as shown on the survey instructions and Deposited Plan, the proposed dedication of the road will be undertaken under section 24KA & 23B of the Native Title Act 1993 which will not extinguish native title.

In relation to costs and expenses reasonably incurred, survey costs would normally be something that the local government would be liable for as part of an indemnification. It is understood that DPLH have already covered all costs associated with the survey, therefore it is recommended any indemnification provided by the Shire should note that survey costs are excluded. Although the State Government has committed to constructing the road to the same design standard as the existing sealed portion of Moonamang Road, the road will become an asset of the Shire, and therefore the Shire will be responsible for its ongoing management and maintenance.

The proposed road corridor has been surveyed in accordance with survey instructions issued by DPLH and is shown as Lot 604 on Deposited Plan 410818. A copy of the deposited plan is provided at Attachment 2.

It is recommended that the Council approve the dedication of the land for the road in line with sections 56(1) and 56(4) of the Land Administration Act.

ATTACHMENTS

Attachment 1 - Letter from McMullen Nolan Group
Attachment 2 - Deposited Plan 410818

12.3.3. Development Application - Lots 13, 14 & 15 Bandicoot Drive, Kununurra - Mixed Use Development

Councillor D Pearce declared a Financial Interest in this item as has been engaged by the proponent of this development to prepare funding submissions for the proposed medical centre at lots 13, 14 and 15 Bandicoot drive and left the room at 5.36pm

DATE:	27 March 2018
AUTHOR:	Planning Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	A7824; A7825 and A7826
FILE NO:	A7824P; A7825P and A7826P
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council grant consent for the use and development of a medical centre, multiple dwellings (17 dwellings), accommodation units ancillary to the medical centre (3 accommodation units) and a pylon sign at Lots 13, 14 & 15 (57, 59 & 61) Bandicoot Drive, Kununurra subject to the following conditions:

- 1. All development shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.**
- 2. Prior to applying for a Building Permit, amended plans shall be submitted to and approved by the local government. The plans shall include:**
 - (a) Revised siting of Dwellings 1 and 10 to comply with the required 6.3 metre setback.**
 - (b) Privacy screening along the first floor balconies facing the north-east to protect the amenity of future residents.**
- 3. Prior to applying for a Building Permit, a landscaping plan shall be prepared and submitted for approval to the local government. The plan shall include:**
 - (a) The location, number and type of proposed trees and shrubs;**
 - (b) Any lawns to be established;**
 - (c) The areas to be reticulated or irrigated;**
 - (d) Details of any verge treatments**

Prior to the occupation of the development, the landscaping shall be completed and thereafter maintained at all times to the satisfaction of the local government.

4. A Traffic Impact Assessment is to be prepared and submitted to the local government within three (3) months of the occupation of the building detailing traffic to and from the site and car parking within the site. A revised Traffic Impact Assessment is to be undertaken after twelve (12) months of operation and submitted to the local government. The revised Traffic Impact Assessment shall include recommendations to address any car parking deficiencies or other traffic issues which may have arisen during operation of the site.
5. Prior to the occupation of the development, areas set aside on the endorsed plan(s) for vehicle parking and access (including driveways and vehicle crossings) shall be constructed, sealed, kerbed, drained and maintained to the satisfaction of the local government.
6. Footpath plans shall be submitted to the local government prior to the commencement of construction. Footpaths shall be constructed to the satisfaction of the local government.
7. During the construction stage adjoining lots shall not be disturbed without the consent of the owner/s in writing.
8. No more than twelve (12) seats may be made available to patrons of the cafe, without the written consent of the local government.
9. Except with the written consent of the local government, the days and hours of operation for the medical centre and cafe are limited to:
 - (a) Monday to Friday: 7.30am to 5pm
 - (b) Saturday: 7.30am to 1pm
10. All unloading and loading shall be conducted within the site and outside of the trading hours set about above.
11. Waste collection for the development shall be provided by agreement between the owner and/or operator of the site and an external provider. All waste and refuse collection shall be conducted within the site and outside of the trading hours of the medical centre and café. At no time shall rubbish bins be placed on the verge/kerb for collection and the site shall be managed at all times to ensure amenity is maintained.
12. An approved stormwater management plan must be implemented and/or constructed prior to the occupation of the development, in accordance with any conditions imposed, and thereafter maintained to the satisfaction of the local government.
13. The owner of the site shall enter into a reciprocal rights of access agreement across all lots, to ensure long term access and parking for the whole development.

14. Parking areas and/or parking spaces specific to each component of the development shall be delineated and marked to the satisfaction of the local government.
15. No parking is permitted within the road reserve or on verges, and any vehicles associated with the use shall be parked on the subject land, except as otherwise authorised by the local government.
16. The proposed development shall be finished in materials and colours that are muted and non-reflective.
17. All plumbing pipes shall be ducted within the walls of the building.
18. No products, materials or other goods whatsoever are to be stored outside of the buildings, unless in a designated area approved by the local government for that purpose.
19. External lighting shall be designed, baffled and located to not have a detrimental effect adjoining land to the satisfaction of the local government.
20. Any redundant existing vehicular crossing(s) shall be removed, the kerb reinstated and the verge remediated to the satisfaction of the local government.
21. Existing trees within the road reserve are not to be disturbed or damaged during construction.

ADVICE TO APPLICANT:

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

- 5) It is the responsibility of the applicant to ensure the building setbacks, including waste disposal facilities if appropriate, correspond with the legal description of the land. The local government will not accept responsibility for incorrectly located buildings.
- 6) It is the responsibility of the applicant to search the title of the property to ascertain the presence of any easements that in any case must not be built upon.
- 7) A Crossover Application is required to be submitted to the local government's Infrastructure Department prior to the construction of any crossover or associated works in the road verge.
- 8) In relation to Condition 12 above, it is noted a stormwater management plan has been granted approval by the local government's Infrastructure Directorate for the site. The stormwater management plan shall be implemented and any conditions of approval shall be complied with on the site.

COUNCIL DECISION

Minute Number: 27/03/2018-117917

Moved: Cr T Chafer

Seconded: Cr J Farquhar

That Council grant consent for the use and development of a medical centre, multiple dwellings (17 dwellings), accommodation units ancillary to the medical centre (3 accommodation units) and a pylon sign at Lots 13, 14 & 15 (57, 59 & 61) Bandicoot Drive, Kununurra subject to the following conditions:

1. All development shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
2. Prior to applying for a Building Permit, amended plans shall be submitted to and approved by the local government. The plans shall include:
 - (c) Revised siting of Dwellings 1 and 10 to comply with the required 6.3 metre setback.
 - (d) Privacy screening along the first floor balconies facing the north-east to protect the amenity of future residents.
3. Prior to applying for a Building Permit, a landscaping plan shall be prepared and submitted for approval to the local government. The plan shall include:
 - (e) The location, number and type of proposed trees and shrubs;
 - (f) Any lawns to be established;
 - (g) The areas to be reticulated or irrigated;
 - (h) Details of any verge treatments

Prior to the occupation of the development, the landscaping shall be completed

and thereafter maintained at all times to the satisfaction of the local government.

4. A Traffic Impact Assessment is to be prepared and submitted to the local government within three (3) months of the occupation of the building detailing traffic to and from the site and car parking within the site. A revised Traffic Impact Assessment is to be undertaken after twelve (12) months of operation and submitted to the local government. The revised Traffic Impact Assessment shall include recommendations to address any car parking deficiencies or other traffic issues which may have arisen during operation of the site.
5. Prior to the occupation of the development, areas set aside on the endorsed plan(s) for vehicle parking and access (including driveways and vehicle crossings) shall be constructed, sealed, kerbed, drained and maintained to the satisfaction of the local government.
6. Footpath plans shall be submitted to the local government prior to the commencement of construction. Footpaths shall be constructed to the satisfaction of the local government.
7. During the construction stage adjoining lots shall not be disturbed without the consent of the owner/s in writing.
8. No more than twelve (12) seats may be made available to patrons of the cafe, without the written consent of the local government.
9. Except with the written consent of the local government, the days and hours of operation for the medical centre and cafe are limited to:
 - (c) Monday to Friday: 7.30am to 5pm
 - (d) Saturday: 7.30am to 1pm
10. All unloading and loading shall be conducted within the site and outside of the trading hours set about above.
11. Waste collection for the development shall be provided by agreement between the owner and/or operator of the site and an external provider. All waste and refuse collection shall be conducted within the site and outside of the trading hours of the medical centre and café. At no time shall rubbish bins be placed on the verge/kerb for collection and the site shall be managed at all times to ensure amenity is maintained.
12. An approved stormwater management plan must be implemented and/or constructed prior to the occupation of the development, in accordance with any conditions imposed, and thereafter maintained to the satisfaction of the local government.
13. The owner of the site shall enter into a reciprocal rights of access agreement across all lots, to ensure long term access and parking for the whole development.
14. Parking areas and/or parking spaces specific to each component of the

development shall be delineated and marked to the satisfaction of the local government.

15. No parking is permitted within the road reserve or on verges, and any vehicles associated with the use shall be parked on the subject land, except as otherwise authorised by the local government.
16. The proposed development shall be finished in materials and colours that are muted and non-reflective.
17. All plumbing pipes shall be ducted within the walls of the building.
18. No products, materials or other goods whatsoever are to be stored outside of the buildings, unless in a designated area approved by the local government for that purpose.
19. External lighting shall be designed, baffled and located to not have a detrimental effect adjoining land to the satisfaction of the local government.
20. Any redundant existing vehicular crossing(s) shall be removed, the kerb reinstated and the verge remediated to the satisfaction of the local government.
21. Existing trees within the road reserve are not to be disturbed or damaged during construction.

ADVICE TO APPLICANT:

- 9) If the applicant and/or owner are aggrieved by this decision, as a result of a condition of approval or by a determination of refusal, you may have a right of review through the State Administrative Tribunal in accordance with Clause 76 of the *Planning and Development (Local Planning Schemes) Regulations Act 2015 (WA)*.
- 10) An owner of land may in respect of which development approval has been granted by the Local Government may make an application to the local government requesting the local government to amend or cancel an approval in accordance with Clause 77 of the *Planning and Development (Local Planning Schemes) Regulations Act 2015 (WA)*.
- 11) This approval is valid for a period of two (2) years. A new application will be required to be submitted if development has not been substantially commenced within this time.
- 12) This approval is not a building permit or an approval under any other law than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws).
- 13) It is the responsibility of the applicant to ensure the building setbacks, including waste disposal facilities if appropriate, correspond with the legal description of

the land. The local government will not accept responsibility for incorrectly located buildings.

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

15) A Crossover Application is required to be submitted to the local government's Infrastructure Department prior to the construction of any crossover or associated works in the road verge.

16) In relation to Condition 12 above, it is noted a stormwater management plan has been granted approval by the local government's Infrastructure Directorate for the site. The stormwater management plan shall be implemented and any conditions of approval shall be complied with on the site.

Carried 7/0

PURPOSE

For Council to consider an application for Development Approval under the provisions of draft *Local Planning Scheme No. 9* (LPS No. 9) for a medical centre, cafe, multiple dwellings (17 dwellings), accommodation units ancillary to the medical centre (3 accommodation units) and a pylon sign at Lots 13, 14 and 15 (57, 59 and 61) Bandicoot Drive, Kununurra.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The lots are located on the northern side of Bandicoot Drive. Each lot has an approximate site area of 1,879 square metres, with an overall site area of 3,567 square metres. The lots are currently zoned Mixed Business under *Local Planning Scheme No. 7 - Kununurra and Environs*. (LPS No. 7)

The land is generally flat with some vegetation. The surrounding area is mainly used for a mixture of business and light industrial land uses.



Locality Plan: Lots 13, 14 and 15 (57, 59 and 61) Bandicoot Drive, Kununurra

Proposal:

Key details of the proposal can be summarised as follows:

- Medical centre including:
 - Thirteen consulting rooms to provide for a range of consultants, including but not limited to psychologists, dentists, physiotherapists and cardiologists.
 - Treatment rooms for minor surgery
 - Dispensary for use of medical centre visitors
 - A drop off/pick up bay near the front entry of the building, to accommodate a proposed pick/up drop/off bus.
 - Ambulance access point off Bandicoot Drive
- Multiple Dwellings including:
 - Seventeen multiple dwellings, comprising three one bedroom dwellings and fourteen two bedroom dwellings.
 - The multiple dwellings will be located in a two storey building to the east of the site.
 - One dwelling will be disabled accessible.
- Accommodation units ancillary to the Medical Centre including:
 - Three one bedroom accommodation units will be located to the rear of the medical centre.

- The accommodation units will accommodate visiting consultants, doctors and other medical staff on a short term basis.
- **Cafe:**
 - Located on ground floor and alfresco area of the two storey building
 - Provision for twelve seats
- **Pylon Sign:**
 - Located along the Bandicoot Drive boundary, to the front of the medical centre
 - 4.6 metres in height, 2 metres in width, in keeping with Wunan corporate colours.

Clause 67 of the *Planning and Development (Local Planning Scheme) Regulations 2015* outlines what the local government is required to consider in assessing an application for development approval. This includes: orderly and proper planning, character and amenity of the local area and any proposed amendments or reviews to the Local Planning Scheme that have been advertised.

The current Scheme doesn't allow consideration of multiple dwellings in the Mixed Business zone, however draft LPS No. 9 does allow for this in the new Mixed Use zone.

Draft LPS No. 9 has been approved by the Minister for Planning subject to modifications, which are currently being updated. The modifications requested do not affect this proposal, in that the land use permissibility for multiple dwellings within the Mixed Use zone or the definition of a 'multiple dwelling' is not to be altered from what was originally proposed under draft LPS No. 9.

The accommodation units proposed to the rear of the medical centre are considered to be ancillary to the medical centre, however are a use not specifically referred to in the zoning table of either LPS No. 7 or draft LPS No. 9. The provisions of both Schemes allow the local government to determine whether uses not listed in the zoning table are consistent with the objectives of a particular zone and whether a use should be permitted or not permitted.

Given the imminent finalisation of the new Scheme, it is considered the Council can make a decision on the multiple dwellings based on the provisions of the new Scheme.

STATUTORY IMPLICATIONS

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

The subject land is zoned 'Mixed Business' with the objectives being:

- (a) *to encourage the establishment of predominantly showrooms related to manufacturing on-site and service industry and/or service trades centres;*
- (b) *To only permit the establishment of a caretakers dwelling if such dwelling is considered necessary by local government for operational and security purposes of the business already established on-site.*

Clause 5.10.2 “Consideration of Development Approval’ states that in consideration an application for Development Approval for a proposed development, the provisions of clause 5.8.5 (b) to (i) shall apply.

Land Use permissibility within the Mixed Business zone:

Land Use	Requirement
Medical Centre	A use that is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the local government in granting Development Approval.
Cafe (Restaurant)	The local government may, at its discretion, permit the use
Multiple Dwelling	Is a use that is not permitted by the Scheme within the Mixed Business zone.
Accommodation Units ancillary to the Medical Centre	A use not listed. Under the provisions of 3.1.6 of LPS No. 7, the local government may determine that the use is consistent with the objectives of a particular zone subject to conditions imposed by the local government.
Pylon Sign	Is not listed as being exempt from Development Approval, therefore Development Approval is required.

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

Under draft LPS No. 9, the land is proposed to be zoned ‘Mixed Use’ with the objectives being:

- (a) *To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels.*
- (b) *To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.*

Clause 4.21.1 sets out development standards and requirements for the Mixed Use zone, in addition to the use specific provisions set out in Schedule 4 - Development Standards Table of draft LPS No. 9.

Land Use permissibility within the Mixed Use zone:

Land Use	Requirement
Medical Centre	A use that is permitted if it complies with any relevant development standards and the requirements of this Scheme.
Cafe (Restaurant)	A use that is not permitted unless the local government has exercised its discretion by granting development approval.
Multiple Dwelling	A use that is not permitted unless the local government has exercised its discretion by granting development approval.
Accommodation Units ancillary to the Medical Centre	A use not listed. Under the provisions of 3.3.4 of draft LPS No. 9, the local government may determine that the use is consistent with the objectives of a particular zone subject to conditions imposed by the local government.
Pylon Sign	Is not listed as being exempt from Development Approval, therefore Development Approval is required.

The provisions at clause 3.3.4 of draft *LPS No. 9*, states that:

the local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table -

- (a) *Determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government.*
- (b) *determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or*
- (c) *determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.*

It is considered that the accommodation units to the rear of the medical centre building are consistent with the objectives of the Mixed Use zone and may be permitted in that zone subject to conditions.

The three units are considered to be compatible with the overall proposed development and will allow visiting medical staff/consultants to be accommodated on-site, thus reducing vehicle dependency. The accommodation units would increase the presence of people on the site outside of business hours, thus providing an additional sense of security and surveillance to the development as a whole.

The proposal includes a total of seventy two (72) car spaces for the entire development. The following table shows the required and provided car parking spaces based on the provisions of draft LPS No. 9:

Use	Car parking Requirement	Car spaces required	Car spaces provided
Multiple Dwelling	Resident spaces - 1.25 spaces per 1 to 2 bedrooms	22	22
Visitor spaces for multiple dwellings	0.25 spaces per dwelling	5	5
Accommodation Units	1 space per 1 to 2 bedrooms	3	3
Medical Centre	4 spaces per practitioner - 13 practitioners	52	38
Cafe (restaurant)	1 bay per 10 sqm Net Leasable Area or 1 bay per every 4 patrons - 12 seats	3	4 reciprocal bays
Total Car Spaces Provided			72
Total Shortfall Car Spaces			13

The provisions of draft LPS No. 9 include that the local government may approve reciprocal parking arrangements where it can be demonstrated that parking demand will be adequately catered for. It is considered that the visitor car spaces for the residential component of the development, the car spaces for the ancillary accommodation and the cafe car spaces can be reciprocal to the medical centre, which would reduce the parking shortfall to 1 space.

In addition to this, the applicant has advised that between 15 -20 percent of patients attend the current site either on foot or via taxi and therefore their proposal includes an "on-call bus". The "on call bus" would collect patients prior to their appointment time and deliver them home again after appointments. It is considered that this service would also reduce the number of vehicles attending the site.

POLICY IMPLICATIONS

Both the *Kununurra Strategic Directions (2010)* and Shire of Wyndham East Kimberley draft *Local Planning Strategy* recommend that non-compatible industrial land uses be relocated from the mixed business area to allow redevelopment in accordance with the objectives of the Mixed Use zone in draft LPS No. 9. Uses encouraged in the Mixed Use zone include: housing, offices, showrooms, eating establishments and appropriate activities which do not generate nuisance.

FINANCIAL IMPLICATIONS

The relevant development approval application fee has been paid.

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

Advertising was undertaken in accordance with clause 64 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The advertising included letters to adjoining and surrounding properties in the vicinity of the site who are likely to be affected by the granting of development approval and a notice was placed in the local newspaper. The advertising took place between 2 February and 8 March 2018, inclusive.

Five submissions were received which included: two letters stating no objection, one letter of support, one letter of comment and one objection to the proposal. The following table details the submissions and concerns raised and a response to each is provided.

Submissions/Concerns Raised	Applicant Response	Shire Response
Generally supportive of the proposal, however a concern regarding parking and who is able to access parking on the housing/cafe side of the development.	No written response provided.	The applicant has provided an updated site plan which details the allocation of car spaces to each part of the development, including the reciprocal parking spaces. The general public will have access to the site as a whole, however some car spaces will be specifically allocated to the multiple dwelling building. It is recommended that the property owner/operator of the site must mark sites appropriately

		(either by sign or appropriate marking of the surface) to ensure the required car parking spaces for the residential component are available at all times for residents to use.
Concern regarding drainage along Bandicoot Drive and that it should be improved prior to development. Concern also that the development will significantly add to runoff which will adversely affect business activities.	The development application includes a stormwater drainage plan in accordance with the newly adopted stormwater management policy and as such there should be no further stormwater contribution.	<p>The Shire recently adopted an onsite stormwater management policy and the developer has provided a stormwater management plan which has been approved by the Shire's Infrastructure Directorate in accordance with that policy.</p> <p>The Shire is undertaking a holistic survey and design to upgrade the entire drainage network along Bandicoot Drive and associated side streets for consideration by Council for inclusion in a staged program of works commencing in 2018/19.</p>
The development would be better located closer to the hospital for support services or closer to residential areas making it more accessible - proposed location is neither.	The proposed development is considered to be consistent with the proposed new planning scheme.	<p>The site is currently zoned Mixed Business and under that zone a medical centre is a permitted land use (provided relevant requirements are met) and multiple dwellings cannot be considered.</p> <p>Under draft LPS 9, the land will be zoned Mixed Use, wherein a medical centre is a permitted land use (provided relevant requirements are met) and multiple dwellings are a discretionary land use.</p> <p>The objectives of the Mixed Business zone encourage a wide variety of active uses at street level which are compatible with residential and other non-active uses on upper levels and also a mix of land uses that are compatible, including housing, which do not generate nuisance.</p> <p>The proposed development is consistent with the intent and objectives of the zoning.</p>
It would be good to see local businesses providing employment	The proposed builder has an alliance with the Wunan Foundation, for	This would be at the discretion of the operator.

and training opportunities.	the inclusion of local training and employment opportunities.	
Too many residential buildings for the size of the property.	The proposed residential component is not considered to be 'too many' as the development is consistent with the new proposed planning scheme and is designed to be a well managed development by an operator with respected experience in property management.	The number of dwellings proposed is consistent with and complies with the <i>State Planning Policy 3.1 - Residential Design Codes (R-Codes)</i> provisions.
Double storey buildings will create privacy and overlooking issues into adjoining property (particularly bedroom, bathroom, kitchen, verandah and backyard).	The plans have been updated to show privacy screening along the north-western elevation.	The developer has provided updated elevation plans which show that the upper storey windows and the balcony area along the north-western elevation have been screened to a height of 1.65 metres above the floor level. This screening will protect the amenity of adjoining residents. Officers recommend that screening will also be required for balconies facing the north-east boundary.
Noise and privacy issues for existing businesses and dwellings surrounding the site.	There is a Noise Abatement Act which is an overriding Act to control and manage this type of concern. The development is owned and operated by the Wunan Foundation with a proven track record of well managed properties. Management of such development is the key to any group of residential buildings.	Privacy concerns can be alleviated by the inclusion of the privacy screens which have now been included on the elevation plans. The property is located within a mixed business/mixed use zone, and the area currently includes light industrial land uses, tourist developments, mixed use/commercial uses and some housing. Noise controls are included under the <i>Environmental Protection (Noise) Regulations 1997</i> and can be regulated under those provisions.

COMMENTS

Overall the development is of a good standard. The uses proposed are appropriate and encouraged within the proposed Mixed Use zone and it is considered that the proposal generally complies with the provisions of draft LPS No. 9.

The ground floor development fronting the street comprises commercial land uses to provide active street frontages and the residential components are either located to the upper storey or behind the commercial development at ground level. There is a carport proposed to the front of the medical centre building, however it will be open sided and only used for car parking for an ambulance and pathology car.

The application proposes a reduced setback to the street, however in this instance it is to facilitate sufficient car parking within the site boundaries. The Dwellings 1 and 10 also have a reduced setback shown on the plans, however this can be rectified by a condition for an amended plan.

The applicant has advised that the proposal will be undertaken in stages, with the Medical Centre being the first stage, followed by the Multiple Dwellings and Cafe development. The subdivision of the site into two lots will facilitate the developers to gain separate funding for each of the stages of the development and simplify future management of the site. The applicant has indicated that the owner of lots is intending to retain ownership of both lots into the future.

The applicant has advised that the residential component of the development is intended to include a mix of respite accommodation, persons needing to be housed after a stay in hospital prior to returning to community, visiting health workers or visiting workers requiring short/medium/long term stays or general rental accommodation.

It is considered that appropriate landscaping can be provided on the site, however no specific details have been provided and it is recommended that approval be subject to the applicant submitting a landscaping plan showing detailed landscaping for the site to be approved.

The car parking shortfall to the site is considered to be minimal, taking into consideration the opportunity for reciprocal car parking and the proposed bus service. It is recommended that a condition be included requiring the applicant to undertake a traffic impact assessment within three (3) months of occupation; with a review to be undertaken twelve (12) months after operation, which may make recommendations to address any deficiencies or other issues. The applicant has advised that a reciprocal rights of access agreement over the titles of both lots will be detailed on the title at the time of subdivision, which will ensure access will be available at all times to the development as a whole. The applicant has advised that the developer owns both lots, is committed to the arrangement and does not intend to on-sell in the near future. A revised site plan has been provided which indicates the allocation of parking spaces. It is recommended that a condition be included which requires either formal marking or signs to designate parking spaces for each part of the development and requiring that the reciprocal rights of access agreement is entered into. This will ensure the efficient use and provide surety to the parking and access moving forward.

The applicant has provided information regarding waste management on the site and advised that an agreement is currently being negotiated with a waste collection company for collection of the medical centre waste, and that future separate arrangements for stage two of the development (being the multiple dwellings and cafe) will also be arranged with a waste collection company. Residential waste management will be serviced onsite by a groundsperson, who will be responsible for the safe and cleanliness of the bin storage areas and arrange for bin collection at times to suit the number of bins. The site plan has been amended to show bin storage areas for each stage of the development. It is recommended that a condition be included requiring waste collection to be conducted outside of the operating hours of the medical centre and cafe, to ensure there are no increased traffic or parking concerns at the site. It is also recommended that this condition reiterate that rubbish bins are not to be placed on the kerb for collection.

ATTACHMENTS

Attachment 1 - Application Documents

Attachment 2 - Development Plans

Attachment 3 - Revised Plans

Attachment 4 - Stormwater Management Plan and Approval

Councillor D Pearce returned to the meeting at 5.37pm

12.3.4. Community Grants Scheme Policy Review

DATE:	27 March 2018
AUTHOR:	Community Development Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
FILE NO:	GS.05.4
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. adopts the revised Council Policy CP/COM 3582 - Community Grant Scheme**
- 2. delegates authority to the Chief Executive Officer to allow an extension of time to lodge grant acquittals for annual and rates assistance grants.**

COUNCIL DECISION

Minute Number: 27/03/2018-117918

Moved: Cr G Lodge

Seconded: Cr N Brook

That Council:

- 1. adopts the revised Council Policy CP/COM 3582 - Community Grant Scheme**
- 2. delegates authority to the Chief Executive Officer to allow an extension of time to lodge grant acquittals for annual and rates assistance grants.**

Carried 8/0

PURPOSE

The purpose of this report is to update policy *CP/COM-3582 Community Grants Scheme*.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Funder - provide funds or other resources

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Community Grant Scheme policy (CP/COM-3582) is reviewed annually. The Community Grants Scheme provides equitable, consistent and accessible financial support for community programs, projects and events. These funding opportunities offer not for profit, community based, sporting, cultural, environmental, service groups and associations financial assistance to foster high quality programs, community events, facilities and services that provide benefit to the community.

1. Quick Grants are allocated throughout the year to assist clubs and community groups in relation to small projects and initiatives. These are under \$500.
2. Annual Grants are allocated for larger projects over the value of \$500 and could include the purchase of equipment, project expenses or for community events.
3. Rates Assistance Grants enables community groups and clubs occupying rateable land to claim up to 100% of the applicable rates.

The policy was last updated in 2017 to include Rates Assistance Grants and to reflect GST implications.

Changes proposed

The policy has been updated in line with the Shire's Corporate Style Guide and also to shift the opening and closing time for submissions. The 2018/19 round for Annual Grants will be scheduled to open on 1 April 2018 with applications due by 31 May 2018. Applications will then be assessed by an internal Panel that will make recommendations to the June Ordinary Council Meeting. In line with this, some flexibility will be required to receive grant acquittals for events or project completion that occur close to these dates such as the Ord Valley Muster. Otherwise only minor formatting changes are reflected in the document.

A copy of the updated policy is at Attachment 1.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

The adopted revised CP/COM 3582 Community Grant Scheme will replace the existing policy.

FINANCIAL IMPLICATIONS

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

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

Unspent Annual Grant funding is made available to support Quick Grant applications.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

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

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

RISK IMPLICATIONS

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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The shifting of dates will assist the organisation to improve budgeted spending into the next financial period, however allows less time for organisations to lodge grant acquittals. For this reason it is recommended that Council delegate authority to the Chief Executive Officer to consider and grant an extension of time to lodge them, which is reflected in the wording of the updated policy document - Part 7. Otherwise, only minor formatting changes have been made to improve the readability of the document and is recommended for adoption.

ATTACHMENTS

Attachment 1 - Updated Council Policy CP/COM 3582 Community Grant Scheme

12.3.5. CSRFF Small Grants Applications

DATE:	27 March 2018
AUTHOR:	Coordinator Recreation Leisure
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	N/a
FILE NO:	GS.05.1
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council endorses the Community Sport and Recreation Facilities Fund (CSRFF) application from Nine Mile Aboriginal Corporation to construct a half basketball court at Guda Guda (Nine Mile) community.

COUNCIL DECISION

Minute Number: 27/03/2018-117919

Moved: Cr T Chafer

Seconded: Cr M McKittrick

That Council endorses the Community Sport and Recreation Facilities Fund (CSRFF) application from Nine Mile Aboriginal Corporation to construct a half basketball court at Guda Guda (Nine Mile) community.

Carried 8/0

PURPOSE

For Council to consider a submission from the Nine Mile Aboriginal Corporation for the Department of Local Government, Sport and Cultural Industries Community Sport and Recreation Facilities Fund (CSRFF) Small Grants round. The submission is for the funding and provision of a half court basketball court at the Guda Guda (Nine Mile) Community. Council should note that this was the only application received for this round of the CSRFF Funding.

NATURE OF COUNCIL'S ROLE IN THE MATTER

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

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The purpose of the CSRFF program is to provide financial assistance to community groups and local government authorities to develop infrastructure for sport and recreation to meet current and future community needs. The program also aims to increase participation in sport and recreation with an emphasis on physical activity through rational development of good quality, well designed and well utilised facilities. The program is administered by the Department of Local Government, Sports and Cultural Industries. Under the program's selection criteria, local government authorities are required to consider CSRFF applications and/or submit applications themselves, advise the Department of Local Government, Sport and Cultural Industries if Council supports the applications and if supported, ranks the application in priority order.

There are three types of CSRFF grants, small grants for amounts up to \$66,666; annual grants for amounts up to \$166,666, and forward planning grants for amounts up to \$2,000,000. The closing date for the current small rounds grants to be submitted to the Department of Local Government, Sport and Cultural Industries is 31 March 2018. Submissions were therefore required by the Shire by 2 March 2018 to enable Council consideration.

At the time of closing, only one funding submission had been received from the Nine Mile Aboriginal Corporation (Attachment 1), being an application for the construction of a half-court basketball court at Guda Guda Community estimated to cost \$44,479.70, with the CSRFF component requested been \$22,015.87 (quotations at Attachments 2 and 3).

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

FINANCIAL IMPLICATIONS

There are no Shire financial implications associated with this report.

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

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

Objective 3.4: Enhancement of community facilities

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

RISK IMPLICATIONS

There are no risks associated with the Shire's involvement in this process. The proposed project at Guda Guda is sited on lands controlled by the Aboriginal Lands Trust. Building approvals will be required only if a major built structure is constructed on the site and advice obtained by the Senior Building Surveyor supports this position regarding the proposed half court basketball court not requiring building approval.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Officers have considered the project proposal and support the application, noting however that no previous contact had been made by the requesting organisation. Nevertheless, it is viewed that the proposal would offer the Guda Guda Community a facility that has the potential to aid the community's well being and health through increased participation in sport and recreation. The provision and development of good quality, well designed and well utilised facilities can only assist in this aim.

It is recommended that Council endorse the application.

ATTACHMENTS

Attachment 1 - 2018 CSRFF February Small Grants Application Form

Attachment 2 - Ben Cox Quotation

Attachment 3 - Guda Guda - Basketball Court Lee Quotation

12.4. CORPORATE SERVICES

12.4.1. Review of Council Policies CP/FIN-3212 Rates and Charges Debt Collection, CP/FIN-3214 Sundry Debt Collection and CP/FIN-3210 Notice of Discontinuance (Rates and Debtors)

DATE:	27 March 2018
AUTHOR:	Coordinator Financial Operations
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	CM.11.1
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Adopt the revised Council Policy *CP/FIN-3214 Sundry Debt Collection*.
2. Adopt the revised Council Policy *CP/FIN-3212 Rates and Charges Debt Collection*.
3. Rescind Council Policy *CP/FIN-3210 Notice of Discontinuance*.

COUNCIL DECISION

Minute Number: 27/03/2018-117920

Moved: Cr N Brook
Seconded: Cr M Dear

That Council:

1. Adopt the revised Council Policy *CP/FIN-3214 Sundry Debt Collection*.
2. Adopt the revised Council Policy *CP/FIN-3212 Rates and Charges Debt Collection*.
3. Rescind Council Policy *CP/FIN-3210 Notice of Discontinuance*.

Carried 8/0

PURPOSE

For Council to consider the amendments to Council Policies *CP/FIN-3212 Rates and Charges Debt Collection* and *CP/FIN-3214 Sundry Debt Collection*; and for Council to consider rescinding Council Policy *CP/FIN-3210 Notice of Discontinuance*.

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 24 November 2015 Ordinary Council Meeting the Council resolved:

COUNCIL DECISION

Minute No. 11169

Moved: Cr B Robinson

Seconded: Cr N Perry

In relation to Item "7.5 - Review of Council Policy *CP/FIN-3212 Rates and Charges Debt Collection*" that the Council has considered the Audit (Finance and Risk) Committee's recommendation and adopts the amended Policy *CP/FIN-3212 Rates and Charges Debt Collection*, as per the revised version tabled at the 24 November 2015 Ordinary Council Meeting.

Carried Unanimously 8/0

At the 28 November 2017 Ordinary Council Meeting the Council resolved:

COUNCIL DECISION

Minute No: 28/11/2017-117842

Moved: Cr Farquhar

Seconded: Cr Dear

That the Council adopt the revised Council Policy *CP/FIN-3212 Rates and Charges Debt Collection*.

Carried 9/0

STATUTORY IMPLICATIONS

Local Government Act 1995 - Part 6, Division 4, Sections 6.12, 6.13, 6.16, 6.45, 6.49, 6.50, 6.51, 6.56, 6.60, 6.64, 6.68.

Local Government (Financial Management) Regulations 1996 - Part 2, Regulations 19A, 19B, and Regulations 58 to 66.

Magistrates Court (Civil Proceedings) Act 2004 - Part 2, Section 12.

Civil Judgements Enforcement Act 2004 - Part 2, Section 8.

Civil Judgements Enforcement Regulations 2005 - Part 2, Regulation 4.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this matter.

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 1.4.3 : Maintain Council's long term financial viability

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Policy *CP/FIN-3214 Sundry Debt Collection* was reviewed in September 2017 and policy *CP/FIN-3212 Rates and Charges Debt Collection* was reviewed in November 2017 in accordance with the policy review schedule.

Additional amendments have been incorporated into the attached revised policies to reflect current debt collection procedures and legislative requirements, and to provide consistency between the Sundry Debt Collection and the Rates and Charges Debt Collection policies.

The procedures regarding the lodging of a Notice of Discontinuance and/or a Memorandum of Consent have been incorporated into the revised Sundry Debt Collection and the Rates and Charges Debt Collection policies. Policy *CP/FIN-3210 Notice of Discontinuance Policy* is therefore no longer relevant and it is recommended that it be rescinded.

ATTACHMENTS

- Attachment 1 - Revised Council Policy *CP/FIN-3214 Sundry Debt Collection* - Draft with track changes.
- Attachment 2 - Revised Council Policy *CP/FIN-3212 Rates and Charges Debt Collection* - Draft with track changes.
- Attachment 3 - Council Policy *CP/FIN-3210 Notice of Discontinuance (Rates and Debtors)*.

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

DATE:	27 March 2018
AUTHOR:	Creditors Officer
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 listing of accounts paid from the Municipal and Trust funds, being:	
Municipal EFT 131152 - 131358 (02 Feb 18 - 22 Feb 18)	\$ 790,062.85
Municipal cheques 51700 - 51713 (02 Feb 18 - 15 Feb 18)	\$ 90,769.66
Trust cheques 1128 - 1139 (12 Feb 18 - 15 Feb 18)	\$ 6,781.28
Trust EFT 501532 - 501548 (05 Feb 18 - 28 Feb 18)	\$ 16,415.55
Payroll (14 Feb 18 - 28 Feb 18)	\$ 499,847.18
Direct bank debits (01 Feb 18 - 21 Feb 18)	\$ 107,769.97
TOTAL	\$ 1,511,646.49

COUNCIL DECISION

Minute Number: 27/03/2018/-117921

Moved: Cr M Dear

Seconded: Cr G Lodge

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

Municipal EFT 131152 - 131358 (02 Feb 18 - 22 Feb 18)	\$ 790,062.85
Municipal cheques 51700 - 51713 (02 Feb 18 - 15 Feb 18)	\$ 90,769.66

Trust cheques 1128 - 1139 (12 Feb 18 - 15 Feb 18)	\$	6,781.28
Trust EFT 501532 - 501548 (05 Feb 18 - 28 Feb 18)	\$	16,415.55
Payroll (14 Feb 18 - 28 Feb 18)	\$	499,847.18
Direct bank debits (01 Feb 18 - 21 Feb 18)	\$	107,769.97
TOTAL	\$	1,511,646.49
		Carried 8/0

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 2017/18 which was adopted by the Council on the 22 August 2017, 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

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, Sport and Cultural Industries.

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

Attachment 1 - List Of Accounts Paid February 2018

12.4.3. Monthly Statement of Financial Activity for the Period Ended 28 February 2018

DATE:	27 March 2018
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 28 February 2018.

COUNCIL DECISION

Minute Number: 27/03/2018- 117922

Moved: Cr T Chafer

Seconded: Cr M McKittrick

That Council receives the monthly financial report as at 28 February 2018.

Carried 8/0

PURPOSE

For Council to receive the monthly financial report for the period ended 28 February 2018.

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

CP FIN-3201 Significant Accounting Policies has been applied 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 28 February 2018.

12.4.4. 2017/18 Mid Year Budget Review Report

DATE:	27 March 2018
AUTHORS:	Financial Accountant, Coordinator Financial Management
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM.05.13
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Receives the 2017/18 Mid-Year Budget Review Financial Statements as detailed in Attachment 2 for the period ended 31 December 2017;**
- 2. Approves the revised 2017/18 Year End Forecast position and the associated budget amendments as detailed in Attachments;**
- 3. Approves the transfer of the unused Capital Works funds and restricted Operational Works funds to their relevant reserves as detailed in Attachment 1 and 2; and**
- 4. Approves the retention of unused, unrestricted Operational Works funds to be made available as follows:**
 - Street Lighting - \$50,000;**
 - School Bus Turning Circles - \$75,000;**
 - Asset Management Reserve - \$47,754.**

COUNCIL DECISION

Minute Number: 27/03/2018-117923

Moved: Cr J Farquhar
Seconded: Cr G Lodge

That Council:

- 1. Receives the 2017/18 Mid-Year Budget Review Financial Statements as detailed in Attachment 2 for the period ended 31 December 2017;**
- 2. Approves the revised 2017/18 Year End Forecast position and the associated budget amendments as detailed in Attachments;**
- 3. Approves the transfer of the unused Capital Works funds and restricted**

Operational Works funds to their relevant reserves as detailed in Attachment 1 and 2; and

4. Approves the retention of unused, unrestricted Operational Works funds to be made available as follows:
- Street Lighting - \$50,000;
 - School Bus Turning Circles - \$75,000;
 - Asset Management Reserve - \$47,754.

Carried 6/2

PURPOSE

To consider and adopt the proposed amendments to the 2017/18 Budget as a result of the Mid-Year Budget Review process.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In preparing the 2017/18 Municipal Fund Budget Shire officers needed to make estimates of what income and expenditure would be at the 30 June 2017 in order to have a starting point for the Budget. After year end once the financial audit was complete Shire Officers had to consider differences between the forecast data used in preparing the 2017/18 Budget and the estimates used. A report was put to Council at the Ordinary Council Meeting on 19 October 2017 where the 2017/18 Adopted Budget was amended to take into account changes to the forecast opening position of the Shire.

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

The starting point for the Mid Year Budget Review is therefore the budget as amended after the 19 October Ordinary Council Meeting.

The Department of Local Government and Communities has issued Circular No. 06/2006 to provide local governments with information about the budget review process. The following paragraphs are key points from the circular:

A budget review is a detailed comparison of the year to date actual results with the adopted budget. It establishes whether a local government continues meeting its budget commitments: is in receipt of income and incurs expenditure in accordance with the adopted budget.

Regulation 34 of the Financial Management (Local Government) Regulation 1996 requires as follows:

(1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.

(2A) The review of an annual budget for a financial year must —

(a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and

(b) consider the local government's financial position as at the date of the review; and

(c) review the outcomes for the end of that financial year that are forecast in the budget.

(2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.

(3) A council is to consider a review submitted to it and is to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

(4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

Officers have completed a review of the Shire's 2017/18 budget. This review is now presented to Council and the outcome of that review is to be adopted by Council. As part of the process Officers have examined the operations of the Shire for the 2017/18 financial year to 31 December 2017 identifying the reasons for significant variances and the action required to address them.

The attached review compares the year to date YTD Budget with YTD Actual and commentary is provided where a budgetary adjustment is required. Officers have ensured that Council resolutions presented during the 2017/18 financial year have been incorporated in this Mid Year Budget Review. Changes to the Adopted Budget are proposed by Officers

where they believe that circumstances have occurred that impact permanently on the budget position for the financial year under review.

STATUTORY IMPLICATIONS

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; an
 - 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.

33A. Review of Budget - Local Government (Financial Management) Regulations 1996

(1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.

(2A) The review of an annual budget for a financial year must —

- (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government's financial position as at the date of the review;
- and

(c) review the outcomes for the end of that financial year that are forecast in the budget.

(2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.

(3) A council is to consider a review submitted to it and is to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

(4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Operating Income and Expenditure.

After taking into account all adjustments considered to be permanent changes to the budget position for the 2017/18 financial year, the overall net current asset position of the Shire is forecast to be an improvement of \$411,850. This comprises of two constituent parts, the first being matters related to funds required to be handled through Reserves (\$49,096) such as Airport operations and Waste. These funds need to be returned to their Reserves. The second part relates to all other operational items of the Shire (\$362,754). The forecast is therefore that at year end in the closing net current assets will be \$362,754 more than originally estimated if no further amendments be made.

Capital Works Program

The financial implications of this report on the Capital Works Program are that there is an increase in capital revenue of \$55,116 and an estimated \$469,32 of capital works expenditure that will not be incurred in the 2017/18 financial year. Further, an increase in fixed asset sale proceeds of \$22,634 is expected. The net amount being \$546,782. In order to ensure that the Shire sustainably renews its asset base these funds are to be preserved in Reserves for capital works projects only.

Reserves

The net movement on Reserves is an increase to reserves of \$595,877. This is made up of the operating items of \$49,096 and the capital works items of \$546,782.

Officers have ensured that Council resolutions presented during the financial year have been considered in the mid-year Budget Review Report. A summary of the financial implications is tabled below;

	Amended Adopted Budget	Forecast Actual Expenditure	Variance Permanent - Impact to municipal funds	Variance Permanent - No impact to municipal funds
Net current assets at start of financial year surplus/(deficit)	1,828,735	1,828,735	0	0
Revenue from operating activities	11,259,327	11,228,766	114,789	(145,350)
Expenditure from operating activities	(28,188,256)	(26,924,423)	1,069,387	194,446
Operating activities excluded from budget	7,354,272	6,532,849	(821,422)	0
Capital Expenditure	(18,581,235)	(18,112,203)	0	469,032
Non-operating grants, subsidies and contributions	11,534,205	11,589,321	0	55,116
Other Investment activities	265,285	287,919	0	22,634
Financing activities	(1,044,643)	(1,044,643)	0	0
Reserve transfers - (to / from)	(5,189,043)	(4,593,165)	0	(595,877)
Estimated amount to be raised from general rates	10,376,868	10,376,869	0	0
Closing Funding Surplus(Deficit)	13,115	375,868	362,754	0

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.4: Business innovation, efficiency and improved services

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

RISK IMPLICATIONS

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

Control: Annual financial audit.

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

Control: Current budget and service levels.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

General Comments.

The 2017/18 Annual Budget was presented at the Ordinary Council Meeting held on the 18 July 2017 and a balanced Closing Funding Surplus was adopted. At the Ordinary Council Meeting held on 19 October 2017 a balanced Closing Funding Surplus was achieved after making adjustments to the 2017/18 Adopted Budget for differences between projected year end balances and actual year end balances and as a result \$194,341 of additional funds were placed into the Drainage Reserve.

The Mid Year Budget Review examined both the operating income and expenditure of the Shire, and its capital works program for the year to 31 December 2017. From this examination a forecast has been made as to what the estimated position will be at the end of the financial year and the impact it will have on the Reserves of the Shire and its cash resources. In performing this task Officers made use of financial information subsequent to 31 December 2017.

For the period under review the Shire's overall Net Current Assets at the end of the financial year is forecasted to be \$375,868. Of this amount there is \$13,115 that needs to be allocated to Reserves arising out of the adjustments to the Adopted Budget. The anticipated change to the Net Current Assets at the end of the financial year is expected to be \$362,754.

The Amended Budget anticipated a net transfer from Reserves of \$5,189,043. This review estimates that the net transfer will be \$4,593,165 resulting in a greatly reduced transfer from Reserves by the financial year end of \$595,877. This is mainly due to timing issues related to capital works projects (\$469,032).

Operating Income and Expenditure.

An analysis of the Statements of Financial Activity for the period ended 31 December 2017 identifies the estimated Operating Revenue for the 2017/18 financial year to be \$11,228,766 which is \$30,561 lower than the 2017/18 Amended Adopted Budget. This movement in income primarily relates to the following:

- A forecast reduction in waste disposal income of \$166,005. This item will impact the Waste Reserve.
- Receipt of interim rates - \$62,951. The Shire does not budget for interim rates as it is unsure of the quantum of funds that would be received. This has had the effect of increasing the cash position of the Shire.
- Lease Income from the East Kimberley Regional Airport has exceeded the year to date budget by \$37,583. This item will impact the Airport Reserve.

- Additional grant income not budgeted for of \$46,000. These items have matching operational expenditure.

Operating Expenditure for the same period is \$26,924,423 which is \$1,263,833 lower than the forecasted year end position. This decrease is primarily due to the following:

- Reduction in depreciation expense due to the revaluation of buildings effective 1 July 2017. This reduction forecast to be \$821,422. While this is a non cash item it will have a positive impact on the Shires sustainability ratios.
- Expenditure for the capping of the Kununurra Landfill Site of \$200,000 will not be spent this financial year. This amount will be transferred back to the Waste Reserve.
- The amount of \$150,000 identified for Street Lighting upgrades will not be spent this year. While this is municipal funds that could be allocated to other projects, it is our belief that the amount should be preserved for use in the 2018/19 Budget.
- An amount of \$40,000 was provided for the transition from Unimproved Values to Gross Rental Values for Rural Residential properties. This project will not be done in the current financial year and will be deferred to the 2018/19 financial year. As with the item above we suggest that the funds be preserved for the 2018/19 financial year.
- Savings on staff costs of \$138,676 was achieved which was mainly related to vacancies that have not been filled.

Capital Works Program.

Capital Revenue is forecast to be \$11,877,240 by financial year end. This is only marginally more than the \$11,799,490 in the Amended Budget. This is made up of a number of items which net each other off to reflect an overall increase in capital revenue of \$77,750. These include:

- Trails Master Plan - \$100,000 of grant funding is being sought but no application has been made as yet. This reduces the capital income for the year. However, this is offset by a matching reduction in expenditure.
- Roads to Recovery funding will be greater by an estimated \$28,369 this financial year for projects undertaken. This is also matched by an increase in Roads to Recovery expenditure.
- State Grants - Aboriginal Roads Funding - \$148,250 of additional funds have been received that were not budgeted for. This is also matched by an increase in Kalumburu road works expenditure.
- Regional Road Group grant reduced by \$21,503 due to carry forward funds allocated.
- Additional proceeds of \$22,634 are expected from the sale of P123, which was a brought forward from the 2018/19 Plant Replacement Program to gain value from RFQ 05 17/18 .

Capital expenditure is forecast to be \$18,239,953 which is \$469,032 less than the Amended Budget of \$18,705,985. The main items making up the adjustment are:

- CPB ID 395 Create new Shire Trails as outlined in Trails Master plan project is grant and reserve funded. Currently in progress to determine design and staged implementation of the trails master plan. If the grant application is successful, funds are expected to be received in 2018/19. Grant income to be reduced by \$100,000 for 2017/18 and \$100,000 will be held in the Foreshore reserve

- CBP ID 311 Renew and upgrade play spaces in accordance with Recreation Space Action Plan. Play space audit completed and recommendations will be completed by late June 2018 and will continue in 2018/19. The Project is funded by the Parks Reserve and the unspent funds of \$140,000 will be held in the reserve.
- Streetscape and Landscape Plan for Kununurra - \$60,000. CBP ID 383 - Street Scape & Landscaping plan for Kununurra is expected to be partly funded by grant income from Royalties for Regions. The Project will be carried over to 2018/19.
- The East Kimberley Regional Airport will spend \$122,960 less than budgeted. Savings in Airport plant purchase of \$35,960 and Security Screening Equipment Replacement of \$87,000 will be transferred back to the Airport Reserve.
- The Plant replacement program is complete for 2017/18 and savings of \$67,584 will be transferred to the Plant and Equipment Reserve. These amendments include allocation of a new vehicle to the Director Infrastructure and renewal of P123, which is brought forward from 2018/19 program to gain value from the procurement process.
- CBP ID 509 - Reconstruct Nutwood and Rosewood Streets. This project is 100% funded by Roads to Recovery. Stage 1 of the project is completed and \$249,575 has been allocated back to the Council's Roads to Recovery Program funding pool and will be used for Stage 2 of Nutwood and Rosewood Streets.
- CBP ID 301 - Kalumburu Road Renewal / Upgrade - \$235,450. Additional funding allocations from Aboriginal access road (\$85,450) and Roads to Recovery (\$150,000)
- CBP ID 290 - Shire Bridge Management Program identified that bridge remediation works be undertaken to bridge 5115, 1444 and 6197 this year. Increased expenditure of \$128,032, 100% funded by Roads to recovery.
- CBP ID 496 - Increase of \$28,740 for Lily Creek Boat Ramp. It is expected that the full scope of works for installation of cathodic protection project will be completed this year. This will be funded by the savings from the capital works reserve.

A significant aspect of the Capital Works Program was the work funded under the West Australian Natural Disaster Relief and Recovery Arrangements (WANDRRA). Under these arrangements the Shire was to bear the first \$148,400 of a budgeted expenditure amounting to \$8,01 million. The remainder would be reimbursed under the WANDRRA provisions. This work is substantially complete with \$7,65 million being paid out to contractors. The Shire has to date received \$7,23 million of reimbursements for work done. The Shire does not anticipate any material changes to the budgeted position of the WANDRRA works for the current year.

Reserves.

Funding required from Reserves per the Amended Budget was a net \$5,189,043. The requested Mid Year Budget Review amendment is a net reduction on the required reserves of \$595,877 resulting in a net transfer from reserves of \$4,593,165. This variance relates to the timing of capital expenditure projects that trigger unspent grant income, loan borrowings and reserve transfers. It is essential that the Shire make adequate provision for the renewal of its asset base to ensure that they can provide services into the future. Funds allocated to the capital works program therefore need to be retained for capital works. By doing so the Shire's ability to meet the sustainability benchmarks with reference to asset management is improved.

Summary

Overall the Shire's Closing Funding Surplus (being the net Operations, Capital, and Financing position) is estimated to be at the end of the financial year \$362,754 greater than estimated. Of this amount \$190,000 be preserved for carry forward projects. The balance of \$172,754 is available to be allocated during the current financial year. After consultation with Councillors at the March Council Briefing Shire Officers recommend the following:

- Street Lighting - \$50,000. There is \$150,000 being carried over to the 2018/19 year for Street Lighting. The \$50,000 will bring the available funds to \$200,000 allowing the Shire to substantially address the issues raised.
- School Bus Turning Circles - \$75,000. There has been representation from the community to address some safety concerns with respect to where the school bus stops. One possible solution is to increase the size of the existing bus turning circles.
- Asset Management Reserve - \$47,754. This represents the balance of the funds to be carried forward as cash reserves. As asset management includes the renewal of roads, footpaths, playgrounds and installing infrastructure in our parks and public spaces, Shire Officers recommend that the remaining surplus be allocated to this reserve to further fund the renewal program.

With respect to the Capital Works Program the Shire Officers recommend that any surplus funds are retained in their relevant Reserves or the Capital Works Reserve to fund future Capital Works Programs.

The Attachments listed below detail the financial information provided in the commentary above.

ATTACHMENTS

Attachment 1 - Detailed Workbook.

Attachment 2 - 2017/18 Mid-Year Budget Review Financial Statements.

Attachment 3 - Plant Management Program.

12.4.5. Review of CP-FIN 3211 Fees and Charges Pricing Policy.

DATE:	27 March 2018
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM.05.11
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the revised Council Policy *CP-FIN 3211 Fees and Charges Pricing*

COUNCIL DECISION

Minute Number: 27/03/2018-117923

Moved: Cr N Brook

Seconded: Cr M McKittrick

That Council adopt the revised Council Policy *CP-FIN 3211 Fees and Charges Pricing*

Carried 8/0

PURPOSE

For Council to consider adopting the revised CP-FIN 3211 Fees and Charges Pricing Policy prior to their review of the Fees and Charges Schedule for the 2018/19 financial year.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Provider - provide physical infrastructure and essential services

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Fees and charges are generally established as part of the annual budget setting process. The 2014/15 financial year was the first year that the Council resolved to apply pricing principles and a pricing basis methodology to ensure fair and reasonable charging to the community for the goods and services that the Shire provides. The Policy was reviewed at the 28 April 2015 Ordinary Council meeting. The Policy was due for review in 2019 but Shire

Officers considered that it would be prudent to review the Policy on an annual basis as part of the Fees and Charges setting process.

COUNCIL DECISION

Minute No. 10890

Moved: Cr G Taylor

Seconded: Cr B Robinson

- 1. Adopts the revised CP-FIN 3211 Fees and Charges Pricing Policy noting the change in title from the former “Pricing Principles and Pricing Basis Policy for Fees and Charges; and**
- 2. Notes that the Policy will be utilised in part for the review of fees and charges associated with not only the 2015/16 budget process but also the revision of the Long Term Financial Plan.**

Carried Unanimously 8/0

STATUTORY IMPLICATIONS

Local Government Act 1995

Part 6, Division 5

6.16 Imposition of fees and charges

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

** Absolute majority required.*

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

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- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*
- (b) supplying a service or carrying out work at the request of a person;*
- (c) subject to section 5.94, providing information from local government records;*
- (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*
- (e) supplying goods;*
- (f) such other service as may be prescribed.*

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

- _____ (a) imposed* during a financial year; and*
- (b) amended* from time to time during a financial year.*

** Absolute majority required.*

6.17 Setting level of fees and charges

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

- (a) the cost to the local government of providing the service or goods; and*
- (b) the importance of the service or goods to the community; and*
- (c) the price at which the service or goods could be provided by an alternative provider.*

6.18. Effect of other written laws

(1) *If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —*

- (a) determine an amount that is inconsistent with the amount determined under the other written law; or*
- (b) charge a fee or charge in addition to the amount determined by or under the other written law.*

(2) *A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.*

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and*
- (b) the date from which it is proposed the fees or charges will be imposed.*

POLICY IMPLICATIONS

There are no other policy implications.

FINANCIAL IMPLICATIONS

The application of the Policy and associated financial impacts cannot be determined for the 2018/19 Budget at this stage of the budget process. Any significant changes to individual fees and charges will be identified as part of the revised Fees and Charges Schedule that will be presented to the Council for adoption at a later stage in the process. It is forecast that the Fees and Charges for the 2017/18 financial year will be \$7.87 million.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.4: Business innovation, efficiency and improved services

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

Strategy 1.4.2 : Improve the efficiency and productivity of Shire services

Strategy 1.4.3 : Maintain Council's long term financial viability

RISK IMPLICATIONS

Risk: Failure to maintain services to the community.

Control: Annual review of Fees and Charges with reference to the cost of services, service levels and extent of subsidisation by general rate revenue.

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

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

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

Control: Current budget and service levels.

COMMUNITY ENGAGEMENT

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

- Shire of Wyndham East Kimberley Executive Management Team and Staff
- Shire of Wyndham East Kimberley Elected Members at the 13 March 2018 Briefing
- Section 6.19 of the Local Government Act 1995 outlines the requirements for the Shire to provide local public notice of fees and charges.

COMMENTS

The Policy has been revised with only minor changes to ensure correct legislation is referenced and the goods and services and their pricing basis are still relevant. The Policy makes for good governance in that it provides the community with some transparency as to what factors are considered when the Council reviews its annual fees and charges, and also provides some clear guidance for officers as to what principals need to be considered when recommending fees and charges for goods or services.

ATTACHMENTS

Attachment 1 - Council Policy CP FIN-3211 Fees and Charges Pricing - 2018 -Track Changes.

12.5. INFRASTRUCTURE

12.5.1. Appointment of the Bush Fire Control Officer for the Shire of Wyndham East Kimberley

DATE:	27 March 2018
AUTHOR:	Simon Hawes, Senior Ranger Emergency Services Coordinator
RESPONSIBLE OFFICER:	Simon Hawes, Senior Ranger Emergency Services Coordinator
FILE NO:	ES.01.1
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council;

- 1. Remove Robert Dario as an authorised Fire Control Officer with the Shire of Wyndham East Kimberley.**
- 2. In accordance with section 38(1) of the *Bush Fires Act 1954* appoints Carly Watson, Ranger, as a Fire Control Officer as of 27 March 2018.**
- 3. In accordance with section 38(2)(a) of the *Bush Fires Act 1954*, give notice of the appointment made in part two of this resolution in a newspaper circulating in the local district.**

COUNCIL DECISION

Minute Number: 27/03/2018-117925

Moved: Cr D Pearce

Seconded: Cr M Dear

That Council

- 1. Remove Robert Dario as an authorised Fire Control Officer with the Shire of Wyndham East Kimberley.**
- 2. In accordance with section 38(1) of the *Bush Fires Act 1954* appoints Carly Watson, Ranger, as a Fire Control Officer as of 27 March 2018.**
- 3. In accordance with section 38(2)(a) of the *Bush Fires Act 1954*, give notice of the appointment made in part two of this resolution in a newspaper circulating in the local district.**

Carried 8/0

PURPOSE

For Council to consider the appointment of Carly Watson, a Ranger for the Shire of Wyndham East Kimberley, as a Bushfire Control Officer.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

Leader - plan and provide direction through policy and practices

Provider - provide physical infrastructure and essential services

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

COUNCIL DECISION

Minute No: 25/11/16-11528

Commissioner resolved:

That Council;

- 1. In accordance with section 38(1) of the Bush Fires Act 1954 appoints Trent Mettam, Ranger as a Fire Control Officer as of 26 October 2016.**
- 2. In accordance with section 38(2)(a) of the Bush Fires Act 1954, give notice of the appointment made in part one of this resolution in a newspaper circulating in the local district.**

Carried 1/0

STATUTORY IMPLICATIONS

The recommendation of this report has been prepared in accordance with the *Bush Fires Act 1954*.

Section 38(1) of the *Bush Fires Act 1954* states that a local government may appoint Bushfire Control Officer/s.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

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

Objective 1.4: Business innovation, efficiency and improved services

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

Strategy 1.4.2 : Improve the efficiency and productivity of Shire services

RISK IMPLICATIONS

Risk: Environmental damage and consequential financial liability from poor bushfire management.

Control(s):

Compliance with Emergency Management Act and Bushfire Control Act; Administer through local laws, policies and practices; and Bushfire prevention measures undertaken eg firebreaks.

COMMUNITY ENGAGEMENT

Pursuant section 38(2)(a) of the *Bush Fires Act 1954*;

(2A) *The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.*

Should the appointment proceed a public notice shall be placed in the Kimberley Echo and the Bastion newspapers and a notice will be posted on the Shire website with an updated contact list.

COMMENTS

The three Ranger positions held at the Shire of Wyndham East Kimberley are appointed as Bushfire Control Officers. The Shire's previous Ranger / Bushfire Control Officer, resigned his position, leaving the position of Bushfire Control Officer vacant. Carly Watson commenced as an employee with the Shire as Ranger on 24 January 2018 and is recommended to fulfill the role of Bushfire Control Officer.

Section 38(1) of the *Bush Fires Act 1954* states that a local government may, appoint Bushfire Control Officer/s.

ATTACHMENTS

Nil

12.5.2. Road Condition Report Updates - SMS Alerts

DATE:	13 March 2018
AUTHOR:	Director Infrastructure
RESPONSIBLE OFFICER:	Stuart Dyson, Infrastructure
FILE NO:	RD.09.11
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council support the introduction of a system of SMS Alerts to assist the Shire in alerting community members who register to use the service about matters such as road opening/closures, as an additional support to the existing arrangements and use of physical signage, the Road Conditions page of the Shire's website and posting to the Shire Facebook page.

COUNCIL DECISION

Minute Number: 27/03/2018-117926

**Moved: Cr T Chafer
Seconded: Cr N Brook**

That Council support the introduction of a system of SMS Alerts to assist the Shire in alerting community members who register to use the service about matters such as road opening/closures, as an additional support to the existing arrangements and use of physical signage, the Road Conditions page of the Shire's website and posting to the Shire Facebook page.

Carried 8/0

PURPOSE

To improve the timing and accuracy between road opening/closure decisions and communication of those changes with the community.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Provider - provide physical infrastructure and essential services.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At the Annual General Meeting of Electors dated 23 January 2018 there was a motion for Council to improve the timing and accuracy between road closure and the advertising on the website. Currently the Shires advertises via physical signage and the internet.

STATUTORY IMPLICATIONS

3.52 . *Public access to be maintained and plans kept*

(1) *This section applies in respect of a thoroughfare only if it is in the metropolitan area or on land that has been constituted a townsite under section 10 of the [Land Act 1933](#)⁵*

(2) *Except to the extent that it is authorised by law to close them or restrict their use, a local government is to ensure that public thoroughfares are kept open for public use.*

POLICY IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

There would be a maximum cost of \$4,900 to set up the service and \$4,500 from the appropriate operating account on an annual basis to maintain the service.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.1: Strong community engagement

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

RISK IMPLICATIONS

RISK:

Inability to deliver levels of service expected by the community.

CONTROL:

Develop agreed standards of service and communicate with the community

COMMUNITY ENGAGEMENT

No community engagement is required, however the Shire will use its website and Facebook page as well as issue a media statement advising the community of the new service.

COMMENTS

The community raised concerns regarding the time taken to update the Shires website regarding road closures. As a result of this feedback the Shire has assessed internal processes and investigated ways to further improve the timeliness of how we communicate to the public.

The Shire currently advises the community of road closures via physical signage, the Road Conditions page of the Shire's website and posting to the Shire Facebook page. The Shire has investigated the use of SMS technology where we send SMS messages to mobile phones of Community members who register to use the service.

Initial investigations have shown costs of 6 to 12 cents per message sent with varying set up costs and platforms for how we send the SMS message. The various platforms for delivery of SMS technology include web based services, email to text add ins and integrating into our website. Additionally to the type of platforms, we are ensuring the best total cost for use is being assessed including weighing up the value of what is provided and the practicality and functionality of how the database/address book is maintained.

The Shire is seeking support from Council to incur expenditure to a maximum of \$4,900 on the set up costs and approximately \$4,500 for ongoing annual cost to provide this new service to support greater connectivity and communication with the Community. Additionally to add further scope to the benefit of using this service, is the possibility to expanded to other areas of the Shire i.e. Emergency Management messages, reminders for Free Waste Clean Up weekends, Rates Installments due etc.

The \$4,500 per year ongoing cost is based on data assessed from current practices and allowing for future growth:

- 40 Road Condition updates were published in 2017
- Approximately 80 people are on our email distribution list
- Facebook posts average 225 people seeing them (vary from 51-523)
- Estimated 8,000 population between all towns and communities that use Shire roads.
- For the purpose of making an initial assessment, it was estimated 1,000 people sign up to this service and we send 50,000 messages per year (ie 50 updates sent to 1,000 people).

The service will be monitored for use and effectiveness and recommendations for its continued use can be considered by Council as part of its annual budget processes.

ATTACHMENTS

Nil

12.5.3. Weaber Plain Road - Speed Review

DATE:	13 March 2018
AUTHOR:	Director Infrastructure
RESPONSIBLE OFFICER:	Director Infrastructure
FILE NO:	TT.092
DISCLOSURE OF INTERESTS:	Nil.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council endorse the recommendation from Main Roads WA that the speed limit on Weaber Plain Road between Cocus Way and Teal Road be maintained at 80km/h.

COUNCIL DECISION

Minute Number: 27/03/2018- 117927

**Moved: Cr D Pearce
Seconded: Cr J Farquhar**

That Council endorse the recommendation from Main Roads WA that the speed limit on Weaber Plain Road between Cocus Way and Teal Road be maintained at 80km/h.

Carried 8/0

PURPOSE

That Council, in conjunction with the appropriate authorities, consider a reinstatement of the previous speed limits on Weaber Plain Road between Cocus Way and Teal Road.

NATURE OF COUNCIL'S ROLE IN THE MATTER

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

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

On the 31st May 2007 the Shire submitted an application to Main Roads to reduce the speed on Weaber Plain Road from chainage 1.8 to 8.49 to 80 km/h. In August 2007 the Shire was

granted approval from Main Roads on the basis of establishment of rural subdivisions, general development and increased traffic volumes.

STATUTORY IMPLICATIONS

Formal acceptance of the proposal by Main Roads WA in accordance with the Road Traffic Act 1974

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Cost associated with erecting new signage to be spent from the appropriate operating account.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.1: Strong community engagement

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

RISK IMPLICATIONS

Risk: Reputational damage if there was a traffic incident on the road

Control: Road Safety review to be undertaken by Main Roads in conjunction with the Shire

Risk: The interface between members of the public (joggers, walkers, and cyclists) , with traffic travelling at 110 km/hr.

Control: Outcomes from a road safety inspection

COMMUNITY ENGAGEMENT

Engagement will take place in accordance with the Shire's Community Engagement Guidelines including communication with:

- Subdivisions on either side of Weaber Plain Road;
 - Agricultural traffic;
 - Road trains: and
 - School buses.

COMMENTS

During the February 2018 Ordinary Council Meeting, when considering a matter raised at the Annual Meeting of Electors, the Council resolved that the Shire should investigate the speed limit change on the above section of Weber Plains Road. This investigation has now commenced and the following activities are scheduled to take place over the coming weeks, subject to initial advice from Main Roads.

Correspondence was issued to Bryan Bannon (Main Roads Regional Asset Manager) on the 6th March 2018 to provide the Shire with their feedback prior to commencement of items 1 – 5 below. The reason for requesting this feedback from Main Roads is to formalise information based on verbal comments advising it is unlikely that an application to raise the speed limit up to 110 km/hr would be approved by Main Roads. If this is the case then the following actions will not proceed.

1. *Community engagement to establish the level of support for increasing the speed from 80 km/h to 110 km/hr*
2. *Installation of a traffic counters to confirm total vehicle movements*
3. *Consultation with the Police in terms of risks to members of the public,*
4. *Obtain from the police the total infringements and traffic offences committed over the last 5 years*
5. *Subject to the outcome of item 1 to 4 above issue a formal application to Main Roads head office in Derby*

On the 19th March 2018 the Shire received written recommendations from Main Roads WA to maintain the speed limit at 80km/h, due to:

1. *The subdivision sited in 2007 remains,*
2. *Increased traffic on Weaber Plain Road due Ord Stage 2,*
3. *The road is classed as a road train route as well as a school bus route and is popular with cyclists.*

ATTACHMENTS

Nil.

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13.1. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

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

16. MATTERS BEHIND CLOSED DOORS

COUNCIL DECISION

Minute Number: 27/03/2018-117928

Moved: Cr T Chafer

Seconded: Cr M Dear

That Council move into camera with relevant officers to remain at 5.58 pm

Carried 8/0

16.1. T14-17/18 PRE-QUALIFIED SUPPLIER PANEL - PROVISION OF ELECTRICAL SERVICES

DATE:	27 March 2018
AUTHOR:	Senior Procurement and Contracts Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	CM.16.271
DISCLOSURE OF INTERESTS:	Nil

COUNCIL DECISION

Minute Number: 27/03/2018-117929

Moved: Cr D Pearce

Seconded: Cr M McKittrick

That Council:

- 1. Accepts the appointment of:**
 - a. C & S Jolly Electrics ATF the Jolly Family Trust of Lot 147 Whimbrel Road, Kununurra WA 6743;**
 - b. Upland Nominees Pty Ltd T/A Ord River Electrics of 14 Poincettia Way, Kununurra WA 6743;**
 - c. TST Electrical Pty Ltd of Lot 120 Weaber Plain Road, Kununurra WA 6743; and**
 - d. Vision Power Pty Ltd ATF the Vision Power Unit Trust T/A Visions Power of 29 Gwendoline Crossing, Broome WA 6725.**
to the pre-qualified supplier panel T14-17/18 provision of electrical services, for the term of three (3) years, in accordance with the request for application documentation and the submitted schedule of rates.
- 2. Delegates the formation of the Contracts to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to Contract.**

Carried 8/0

This item is to be considered behind closed doors as per the *Local Government Act 1995* 5.23 (2) (c):

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

To consider the applications received for T14-17/18 and make recommendations for appointment to the panel.

16.2. RFT 11 17/18 - STAGE 3 LAKE ARGYLE ROAD IMPROVEMENTS

DATE:	15 March 2018
AUTHOR:	Manager Engineering Services
RESPONSIBLE OFFICER:	Stuart Dyson, Director Infrastructure
FILE NO:	CM.16.267
DISCLOSURE OF INTERESTS:	Nil

COUNCIL DECISION

Minute Number: 27/03/2018-117930

Moved: Cr T Chafer

Seconded: Cr G Lodge

1. **Accepts the Tender submitted by Roadline Contracting Pty Ltd of 13 McDaniel Road, Broome WA 6725, for Tender T11-17/18 - Stage 3 Lake Argyle Road Improvements, as the most advantageous Tender to form a Contract, for the fixed lump sum price of \$1,118,765.44 (Pricing Tables 1 and 2) excluding GST;**
2. **Endorses the transfer of \$137,469.77 from the Capital Works Reserve to “Lake Argyle Road - Widening (GL 1041202460)” for the award of Tender T11-17/18 - Stage 3 Lake Argyle Road Improvements Tables 1 and 2 works; and**
3. **Delegates the formation of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to Contract.**

Carried 8/0

This item is to be considered behind closed doors as per the *Local Government Act 1995* 5.23 (2) (c):

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

To reconsider the Tenders received for T11-17/18 and make recommendations for the award of the Tender.

16.3. T15 17/18 KALUMBURU AREA ROADWORKS (SUPERVISION)

DATE:	27 March 2018
AUTHOR:	WANDRRA Engineer
RESPONSIBLE OFFICER:	Stuart Dyson, Director Infrastructure
FILE NO:	CM.16.274
DISCLOSURE OF INTERESTS:	Nil.

COUNCIL DECISION

Minute Number: 27/03/2018-117931

Moved: Cr J Farquhar

Seconded: Cr M McKittrick

That Council,

- 1. Accepts the Tender submitted by Wajot Civil Pty Ltd ATF the W & J Thomson Family Trust T/A Pro Earth Civil of 183 Falls Road, Lesmurdie WA 6076, for Tender T15-17/18 Kalumburu Area Roadworks (Supervision), as the most advantageous Tender to form a Contract, for the estimated contract value of \$145,000 (excluding GST) in accordance with the submitted schedule of rates.**
- 2. Delegates the formation of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to Contract.**
- 3. Should a Contract not be formed within 30 business days with Wajot Civil Pty Ltd ATF the W & J Thomson Family Trust T/A Pro Earth Civil, that the Chief Executive Officer may form a Contract with the next most advantageous Tenderer.**

Carried 8/0

This item is to be considered behind closed doors as per the *Local Government Act 1995* 5.23 (2) (c):

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

To provide Council with details of the Tenders received for T15-17/18 Kalumburu Area Roadworks (Supervision) and to consider the results of the Tender assessment.

16.4. T18 17/18 KALUMBURU AREA ROADWORKS (WET PLANT AND LABOUR HIRE)

DATE:	27 March 2018
AUTHOR:	WANDRRA Engineer
RESPONSIBLE OFFICER:	Stuart Dyson, Director Infrastructure
FILE NO:	CM.16.276
DISCLOSURE OF INTERESTS:	Nil.

COUNCIL DECISION

Minute Number:27/03/2018-117932

Moved: Cr G Lodge

Seconded: Cr N Brook

That Council,

- 1. Accepts the Tender submitted by Incarta Pty Ltd T/A Broome Contracting of 10 McDaniel Road, Broome, WA 6725, for Tender T18-17/18 Kalumburu Area Roadworks (Plant and Labour), as the most advantageous Tender to form a Contract, in accordance with the submitted schedule of rates.**
- 2. Delegates the formation of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to Contract.**
- 3. Should a Contract not be formed within 30 business days with Incarta Pty Ltd T/A Broome Contracting of 10 McDaniel Road, Broome, WA 6725, authorise the Chief Executive Officer to form a Contract with the next most advantageous Tenderer.**

Carried 8/0

This item is to be considered behind closed doors as per the *Local Government Act 1995* 5.23 (2) (c):

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

To provide Council with details of the Tenders received for T18-17/18 Kalumburu Area Roadworks (Plant and Labour Hire) and to make recommendations for award of tender.

16.5. LEASE OF AIRPORT LAND FOR TEMPORARY AVIATION ACTIVITY

DATE:	27 March 2018
AUTHOR:	Manager East Kimberley Regional Airport
RESPONSIBLE OFFICER:	Stuart Dyson, Director Infrastructure
FILE NO:	CP.16.70
DISCLOSURE OF INTERESTS:	Nil

COUNCIL DECISION

Minute Number: 27/03/2018-117933

**Moved: Cr D Menzel
Seconded: Cr T Chafer**

That Council, subject to no significant matters of concern with the Lease being raised by Councillors or Officers to the CEO, Wednesday 28 March 2018;

- 1. Endorses the report on the proposed lease of airport land;**
- 2. Gives local public notice of the proposed disposition of the land by lease in accordance with s3.58 of Local Government Act; and**
- 3. On the basis of no public objection being received to the proposed disposition of the land, delegates to the Chief Executive Officer authority to determine the Lease.**

Carried 8/0

This item is to be considered behind closed doors as per the *Local Government Act 1995* 5.23 (2)(c) and (e) :

5.23. Meetings generally open to public

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

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

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

VOTING REQUIREMENT

Simple Majority

PURPOSE

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

COUNCIL DECISION

Minute Number: 27/03/2018-117934

Moved: Cr N Brook

Seconded: Cr T Chafer

That Council move out camera at 6.35

Carried 8/0

The Shire President read allowed the resolutions of the matters behind closed doors.

17. CLOSURE

The Shire President declared the meeting closed at 6.43pm