



SHIRE OF WYNDHAM | EAST KIMBERLEY

AGENDA ORDINARY COUNCIL MEETING

26 June 2018

DISCLAIMER

Members of the Public are advised that recommendations to Council contained within this Agenda and decisions arising from the Council meeting can be subject to alteration.

Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

Signed on behalf of Council



CARL ASKEW

CHIEF EXECUTIVE OFFICER

NOTES

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

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**SHIRE OF WYNDHAM EAST KIMBERLEY
ORDINARY COUNCIL MEETING AGENDA
KUNUNURRA COUNCIL CHAMBERS
TO BE HELD ON 26 JUNE 2018 AT 5:00PM**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

3. DECLARATION OF INTEREST

- Financial Interest
- Impartiality Interest
- Proximity Interest

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. PETITIONS

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

<p>That Council confirms the Minutes of the Ordinary Council Meeting held on 29 May 2018</p>

Note: The Minutes of the Ordinary Council Meeting held on 29 May 2018 are provided under separate cover via www.swek.wa.gov.au

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

12.2. CHIEF EXECUTIVE OFFICER

12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	26 June 2018
AUTHOR:	Communications & Marketing Officer
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

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

PURPOSE

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

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

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

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Focus Area 4: Civic Leadership

Strategy 4.2.2: Ensure community input informs planning and decision making

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

This report includes actions from the May 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. Standing Item - Use of the Common Seal

DATE:	26 June 2018
AUTHOR:	Communications & Marketing Officer
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 23 May 2018 to 20 June 2018

PURPOSE

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 23 May 2018 to 20 June 2018

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

STATUTORY IMPLICATIONS

Local Government Act 1995

9.49A. Execution of documents

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

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan

Focus Area 4: Civic Leadership

Strategy 4.2.2: Ensure community input informs planning and decision making

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

There was four documents for the time period of 23 May 2018 to 20 June 2018 with the Shire of Wyndham East Kimberley Common Seal applied.

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

Date of Use	Document
30/05/2018	Transfer of Land – Lots 401 & 402 on Deposited Plan 223234 (Pearse Street Wyndham)
30/05/2018	Letter of Offer – Wyndham Land Exchange – Lot 826 and 828 on Deposited Plan 208835 (Koolama Street, Wyndham)
30/05/2018	Deed of Land Exchange – Wyndham Land Exchange – Lot 826 and 828 on Deposited Plan 208835 (Koolama Street, Wyndham)
30/05/2018	Transfer of Land – Lot 826 on Deposited Plan 208835 (Koolama Street, Wyndham)

ATTACHMENTS

Nil

12.3. COMMUNITY DEVELOPMENT

12.3.1. Kununurra Agricultural Society Temporary Caravan Park Licence

DATE:	26 June 2018
AUTHOR:	Environmental Health Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	A7620
FILE NO:	PH.12.5
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council grant a temporary caravan park licence to Kununurra Agricultural Society for 35 short stay sites and 5 camp sites at the Kununurra Agricultural Grounds from 7 July 2018 to 15 July 2018 subject to the following conditions:

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

PURPOSE

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

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Kununurra Agricultural Society hosts the Kununurra Agricultural Show as an annual event in July. In 2018 the event will run from 1 July to 14 July. The Kununurra Agricultural Society has applied for a temporary caravan park and camping ground licence from Saturday 7 July 2018 to Sunday 15 July 2018 at the Kununurra Agricultural Grounds in order to meet the accommodation needs of site holders and event staff.

The Kununurra Agricultural Society already holds a caravan and camping ground licence for the site which will be temporarily suspended for the duration of the event as the site plan will significantly alter for this purpose and only staff associated with the event will be permitted on site.

STATUTORY IMPLICATIONS

Caravan Parks and Camping Grounds Act 1995 (the Act)

s. 7(5) Before granting a licence a local government must ensure that —

- (a) the applicant has complied with the requirements of this Act;*
- (b) the applicant is the owner of the land on which the facility is situated, or is to be situated, or has the written approval of the owner of that land to apply for a licence.*

Caravan Parks and Camping Grounds Regulations 1997 (the Regulations)

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

(1) If within —

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

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

r. 54 Temporary licence

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

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

- (a) the maximum number of sites that may be used at the facility;*
- (b) the maximum number of sites of particular types that may be used at the facility and*
- (c) the services and facilities that are to be provided.*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

If the Kununurra Agricultural Society 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 35 short stay sites and 5 camp sites for 8 days a minimum fee of \$100 will be applicable.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 1: Healthy vibrant active communities

Goal 1.1: Bring community together and promote our rich culture and heritage

Strategy 1.1.2: Support and promote an increase in the number of events and activities that encourage a sense of identity, belonging and promote cultural diversity

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 in this instance.

COMMENTS

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

ATTACHMENTS

Attachment 1 - Kununurra Agricultural Society - Temporary Caravan Park Application

12.3.2. 2018-19 Annual Community Grants Recommendations

DATE:	26 June 2018
AUTHOR:	Manager Community Services
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	N/a
FILE NO:	GS.05.44
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Endorses the 2018/19 Annual Grants Scheme funding as follows:

Applicant	Requested	Recommended
Ord Valley Events Incorporated - 2019 Ord Valley Muster	\$65,000	\$20,000
2018 NAIDOC Committee - 2018 NAIDOC Week Events	\$16,000	\$4,000
Kununurra Agricultural Society - 2019 Agricultural Show	\$10,000	\$10,000
Wyndham Youth Aboriginal Corporation - Street Art	\$15,000	\$5,000
Lake Argyle Swim - 2019 Lake Argyle Swim	\$20,000	\$10,000
Tura New Music - 2018/19 Echo's Tour and workshops	\$10,000	\$5,000
Kununurra Water Ski Club - 2019 Dam to Dam	\$10,000	\$10,000
Kununurra Neighbourhood House - KNH Events Program	\$20,750	\$5,000
Little Athletics - Establishment of Little Athletics	\$2,053.90	\$1,500
Apex Club Kununurra - Apex Fitness Park	\$15,000	\$15,000
Kimberley Action Sports - 2019 Lake Argyle Adventure Race	\$5,000	\$5,000
East Kimberley Cricket Association - Multi-sports storage shed	\$32,257.13	\$30,000
Kununurra Neighbourhood House - Ageless IT	\$3,975	\$1,500
Kununurra Campdraft and Rodeo - Wastewater septic upgrade	\$154,360.80	\$30,000

Kununurra Gymnastics Club - Coach Training Program	\$6,696	\$5,000
Ord River Darts Club Incorporated - Growth of Club	\$10,000	\$2,000
East Kimberley Women's Alliance - Women's Issues Survey	\$7,490	\$5,000
Kununurra District High School - Monty Pascoe, Youth Parliament	\$1,000	\$1,000
Total Recommended	\$402,582.83	\$165,000

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

- a. Waringarri Crows Football Club
- b. St Joseph's Primary School Kununurra
- c. Kununurra Visitor Centre
- d. Kununurra Community Gardens
- e. Kununurra Water Ski Club

PURPOSE

For Council to endorse the 2018/19 Annual Grant Scheme funding and Assessment Panel recommendations.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Funder - provide funds or other resources

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Services, activities, and opportunities provided by local organisations are highly valuable by the community. These organisations often provide specific services more efficiently and effectively, and more 'targeted' than the Shire. These organisations build resilience within the community and their presence means that during times when government spending is scaled back, services within the community are less likely to be impacted. For these reasons it is in the interest of the Shire to support these organisations to be as strong, resilient and to be as effective as possible. This is achieved in number of ways, by:

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

The applications were assessed by an internal Panel and against the Policy (evaluation criteria) and weighted criteria. The Panel comprised:

- Director Planning and Community Development

- Manager Community Services
- Community Development Officer
- Independent staff member

Weighted criteria included (in addition to that included within the Policy):

- Demonstrated need for funding
- Benefit to the community including community development outcomes
- Demonstrated partnerships and ability to source additional funds and/or partnerships
- Demonstrated community support for the organisation and the project or activities planned
- The organisations demonstrated capacity to achieve measurable outcomes for the community
- Demonstration of links to Shire strategy

The Grants Assessment Panel reviews whether grant funding had been provided in previous years and whether the proposal may be 'leveraged against' to help the Shire either deliver services or capital (improvement) projects, such as with regard to the Apex Fitness Park proposed for Celebrity Tree Park. Not all projects are recommended to be funded and of those recommended for funding, the Shire is not always able to fund the entire amount.

A copy of the Grants Assessment Panel's recommendations is provided at Confidential Attachment 1 .

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

Annual Grant applications are evaluated in accordance with Council Policy *CP/COM 3582 Community Grant Scheme*, against the following criteria :

- Benefits to the community
- Addressing key social issues
- Local economic benefit
- Demonstrated community support
- The organisation's ability to deliver
- Links to Shire strategy

The Policy as last updated in August 2017 and is scheduled for review early in the financial year and in light of feedback received by community groups/applicants and from the Council.

A copy of Council Policy *CP/COM 3582 Community Grant Scheme* is at Attachment 2.

FINANCIAL IMPLICATIONS

The funding available within the Community Grants Scheme is \$265,000, \$5,000 of which was provided from a distribution of assets by the Kununurra CRC Inc. This amount has been distributed amongst the components of the Scheme as follows:

1. Quick Grants - \$20,000
2. Annual Grants - \$165,000
3. Rates Assistance Grants - \$80,000.

Council will have an opportunity to review the funding available for this purpose at the mid-year budget review and any funds returned to the Shire, in the event that a proposal does not proceed or is unable to proceed as it is intended, may be reallocated to either one of the project applications submitted or put to some other purpose.

A total of 22 applications were received for the funding under the Community Grants Scheme, requesting \$549,432.83. The Grants Assessment Panel has recommended awarding a total of \$165,000 to 18 of these applications, either fully or partially.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 1: Healthy vibrant active communities

Focus Area 3: Economic Prosperity

Focus Area 4: Civic Leadership

Goal 1.1: Bring community together and promote our rich culture and heritage

Goal 1.2: Increase participation in sporting, recreation and leisure activities

Goal 3.2: To be business friendly and the Shire of choice for inward investment in the Kimberley

Goal 4.2: Good decision making through engagement with the community

Goal 4.4: Sustainably maintain the Shire's financial viability

RISK IMPLICATIONS

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

COMMUNITY ENGAGEMENT

Community engagement has included: advertising and promotion in the Kimberley Echo; on the Shire Website and Shire Facebook Page from 1 April 2018 until the closing date of 31 May 2018. In addition, eligible clubs and organisations were contacted to highlight the availability of the grants.

COMMENTS

The Grants Assessment Panel has recommended to fund eighteen of the twenty-two applications received. Six of these were for events, with the highest ranking events being the Ord Valley Muster, NAIDOC Week and the annual Kununurra Agricultural Show.

The Panel has also recommended funding to projects that implement community based programs such as the Wyndham Youth Aboriginal Corporation's 'Street Art' project,

complementing the Shire's partnership with that organisation and the Kununurra Neighbourhood House 'Ageless IT' project.

Recreation projects recommended include the Apex Club Kununurra proposal to construct a fitness park at Celebrity Tree Park in Kununurra and which may be leveraged against to construct a similar project in Wyndham; to build capacity within the Ord River Darts Club; Little Athletics Kununurra (this also includes activities in Wyndham) and for the Kununurra Gymnastics Club.

The Panel has recommended to support only two community infrastructure projects, being to contribute to the first stage of the wastewater system upgrades at the Kununurra Campdraft and Rodeo licenced area which will benefit a range of clubs, as well as the construction of a new storage facility for sporting clubs at Kununurra Town Oval - a priority project to support the growth of a range of sporting clubs in the town.

The Grants Assessment Panel also recommended that the Shire fund the Kununurra District High School's initiative to send one of their students to the Youth Parliament program proposed to be held in Perth later this year. The Panel felt that this student's participation, with some backing from the Shire, aligns well with the Shire's effort with respect to youth and social justice. The Panel has also recommended support for the East Kimberley Women's Alliance Inc. to identify issues affecting women in the East Kimberley and which will underpin their future focus and direction.

Projects not recommended include the Kununurra Community Garden's Aquaponics project; the Kununurra Water Ski Club ablutions; St Joseph's Primary School landscaping for their playground upgrade, and the (late) application submitted by Waringarri Crows Football Club. Whilst each project has merit, it was the view of the Grants Assessment Panel that the projects, within the objectives and scope of Council's policy, did not demonstrate sufficient broad community benefit, or alternatively lacked clarity with respect to what that community benefits would be. All the same, the Shire plans to contact each applicant to assist in future planning and funding opportunities as well as to discuss each proposal to identify potential alternative partners and funding bodies such as Lotterywest.

A copy of the Grants Assessment Panel's recommendations has been sent to Councillors for consideration and review.

ATTACHMENTS

Attachment 1 - CP/COM-3582 Community Grants Scheme

Confidential Attachment 2 - Annual Grants Assessment Report 2018-19

12.3.3. 2018-19 Annual Rates Assistance Grants

DATE:	26 June 2018
AUTHOR:	Manager Community Services
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	N/a
FILE NO:	GS.05.44
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Approves the following Rates Assistance Grants for the 2018/19 financial year, in accordance with the following table:

Assessment Number	Name	Rates Assistance Grant Applied	Estimated Rates Grant 2017/18
A4993	Lake Kununurra Golf Club Inc	100%	\$6,160.00
A7561	Ord River Sailing Club Inc.	100%	\$2,502.50
A2859	Kununurra Race Club Inc.	100%	\$3,080.00
A7620	Kununurra Agricultural Society	85%	\$3,060.19
A1072	Kununurra Picture Gardens	100%	\$10,717.50
A1160	Ord River Sports Club	100%	\$10,215.35
A502	Wyndham Gardens Inc.	100%	\$1,783.39
A2866	Ord Pistol Club Inc.	100%	\$1,963.50
A5621	Kununurra Speedway Inc.	100%	\$1,570.80
A5616	Kununurra Motocross Club Inc.	100%	\$1,601.60
A7566	Kununurra Water Ski Club	100%	\$1,794.10
New Assessment Required	Kununurra Dragon Boat Club	100%	Not currently rated

New Assessment Required	East Kimberley Volunteer Sea Rescue Group	100%	Not currently rated
A501	Wyndham Community Club	100%	\$3,840.44
A8073	Kimberley Action Sports	100%	\$2,032.80
A8094	Ord River Magpies Football Club	100%	Lease not currently executed
A8072	Kununurra Campdraft and Rodeo Association	100%	\$2,063.60
Pt A2682	Kununurra Visitor Information Centre (Tourism House)	To be determined	Lease not currently executed
TOTAL			\$52,385.77

2. Notes that the amounts above will be adjusted once the 2018/19 rates are finalised, whereby it is likely that the Rates Assistance Grants may vary.
3. Endorses a 15% reduction in the Rates Assistance Grant to Kununurra Agricultural Society in recognition of the commercial activity - caravan and camping ground operated from a portion of their site.
4. Endorses that clubs/organisations that commence a lease with the Shire during the 2018/19 financial year will be considered for a Rates Assistance Grant for the period from the commencement date of the lease through to 30 June 2019, and that these organisations will be required to submit an application for a Rates Assistance Grant within 30 days of the date of commencement of the lease for the 100% Rates Assistance Grant to be applied.
5. Endorses that Rates Assistance Grants to clubs/organisations that have received Community Leases for execution will not be eligible for a Rates Assistance Grant until their lease with the Shire has been executed. This will apply to the following clubs/organisations: Ord River Magpies Football Club; Ord River Dragon Boat Club; East Kimberley Volunteer Sea Rescue Group, and the Kununurra Visitor Centre (Tourism House), which premises will be leased by from the Shire at the beginning of the 2019 (calendar year). This is also subject to a rates assessment being determined and an application for rates assistance (in the case of Tourism House) being received.

PURPOSE

For Council to endorse the 2018/19 Rates Assistance Grants which equates to \$52,385.77.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Funder - provide funds or other resources

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

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

COUNCIL DECISION

Minute No: 28/03/2017 – 11636

Commissioner resolved:

That Council adopt the revised Council Policy CP/COM 3582 - Community Grant Scheme as detailed in Attachment 2.

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

The provision of Shire rates assistance to community groups allows for this expenditure to be captured into the Recreation and Culture Expenditure account which is a factor in determining the quantum of Commonwealth Financial Assistance Grants, the Western Australian Local Government Grants Commission takes into account. The previous process did not allow for rate concession amounts to be taken into account in this calculation.

STATUTORY IMPLICATIONS

Local Government Act 1995

6.26. Rateable land

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

(2) The following land is not rateable land —

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

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

(ii) is unoccupied, except —

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

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

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

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

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

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

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

(g) land used exclusively for charitable purposes;

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

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

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

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

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

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

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

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

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

POLICY IMPLICATIONS

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

Council Policy CP/COM-3582 *Community Grant Scheme* requires that “Community groups or associations that in the opinion of Council, provide activities which are not core activities and/or are in direct competition with a service provided by an established private operator within the district, will not be eligible for rates assistance for that portion of the site being utilised for the activity.” This applies specifically to the land leased by the Kununurra Agricultural Society which also operates a commercial caravan park and which has been determined to equate to a value of 15%, which would be reduced from the rates assistance. A similar (partial reduction of rates assistance) arrangement may be put in place with respect to the Kununurra Visitor Centre (Tourism House) but is subject to further review and negotiation between parties.

FINANCIAL IMPLICATIONS

The funding available within the Community Grants Scheme is \$265,000, \$5,000 of which was provided from a distribution of assets by the Kununurra CRC Inc. This amount has been distributed amongst the components of the Scheme as follows:

1. Quick Grants - \$20,000
2. Annual Grants - \$165,000
3. Rates Assistance Grants - \$80,000.

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

If all recommendations are approved, Council will provide grants to a value in excess of \$52,000 for the 2018/19 financial year. It is envisaged that this amount will further increase with the inclusion of assistance grants to those clubs and organisations that do not currently have a lease agreement with the Shire or are currently not rated. The proposed allocation of \$80,000 will be sufficient to meet these additional grants if required.

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

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Goal 1.2: Increase participation in sporting, recreation and leisure activities

Goal 3.1: To deliver the critical infrastructure that will create the conditions for economic growth across the Shire

Goal 3.2: To be business friendly and the Shire of choice for inward investment in the Kimberley

Goal 4.2: Good decision making through engagement with the community

Goal 4.4: Sustainably maintain the Shire's financial viability

RISK IMPLICATIONS

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

COMMUNITY ENGAGEMENT

Community engagement has included: advertising and promotion in the Kimberley Echo; on the Shire Website and Shire Facebook Page from 1 April 2018 until the closing date of 31 May 2018. In addition, eligible clubs and organisations were contacted to highlight the availability of the grants.

COMMENTS

In line with Shire policy, the rates assistance to the Kununurra Agricultural Society is recommended to be reduced by 15%. No other rates assistance reductions are recommended.

There are two community organisations that are currently negotiating new leases, being the Ord River Magpies Football Club Inc. and the East Kimberley Volunteer Sea Rescue Group. A rate assessment has been determined for the land proposed to be leased by the Ord River Magpies Football Club, which will be applied upon execution of their new lease. No rates assessment is however currently available for the land occupied by the East Kimberley Volunteer Sea Rescue Group. Once a valuation is received, both properties will be rated and the rates assistance will be applied. Rates assistance will only apply to the Kununurra Visitor Centre (Tourism House) once their lease commences at the beginning of 2019 and upon application for a rates assistance grant. These instances are covered in part 5 of the recommendation.

The list of annual rates assistance, as detailed, is recommended for approval.

ATTACHMENTS

Attachment 1 - Annual Rates Assistance Applications 2018-2019

Attachment 2 - CO/COM-3582 Community Grants Scheme (Annual Grants, Quick Grants and Rates Assistance Grants)

12.3.4. Corporate Business Plan 2018/19 to 2021/22

DATE:	26 June 2018
AUTHOR:	Senior Integrated Planning and Reporting Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	N/a
FILE NO:	CM10.10
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council, pursuant to the provisions of section 5.56 of the Local Government Act 1995 and Regulation 19DA of the Local Government (Administration) Regulations 1996, adopt the Corporate Business Plan 2018/19 to 2021/22 as contained in Attachment 1, which:

- 1. Reflects the 2018/19 Annual Budget funding allocation in the key programs and projects to be undertaken in the 2018/19 financial year; and**
- 2. Incorporates Council's consideration of the community comments received.**

PURPOSE

This report presents to Council the draft Corporate Business Plan 2018/19 - 2021/22 for adoption and the results of community engagement that have been considered in the review of that draft.

NATURE OF COUNCIL'S ROLE IN THE MATTER

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

Facilitator - bring stakeholders together

Funder - provide funds or other resources

Leader - plan and provide direction through policy and practices

Provider - provide physical infrastructure and essential services

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Section 5.56 of the *Local Government Act 1995* (the Act) “Planning for the Future” requires a local government to plan for the future of the district and to make plans in accordance with the applicable regulations. These regulations came into effect on 1 July 2013 requiring all local governments in Western Australia to develop and adopt a Strategic Community Plan and a Corporate Business Plan, supported and informed by resourcing and delivery strategies. These plans drive the development of each local government’s annual budget through a process of continuous improvement and to better plan for and meet the needs of the community.

The Corporate Business Plan is the Shire’s four year service and project delivery program. It is aligned with the strategic direction and priorities set within the 10-year Strategic Community Plan 2017–2027, adopted at April 2018 Ordinary Council Meeting. It demonstrates operational capacity to achieve aspirational outcomes and goals over the medium-term. All operational planning and reporting is driven by this Plan, which is reviewed annually to ensure priorities are relevant, achievable and effectively timed.

The previous Corporate Business Plan Year 2017/18 - 2020/21 was adopted by Council at the July 2017 Ordinary Council Meeting, in conjunction with the Annual Budget.

Community Feedback received on the draft Corporate Business Plan included 89 comments on actions contained in the Corporate Business Plan and 5 comments on the overall process. Feedback provided from the community on the Corporate Business Plan and its actions are outlined at Attachment 2.

STATUTORY IMPLICATIONS

Section 5.56(1) and (2) of the *Local Government Act 1995* requires that each local government is ‘to plan for the future of the district’, by developing plans in accordance with the regulations. *Local Government (Administration) Regulations 1996* (s19DA) outlines the requirements for a Corporate Business plan.

Local Government (Administration) Regulations 1996

Part 5 Annual reports and planning, Division 3 Planning for the future

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

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

4. *A local government is to review the current corporate business plan for its district every year*

FINANCIAL IMPLICATIONS

The Shire's Corporate Business Plan is the key driver for the Annual Budget and the Long Term Financial Plan. This linkage ensures that community priorities and core business activities are adequately funded and that appropriate and endorsed strategies are in place to allow any financial impact on the community to be carefully considered.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.2: Good decision making through engagement with the community

Strategy 4.2.1: Engage and communicate with all sections of the community to better understand needs and priorities

Strategy 4.2.2: Ensure community input informs planning and decision making

Strategy 4.2.3: Ensure community awareness of issues, activities and decisions affecting the Shire

Goal: 4.3: Ensure a strong and progressive organisation delivering customer focused services

Strategy 4.3.1: Be adaptive, responsive with a strong customer focus

Strategy 4.3.2: Create a culture that encourages innovation, collaboration, best practice and organisational discipline to improve efficiency, effectiveness and productivity

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.3: Adequately plan for and fund asset maintenance and renewal to deliver planned services

RISK IMPLICATIONS

Risk	Action/Strategy
Non-compliance with the Western Australian Government standard for required elements of the Integrated Planning Framework suite of documents and the requirement	Complete annual review, community engagement and develop a Corporate Business Plan for the 2018/19 to 2021/22 period.

COMMUNITY ENGAGEMENT

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

- Community Forums
 - A community forum was held in Wyndham on 6 June and Kununurra on 7 June. The community forums involved the public exhibition and presentation of the draft Corporate Business Plan. The presentation provided an overview of the

Corporate Business Plan and how it links to the Integrated Planning and Reporting Framework, in particular the Strategic Community Plan.

- Public Notice
 - Public notice of the draft Corporate Business Plan for community comment was advertised on community notice boards, local newspapers and post office box leaflet drop.
- Publicly available hard/soft copies
 - Copies were available for public review at Wyndham Shire Office, Kununurra Shire Office, Kununurra Community and School Library and from the Shire's website.
- Social media
 - Public notice of the draft Corporate Business Plan on Shire's Facebook page, website and shared on community pages.
 - Shire News webpage
 - Have your say (Consultation) page established on Shire's website.

COMMENTS

The attached Corporate Business Plan 2018/19 to 2021/22 is compliant with the Integrated Planning and Reporting Framework. Council, the Executive Management Team and Shire Officers have been involved in the development and review of the plan to ensure it is achievable and to ensure that it articulates Council's vision and the aspirations of the community.

That review and subsequent feedback has resulted in the following refinements to the Plan:

- Minor reallocation of administrative functions to better align some governance and corporate activities.
- Improved incorporation and embedding of priorities and considerations of the Shire's Disability Access and Inclusion Plan.
- Changes to some project priorities, including to develop a BMX track in Wyndham instead of a new skate park.
- Greater emphasis on Growth Planning for the purpose of providing an evidence base to support new strategies and initiatives, including to update the EK@25.
- Incorporation of place-based projects focussing on key (strategic) locations as well as integrated planning for the implementation of community safety initiatives ie CCTV and improved footpaths and street lighting.
- Investigate a range of options to improve waste management in Wyndham.

The Corporate Business Plan 2018/19 - 2021/22 is recommended for adoption.

ATTACHMENTS

1. Corporate Business Plan 2018/19 - 2021/22
2. Schedule of submissions of community comment CBP1819 and Annual Budget

12.3.5. Disposal of portion of Reserve 42799

DATE:	26 June 2018
AUTHOR:	Senior Planning Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	A2459
FILE NO:	A2459P
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Supports the excision of an approximately 400m² portion of Reserve 42799, being a portion of Lot 1246 on Deposited Plan 214278, to be offered for sale and amalgamation into adjoining Lot 1094 on Deposited Plan 211536, subject to the following:**
 - a. The portion of land to be sold and amalgamated is to be rezoned to 'Commercial'.**
 - b. If the adjoining landowner does not agree to proceed with the purchase and amalgamation of the land, then the land should remain as part of Reserve 42799.**
- 2. Requests the Chief Executive Officer to advise the Department of Planning, Lands and Heritage to amend Reserve 42799 by excising portion of land to be purchased and amalgamated into the adjoining Lot 1246 on Deposited Plan.**

PURPOSE

For Council to consider the excision of a portion of "Public Utilities and Access" Reserve 42799 (Lot 1246 on Deposited Plan 214278), located on Messmate Way Kununurra, for the subsequent sale and amalgamation of the land into the adjoining Lot 1094 on Deposited Plan 211536 (6 Messmate Way).

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In 2002 the Shire commenced investigations to close a number of Pedestrian Access Way's (PAW's) and to recommend disposal of some of these to adjoining property owners. This included Reserve 42799 which connects Beefwood Street to Messmate Way. The reserve, which contains some utility infrastructure and drainage was closed to public through access but was not recommended for disposal.



Location Plan

In 2016, the Shire was approached by the owner of adjoining Lot 1094 (6) Messmate Way in relation to possibly purchasing the Shire managed land adjoining their property. It is understood that the landowner wishes to amalgamate the land with Lot 1094 to facilitate redevelopment of the site for two storey grouped housing development.

In consultation with the Infrastructure Directorate, it was determined that not all of the land is required for drainage purposes, and some of the land could potentially be amalgamated with the neighbouring property (Lot 1094). An aerial plan with cadastral overlay is provided at Attachment 1, which indicates the approximate area (approx. 400m²) that may potentially be disposed of, subject to survey.

Advice was provided to the adjoining landowner advising that there is a portion of the reserve that is not required for the Shire's purposes, and may potentially be excised and disposed of, however that there is critical Water Corporation infrastructure (sewer main) located within this potential disposal area.

Previous advice received from the Water Corporation in 2002 stated that they did not object to the sale and amalgamation of the land subject to an easement being granted to the Water Corporation for the protection of the buried services, Therefore should the adjoining landowner wish to proceed with acquiring the land, they would need to design the proposed development around the Water Corporation services.

The adjoining landowner was advised that to progress the proposal further, they would need to make an application with the Department of Lands (now Department of Planning, Lands and Heritage - DPLH). The DPLH would undertake a formal referral process to obtain up to date written comment and advice from relevant agencies, including the Shire and the Water Corporation, to determine whether or not to proceed to offer the land for sale and amalgamation with the adjoining property.

The adjoining landowner has since applied to DPLH and the Shire has now received correspondence from DPLH requesting the Shire's updated comment on the proposal and seeking confirmation as to whether a Council resolution is required to sell the land. This correspondence is provided at Attachment 2.

This matter is being considered by Council on the basis that it involves the disposal of a portion of Shire managed reserve.

STATUTORY IMPLICATIONS

Land Administration Act 1997

As the land that the neighbouring owner wishes to acquire is a Crown reserve managed by the Shire. The land cannot be sold unless the Shire advises that they no longer require the land for the purposes for which it is reserved, following which the DPLH will undertake their referral process to determine other matters to be considered, including the location of services.

If the DPLH determine that a portion of the reserve can be offered for sale and amalgamation to the adjoining landowner they will undertake action to survey the portion of land to be sold, excise it from the reserve, and arrange for the sale and amalgamation.

Local Planning Scheme No. 7 - Kununurra and Environs (LPS) 7 and draft Local Planning Scheme No. 9 (LPS 9)

Under LPS 7, Lot 1246 (Reserve 42799) is reserved for Public Purposes, the objective of which is to identify and protect land required for public utilities, community purposes and educational facilities.

Under draft LPS 9, Lot 1246 is shown as 'no zone', as are many of the roads within the Scheme.

The adjoining freehold Lot 1094 is zoned Town Centre under LPS 7, and is zoned (the equivalent) Commercial under draft LPS 9. If a portion of Lot 1246 is excised and amalgamated into adjoining Lot 1094 it will be required to be rezoned.

Local Government Act 1995 and Local Government (Functions and General) Regulations 1996

Section 3.58 of the *Local Government Act 1995*, outlines the process that local government is required to follow to dispose of property, and section 3.58(5)(d) identifies that this process does not apply to any disposition that is excluded by regulations.

Regulation 30 of the *Local Government (Functions and General) Regulations 1996* outlines those dispositions that are considered to be exempt dispositions. This includes land that is disposed of to the Crown in right of the State or the Commonwealth, or a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth.

POLICY IMPLICATIONS

There are no policy implications.

FINANCIAL IMPLICATIONS

There are no financial implications.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal: 4.1: Effective representation through advocacy at a regional, state and national level

Strategy 4.1.2: Actively represent the community and provide input to decision making at the regional, state and federal levels that impact the Shire

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 Shire manages Reserve 42799 for the purpose of "Public Utilities and Access", however it primarily forms part of the townsite drainage system.

It is acknowledged that an approximately 400m² portion of the reserve is not required for drainage purposes and has the potential to be amalgamated into the adjoining freehold property.

If the Shire advises DPHL that a portion of the land can be excised and no other referral agency objects to the proposal, the subsequent process to survey, excise a portion of the reserve and arrange for the sale and amalgamation of the land will be undertaken by the DPLH. The prospective purchaser will then be required to agree to pay for survey costs, purchase price (determined by valuation) and relevant document preparation and lodgement fees to purchase and amalgamate the Crown land into their property.

If the adjoining landowner agrees to the purchase the land, the land to be amalgamated will be required to be rezoned to 'Commercial'. Rezoning is not recommended to be initiated until the land has been surveyed and the conveyance and amalgamation is in process, and can be considered as part of an omnibus amendment or initiated by the landowner.

It is possible that the adjoining landowner may not choose to proceed with the purchase of the land once the costs are known, in which case the land should remain as part of Reserve 42799.

It is understood that the gates across the accessway between Messmate Way and Beefwood Street have recently been reopened to public access following complaints from the adjoining Ibis Hotel regarding antisocial behaviour, and discussions between Police and the Shire.

The adjoining Lot 1094 is currently developed with single storey grouped dwellings, however the acquisition of a portion of the adjoining land will provide additional site area for redevelopment of the site, subject to development approval being obtained. Redevelopment of the site is anticipated to provide for improved street surveillance to Messmate Way and the access way.

It is recommended that Council support the request.

ATTACHMENTS

Attachment 1 - Potential Disposal Area

Attachment 2 - Correspondence from Department of Planning, Lands and Heritage

12.3.6. Development Approval Application - Lot 707 Drovers Road, Kununurra - Ablution Building

DATE:	26 June 2018
AUTHOR:	Planning Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	A2859P
FILE NO:	A2859P
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council grants consent for the development of an ablution building within the Campground Area (Licence) at Lot 707 Drovers Road, Kununurra subject to the following conditions:

1. 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 the use of the ablution building, the Kununurra Rodeo and Campdraft Association shall enter into a Memorandum of Understanding with the local government to clarify arrangements regarding the use, management and maintenance of the ablution building, including the potential for additional approvals to be sought from the local government.
3. No development shall occur that will cause additional runoff of stormwater to adjacent properties. Stormwater runoff from roof and any sealed areas shall be directed onsite to garden areas, sumps or rainwater tanks, or directed into the local government's stormwater system in accordance with the local governments specifications. Stormwater will not be permitted to pond on the site or against any building or structure.
4. The proposed development shall be finished in materials and colours to be compatible with existing development on and around the site.

ADVICE TO APPLICANTS:

1. If the applicant and/or owner are aggrieved by this decision, as a result of a condition of approval or by a determination of refusal, you may have 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 building setbacks, including waste disposal facilities if appropriate, correspond with the legal description of the land. 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. The local government will not accept any responsibility for incorrectly located buildings.
6. An application to connect to a wastewater treatment system in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* and *AS/NZS 3500* is required to be submitted to the local government.
7. A building permit is required prior to the commencement of development. Plans submitted for a building permit must show the ablution building as being compliant with all provisions of the National Construction Code (Building Code of Australia) including those provisions relating to universal (disabled) access.

PURPOSE

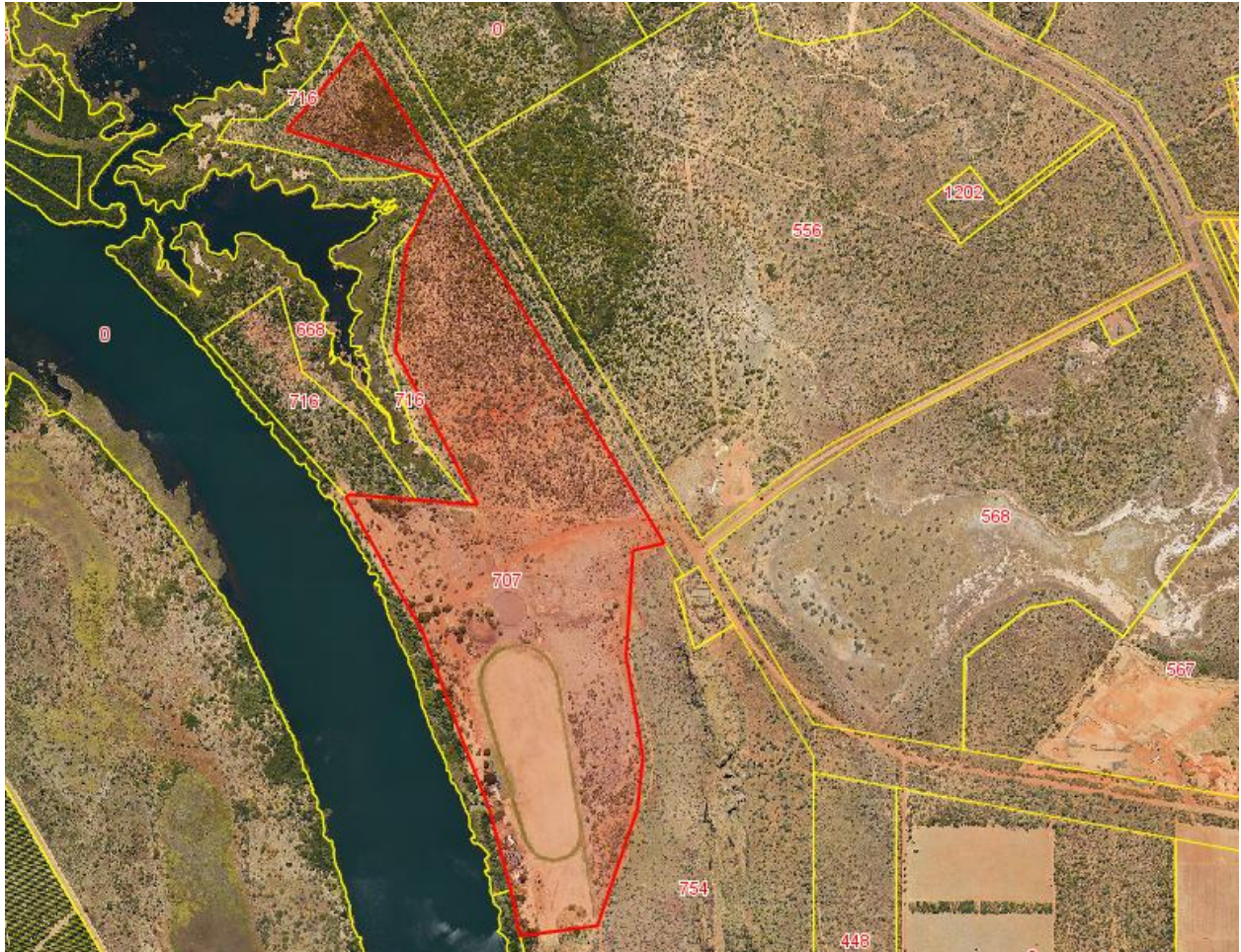
For Council to approve an application for development approval for an ablution building within the Campground Area (Licence) at Lot 707 Drovers Road, Kununurra.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The land is located to the west of the Victoria Highway, on the northern side of Lake Kununurra/Ord River and has an approximate site area of 109 hectares. The property is Reserve 30290 which is set aside for the purpose of “Racecourse, Recreation and Sporting Clubs”.



Locality Plan: Lot 707 Drovers Road, Kununurra

The land is generally flat and contains several lease areas including: the Kununurra Race Club, the Kununurra Rodeo and Campdraft Association (formerly Kununurra Bushmen's Rodeo Association), the Kununurra Dragon Boat Club and Kimberley Action Sports. Each lease area contains development associated with the particular land use or group. There is also a Designated Fenced Area which is licensed and located to the north-east of the Kununurra Race Club and Kununurra Rodeo and Campdraft Association lease areas and a Campground (Licenced) Area, which is where the new ablutions are proposed to be constructed.

There is a temporary existing shower block (no toilets) located within the Campground Area, which is a sea container containing two showers.

Proposal:

Key details of the proposal can be summarised as follows:

- The new building will be managed by the Kununurra Rodeo and Campdraft Association and it is intended that a hire arrangement by other community and sporting groups may be considered in the future.
- The new ablution/shower building will replace the existing shower facility.
- The new building will be located within an area currently used as a temporary camping facility during events.
- The building will be setback approximately 40 metres from the western property boundary (being campground area boundary) and located to the north-west of the rodeo arena.
- The building includes 10 toilet/shower cubicles, 1 disabled accessible toilet and shower at one end of the building and a laundry at the other end of the building.
- A tropical roof will be placed over the building.

The building allows for access for people with disability and ramping to this section of the building will be achieved with the building approval.

Clause 67 of the *Planning and Development (Local Planning Scheme) Regulations 2015* outlines what the Shire 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. Draft *Local Planning Scheme No. 9 (LPS No. 9)* and has been approved by the Minister for Planning subject to modifications, which are currently being updated.

STATUTORY IMPLICATIONS

Draft Local Planning Strategy

The draft Local Planning Strategy identifies the opportunity for redevelopment of this area as an events precinct to support racing, concerts, and other larger community events. The draft Local Planning Strategy highlights that the redevelopment of the events precinct would not replace recreational activities from within the townsite area, however would facilitate larger scale activities and opportunities as the town grows.

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

Under *LPS No. 7* the land is set aside as a Parks and Recreation Reserve, the objective of which is to identify and protect land utilised for local recreational needs.

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

Under draft *LPS No. 9* the land will be reserved for Public Open Space, the objectives of which include to set aside areas of public open space and to provide for a range of active and passive recreation uses.

POLICY IMPLICATIONS

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

Cause 5 ("Development") of the *Leasing of Council Managed Reserve Land - Community Policy*, requires that authorisation for any proposed development on leased land should be sought from the Shire, to determine community needs based on long term strategic relevance and planning.

FINANCIAL IMPLICATIONS

The relevant development approval application fee has been paid.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal: 4.3: Ensure a strong and progressive organisation delivering customer focused services

Strategy 4.3.2: Create a culture that encourages innovation, collaboration, best practice and organisational discipline to improve efficiency, effectiveness and productivity.

RISK IMPLICATIONS

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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

This application is being put forward for determination by Council to approve the development of an ablution building on land which is currently reserved for Parks and Recreation (under LPS No. 7). The provisions under draft LPS No. 9 are similar, in that the Reserve will be for Public Open Space, which is consistent with the current Reserve status.

The *Leasing of Council Managed Reserve Land - Community* Policy promotes collocation and multipurpose development on Council managed Reserve land. The Kununurra Rodeo and Campdraft Association will be constructing and maintaining the building, however it is to be located within the identified Campground Area (Licence), which is outside of their official lease area.

The proposed development is consistent with the objectives of the Reserve and long term could provide a facility which may encourage and increase use of the area by other sporting and community groups.

The development will provide a facility for use not only during events, but will provide flexibility for the future use of the site. The applicants' have advised that there is the potential for other sporting and community groups to use the facility for a maintenance/cleaning fee and the location of the building may also allow the area to be used as an overflow camping area on occasions when caravan parks are at capacity.

It is recommended a condition be included for the Kununurra Rodeo and Campdraft Association to enter into a Memorandum of Understanding (MoU) with the Shire in regards to the use, management and maintenance of the building. The MoU will also outline when and what additional approvals may be required to allow for the use of the building, including but not limited to event approval and/or temporary caravan park and camping ground licence.

The Kununurra Rodeo and Campdraft Association is currently seeking funding for a new septic system which would service all existing and proposed facilities on their lease area and the proposed ablution building within the licensed Campground Area. It is noted that application may be made for a stand alone septic system to service the building.

The submitted plans show the inclusion of a disabled toilet/shower, however there is no disabled or universal access shown on the plans. It is recommended that an advice note be included to note that plans submitted for Building approval must show the ablution building as being compliant with the National Construction Code (Building Code of Australia) including those provisions relating to universal (disabled) access to the satisfaction of the local government.

The draft Local Planning Strategy identifies the potential to develop a major events precinct in this location, which would support horse racing, concerts and other larger community events, subject to wetland buffers and other environmental constraints being met and addressed. It is considered that the development may enable and encourage utilisation of the site in the short-term and would not contravene the potential redevelopment of the site in the future. The building itself may be considered as a temporary measure until such time as an overarching plan is developed for the site.

The application is recommended for approval.

ATTACHMENTS

Attachment 1 - Development Plans

Attachment 2 - Application Documents

Attachment 3 - Lease and Licence Areas - Reserve 30290

12.3.7. Kununurra Rodeo Association Temporary Caravan Park Licence

DATE:	26 June 2018
AUTHOR:	Environmental Health Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	A8072
FILE NO:	PH.12.5
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council grants a temporary caravan park licence to the Kununurra Campdraft and Rodeo Association for 30 camp sites at the Kununurra Rodeo Grounds from 28 July 2018 to 8 August 2018 subject to the following conditions:

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

PURPOSE

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

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Kununurra Campdraft and Rodeo is an annual event held at the Kununurra Rodeo Grounds in August. In 2018, the event will run from 2 August to 5 August. The Kununurra Campdraft and Rodeo Association have applied for a temporary caravan park and camping ground licence from Saturday 28 July to Wednesday 8 August 2018 at the Kununurra Rodeo Grounds in order to meet the accommodation needs of Campdraft competitors.

STATUTORY IMPLICATIONS

Caravan Parks and Camping Grounds Act 1995 (the Act)

s. 7(5) Before granting a licence a local government must ensure that —

- (a) the applicant has complied with the requirements of this Act;*
- (b) the applicant is the owner of the land on which the facility is situated, or is to be situated, or has the written approval of the owner of that land to apply for a licence.*

Caravan Parks and Camping Grounds Regulations 1997 (the Regulations)

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

(1) If within —

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

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

r. 54 Temporary licence

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

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

- (a) the maximum number of sites that may be used at the facility;*
- (b) the maximum number of sites of particular types that may be used at the facility*
- and (c) the services and facilities that are to be provided.*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

If the Kununurra Campdraft and Rodeo Association is granted a temporary licence they will be invoiced for a licence fee to be calculated in accordance with Schedule 3 of the Regulations. For 30 camp sites for 11 days the minimum fee of \$100 will be applicable.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 1: Healthy vibrant active communities

Goal 1.1: Bring community together and promote our rich culture and heritage

Strategy 1.1.2: Support and promote an increase in the number of events and activities that encourage a sense of identity, belonging and promote cultural diversity

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 in this instance.

COMMENTS

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

ATTACHMENTS

Attachment 1 - Kununurra Campdraft and Rodeo - Temporary Caravan Park Application

12.3.8. Kununurra Race Club Temporary Caravan Park Licence

DATE:	26 June 2018
AUTHOR:	Environmental Health Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	A2859
FILE NO:	PH.12.5
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council grants a temporary caravan park licence to the Kununurra Race Club for 11 short stay sites and 11 campsites at the Kununurra Race Grounds from 09 August 2018 to 09 September 2018 and one short stay site for a temporary caretakers caravan from 01 July 2018 to 30 September 2018 subject to the following conditions:

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

PURPOSE

For Council to consider an application made by the Kununurra Race Club for a Temporary Caravan Park and Camping Ground Licence at Lot 707 Drovers Road, Kununurra.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Kununurra Races is an annual event held at the Kununurra Race Club. This year the Kununurra Ladies Day will be held on 25 August 2018 and the Kununurra Cup will be held on 1 September 2018. The Kununurra Race Club have applied for a temporary caravan park and camping ground licence from 9 August 2018 to 9 September 2018 at the Kununurra Race Club in order to meet the accommodation needs of trainers, jockeys, stable hands and industry personnel that travel to Kununurra with their horses and equipment to participate in these events. The Kununurra Race Club have also applied for an additional short stay site from 1 July 2018 to 30 September 2018 to accommodate a caretaker onsite to assist with gardening, maintenance, security and management of the property during this period.

All camping will be confined within the lease boundary of the club.

STATUTORY IMPLICATIONS

Caravan Parks and Camping Grounds Act 1995 (the Act)

s. 7(5) Before granting a licence a local government must ensure that —

- (a) the applicant has complied with the requirements of this Act;*
- (b) the applicant is the owner of the land on which the facility is situated, or is to be situated, or has the written approval of the owner of that land to apply for a licence.*

Caravan Parks and Camping Grounds Regulations 1997 (the Regulations)

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

(1) If within —

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

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

r. 54 Temporary licence

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

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

- (a) the maximum number of sites that may be used at the facility;*
- (b) the maximum number of sites of particular types that may be used at the facility and*
- (c) the services and facilities that are to be provided.*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

If the Kununurra Race Club is granted a temporary licence they will be invoiced for a licence fee to be calculated in accordance with Schedule 3 of the Regulations. For the proposed licence the minimum fee of \$100 will be applicable.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 1: Healthy vibrant active communities

Goal 1.1: Bring community together and promote our rich culture and heritage

Strategy 1.1.2: Support and promote an increase in the number of events and activities that encourage a sense of identity, belonging and promote cultural diversity

Focus Area 2: Enhancing the Environment

Goal 2.3: Make towns safe and inviting for locals and visitors

Strategy 2.3.5: Enforce effective public health and safety

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

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

ATTACHMENTS

Attachment 1 - Kununurra Race Club - Temporary Caravan Park Application

12.3.9. Community Lease East Kimberley Volunteer Sea Rescue Group

DATE:	26 June 2018
AUTHOR:	Manager Community Services
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	A8085
FILE NO:	CP.07.30
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council authorises the Chief Executive Officer to offer the East Kimberley Volunteer Sea Rescue Group a 21 year lease for Reserve 51156, Lot 500 on Deposited Plan 73840, Foreshore Road Wyndham, as detailed in Attachment 1, subject to the approval of the Minister of Transport: Planning: Lands.

PURPOSE

To inform Council of the intent to offer a lease to the East Kimberley Volunteer Sea Rescue Group for Reserve 51156, Lot 500 on Deposited Plan 73840, Foreshore Road Wyndham, subject to the approval of the Minister of Transport: Planning: Lands.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader- plan and provide direction through policy and practices

BACKGROUND

The East Kimberley Volunteer Sea Rescue Group is located on Lot 500, Foreshore Road, Wyndham.

At the Ordinary Council Meeting of 20 May 2008 (Item 13.5.5) Council resolved to provide assistance to the East Kimberley Volunteer Marine Rescue Group to construct a purpose built storage shed for their needs in the Port vicinity at Wyndham and to identify a suitable location. That site, being at Lot 500 Foreshore Road was subsequently identified and reported to the December 2008 Ordinary Council meeting with the following decided:

COUNCIL DECISION

Minute No. 8477

Moved:Cr D Ausburn

Seconded:Cr J Moulden

That Council:

- 1. Resolve to close a portion of Foreshore Road, subject to no objections being received during the advertising period.**
- 2. Following completion of the advertising period, request the Department for Planning and Infrastructure (DPI) to close an approximately 1,000m² portion of the Foreshore Road, to be reserved for the purpose of 'Emergency Services' and issue a management order in the name of the Shire of Wyndham East Kimberley with the power to lease.**
- 3. Agree to Lease the proposed reserve to the Wyndham Sea Rescue group for a term of 21 years and nominal rental amount.**
- 4. Subject to no objections being received and with the written approval of Department for Planning and Infrastructure, allow the Wyndham Sea Rescue group to apply for building approval to construct a shed on an unconstructed portion of Foreshore Road prior to land tenure being formalised.**

CARRIED UNANIMOUSLY: (7/0)

The site chosen is affected by a Reserve for a future main road and was referred to Main Roads WA for advice, which agreed to close this portion of Foreshore Road subject to the following:

1. That the Shire indemnifies MRWA from any liability throughout the term or currency of the Agreement.
2. That the Scheme Reservation of Foreshore Road for the purpose of Major Road be retained in Town Planning Scheme No. 6 – Wyndham Townsite.
3. The land must be returned to its natural condition and all infrastructure be removed, if or when the site is required for the construction of the future heavy vehicle bypass.
4. The Shire obtaining all necessary clearances required for the temporary use of the land.
5. That the agreement can only be varied by written agreement between the Shire and Main Roads WA.

The above was considered by Council at the OCM held on 16 November 2010 where it resolved:

COUNCIL DECISION

Minute No: 9335

Moved: Cr D Ausburn

Seconded: Cr J Parker

That Council:

- 1. Accepts the 'Terms of Agreement' specified by Main Roads WA for the closure of part of Foreshore Road, Wyndham, to facilitate the East Kimberley Volunteer Marine Rescue facility; and**
 - a) Authorises the Chief Executive Officer to confirm in writing the Shire's acceptance of the 'Terms and Conditions' by return letter.**
 - b) Requests the Department of Regional Development and Lands to finalise action to close the portion of Foreshore Road required to create a reserve for the purpose of 'Emergency Services' and to issue the management order to the Shire of Wyndham East Kimberley with the power to lease.**
 - c) Advises the East Kimberley Volunteer Marine Rescue group of the terms and conditions agreed to, and also that in the event that the facility is required to be relocated, that the Shire will provide assistance to find an alternative site and to prepare applications and secure grant funding.**
- 2. Requests Main Roads WA proceed with the development of the alternative Bastion Loop Road.**
- 3. Requests that building commences as soon as practical.**

CARRIED UNANIMOUSLY: (9/0)

The road closure action was undertaken by the Department of Lands and creation of the Reserve was carried out with a management order issued to the Shire in February 2012, with power to lease for a maximum term of 21 years.

In March 2018, Officers commenced negotiations with members of the organisation to discuss the issuing of a new Community Lease for the East Kimberley Volunteer Sea Rescue Group. The group's premises comprise of a large storage shed and ancillary facilities. At present the group are operating as tenants at will and have done so since taking possession of their current site.

The draft Lease provided at Attachment 1 is for a lease term of 21 years, and includes a clause (clause 5) in Schedule 2 - Special Clauses in relation to the termination of the lease should the be required for the construction of the future heavy vehicle bypass.

STATUTORY IMPLICATIONS

Land Administration Act 1997

Reserve 51156 is reserved under the *Land Administration Act 1997* (LAA) for the purpose of 'Emergency Services Centre'. The Shire holds the management order for this reserve with power to lease for a maximum of 21 years, subject to consent from the Minister for Lands.

Department of Planning, Lands and Heritage would need to grant consent for this lease to proceed.

POLICY IMPLICATIONS

The lease will be in accordance with Council Policy *CP/PMG-3780 Leasing of Council Managed Reserve Land-Community*.

FINANCIAL IMPLICATIONS

The lease rental will be \$500.00 per annum, excluding GST, indexed for CPI as per *CP/PMG-3780 Leasing of Council Managed Reserve Land - Community* on the execution of the lease.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Goal 1.2: Increase participation in sporting, recreation and leisure activities.

Strategy 3: Support and build capacity of community groups and clubs through community grants programs, advice and management of Shire Reserves and facilities.

RISK IMPLICATIONS

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

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

Officers have finalised negotiations with the East Kimberley Volunteer Sea Rescue Group to facilitate a new Community Lease. Club members have been positive in their initial interaction with the Shire and understand the requirements of community groups to enter into lease agreements with the Shire for facilities sited on Crown Reserves.

In line with Council's previous resolution, it is proposed to offer a 21 year lease for the use of the site.

ATTACHMENTS

Attachment 1- Draft Lease East Kimberley Volunteer Sea Rescue Group.

12.3.10. Disability Access and Inclusion Plan

DATE:	26 June 2018
AUTHOR:	Manager Community Services
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
FILE NO:	CP.09.2
ASSESSMENT NO:	N/a
DECLARATION OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopts the updated Disability Access and Inclusion Plan (DAIP).

PURPOSE

For Council to adopt the updated Disability Access and Inclusion Plan.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Facilitator-bring stakeholders together

BACKGROUND

It is a requirement for all local governments to have and report on a Disability Access and Inclusion Plan (DAIP) under the *Disability Services Act 1993* (amended 2004). The Plan specifies requirements relevant to Shire facilities for the purpose of ensuring that people with disability can access services, facilities and information in a way that promotes independence, opportunities and inclusion.

In line with legislative requirements, the DAIP must be updated, which has been undertaken in consultation with the Department of Communities, service providers and people with disability. The features of the plan and the strategies included in the document are linked to key outcomes. Some of these strategies will have a direct financial implication; others will relate more to promotion and communication activities.

This update makes only minor changes to the DAIP in line with previous stakeholder meetings and from submissions received during the public advertising period. These included changes to lines of responsibility - Officer titles etc. No major changes were made to strategies or actions within the document.

STATUTORY IMPLICATIONS

Disability Services Act 1993

POLICY IMPLICATIONS

CP GOV-3100 Community Engagement Policy

FINANCIAL IMPLICATIONS

Any projects and initiatives will be costed and referred to the budgetary process for prioritisation and implementation.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Goal 1.3: Promote quality education, health, child care, aged care and youth services

Strategy 1: Advocate to State and Federal governments for improved human services (health, housing, disability access, aged care, child/youth welfare and family support) to meet current and future needs

Strategy 2: Support and assist community organisations to positively impact social wellbeing

Strategy 3: Work with key partners to advocate for improved medical and allied health services

Goal 4.2: Good decision making through engagement with the community

Strategy 1: Engage and communicate with all sections of the community to better understand needs and priorities

Strategy 2: Ensure community input informs planning and decision making

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

Officers have reviewed the current content of the DAIP in discussion with the Disability Services Commission (now part of Department of Communities), relevant disability service providers and people with disability.

COMMENT

All changes to the Plan have been made in consultation and agreement with relevant stakeholders and the Officers responsible for the service delivery components of the Plan.

Feedback received during the period for public comment enabled Officers to further improve the some content of the document (and wording) to ensure that the strategies described best meet the Plans defined outcomes.

It is recommended that Council adopt the updated Disability Access and Inclusion Plan.

ATTACHMENTS

Attachment 1: Draft Reviewed Disability Access and Inclusion Plan 2017-2022

12.4. CORPORATE SERVICES

12.4.1. Annual Budget 2018/19

DATE:	26 June 2018
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Director Corporate Services, Vernon Lawrence
FILE NO:	FM.02.16
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT 1

Absolute Majority

OFFICER'S RECOMMENDATION 1

That Council notes the following categories for 2018/19 rating purposes have been incorporated into the revised *Council Policy CP/FIN-3200 Strategic Rating* endorsed at the 24 April 2018 Ordinary Council Meeting (Minute No: 24/04/2018- 117944):

GRV Residential

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

GRV Other Vacant

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

GRV Commercial

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

GRV Industrial

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

UV Rural Residential

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

UV Pastoral

Includes all UV valued land located outside the gazetted town site which is used or

capable of use primarily for pastoral purposes. Properties such as these have the characteristics of a commercial operation in an undeveloped and sparsely populated area.

UV Commercial/Industrial

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

UV Rural Agriculture 1

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

UV Rural Agriculture 2

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

UV Mining

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

UV Mining Exploration and Prospecting

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

UV Other

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

VOTING REQUIREMENT 2

Absolute Majority

OFFICER'S RECOMMENDATION 2

That Council, pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 and the revised *Council Policy CP/FIN-3200 Strategic Rating*, imposes differential general rates and minimum payments on Gross Rental Value properties and Unimproved Value properties for the 2018/19 financial year as follows:

As per Ordinary Council Meeting 29 May 2018 (Minute No: 29/05/2018- 117971):

Rating Category	General Rate in the Dollar	Minimum Payments
-----------------	----------------------------	------------------

	\$	
GRV - Residential	0.1449	\$1,112
GRV - Other Vacant	0.2247	\$1,112
GRV - Commercial	0.1429	\$1,112
GRV - Industrial	0.1389	\$1,112
UV - Rural Residential	0.0110	\$1,112
UV - Pastoral	0.0570	\$1,112
UV - Commercial/Industrial	0.0077	\$1,112
UV - Rural Agriculture 1	0.0116	\$1,112
UV - Rural Agriculture 2	0.0101	\$1,112
UV - Mining	0.2740	\$1,112
UV - Mining Exploration and Prospecting	0.1369	\$310
UV - Other	0.0065	\$1,112

VOTING REQUIREMENT 3

Absolute Majority

OFFICER'S RECOMMENDATION 3

That Council, pursuant to section 66 of the *Waste Avoidance and Resource Recovery Act 2007*, adopts a general rate for the Waste Management Charge to be imposed on all rated properties for the 2018/19 financial year at a rate in the dollar of:

Rating Category	Cent in the Dollar
GRV - Residential	0.0001
GRV - Other Vacant	0.0001
GRV - Commercial	0.0001
GRV - Industrial	0.0001

UV - Rural Residential	0.0001
UV - Pastoral	0.0001
UV - Commercial/Industrial	0.0001
UV - Rural Agriculture 1	0.0001
UV - Rural Agriculture 2	0.0001
UV - Mining	0.0001
UV - Mining Exploration and Prospecting	0.0001
UV - Other	0.0001

VOTING REQUIREMENT 4

Absolute Majority

OFFICER'S RECOMMENDATION 4

That Council adopt a minimum payment to apply to the Waste Management Charge imposed on all rated properties in accordance with section 66 of the *Waste Avoidance and Resource Recovery Act 2007* and Part 5 of the *Local Government (Financial Management) Regulations 1996* for the 2018/19 financial year of:

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

VOTING REQUIREMENT 5

Absolute Majority

OFFICER'S RECOMMENDATION 5

That Council:

1. Pursuant to section 6.12(1)(b) of the *Local Government Act 1995*, approves a waiver of fees associated with the issuing of domestic waste vouchers to be provided for the period 1 July 2018 to 30 June 2019 for properties within the following rating categories:

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

- a. GRV Residential**
- b. GRV Commercial**
- c. GRV Industrial**
- d. UV Rural Residential**
- e. UV Rural Agriculture 1**
- f. UV Rural Agriculture 2**

Red Domestic Waste Vouchers will be issued to properties at the price set out in the 2018/19 Schedule of Fees and Charges for the following rating categories where the property has a domestic residence and a waste collection service is not provided:

- a. GRV Residential**
- b. GRV Commercial**
- c. GRV Industrial**
- d. UV Rural Residential**
- e. UV Rural Agriculture 1**
- f. UV Rural Agriculture 2**

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

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

VOTING REQUIREMENT 6

Absolute Majority

OFFICER'S RECOMMENDATION 6

That Council pursuant to section 6.45 of the *Local Government Act 1995* and in accordance with Regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, nominates the following due dates for the payment of rates and service charges for the 2018/19 financial year:

- a. 17 August 2018 or to pay in full within 35 days of the issue of the rates notice;
- b. To pay by 2 equal instalments being:
 - i. 50% of the rates: 17 August 2018 or within 35 days of the issue of the rates notice;
 - ii. 50% of the rates: 21 December 2018 or within 4 months of (i);
- c. To pay by 4 (25%) equal instalments being:
 - i. 17 August 2018 or within 35 days of the issue of the rates notice;
 - ii. 19 October 2018 or within 2 months of (i);
 - iii. 21 December 2018 or within 2 months of (ii);
 - iiii. 22 February 2019 or within 2 months of (iii) being 6 months from the expiration of the initial 35 day period and 6 months and 35 days from the date of issue of the rates notice.

VOTING REQUIREMENT 7

Absolute Majority

OFFICER'S RECOMMENDATION 7

1. That Council pursuant to section 6.16 of the *Local Government Act 1995*, adopts the amended Schedule of Fees and Charges for 2018/19 outlined in Attachment 2 to be effective from either 1 July 2018 or 1 January 2019, whichever date is indicated in Attachment 2.
2. Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 68 of the *Local Government (Financial Management) Regulations 1996*, imposes an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option (excluding eligible pensioners and seniors).
3. Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*, imposes an instalment administration charge where the owner has elected to pay rates and service charges through an instalment option of \$11.90 per instalment after the initial instalment is paid.
4. Pursuant to Section 6.16 of the *Local Government Act 1995* and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*, impose an administration fee of \$60.40 on any ratepayer who wishes to negotiate a rates special payment arrangement.

VOTING REQUIREMENT 8

Absolute Majority

OFFICER'S RECOMMENDATION 8

That Council:

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

VOTING REQUIREMENT 9

Absolute Majority

OFFICER'S RECOMMENDATION 9

That Council:

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

VOTING REQUIREMENT 10

Absolute Majority

OFFICER'S RECOMMENDATION 10

That Council:

1. Notes that the Elected Members annual attendance fees and annual allowances as adopted at the 24 April 2018 Ordinary Meeting of Council (Minute No. 24/04/2018- 117940) have been incorporated into the 2018/19 Municipal Fund Budget.
2. Notes the revised *Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements* adopted at the 24 April 2018 Ordinary Meeting of Council (Minute No. 24/04/2018- 117940) provide for the 2018/19 financial year, adopt the maximum Salaries and Allowances Tribunal (SAT) determination levels so that:
 - a. The President's Annual Meeting Attendance Fee is 70% of the yearly

- maximum Salaries and Allowances Tribunal (SAT) determination.
 - b. The Elected Members Annual Meeting Attendance Fee is 70% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.
 - c. The President's Annual Allowance is 70% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.
 - d. The Deputy President's Annual Allowance is 25% of the President's Allowance.
 - e. The Elected Members will receive an ICT Allowance of \$2,400 per annum.
3. Pursuant to section 5.99 of the Local Government Act 1995, adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:
- a. President \$21,589
 - b. Councillors \$16,100
4. Pursuant to section 5.98(5) of the Local Government Act 1995, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:
- a. President \$43,909
5. Pursuant to section 5.98(5) of the Local Government Act 1995, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:
- a. Deputy President \$10,977

VOTING REQUIREMENT 11

Absolute Majority

OFFICER'S RECOMMENDATION 11

That 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.

VOTING REQUIREMENT 12

Absolute Majority

OFFICER'S RECOMMENDATION 12

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

- i. the establishment of a Property Reserve where the purpose is "to ensure that funds received from the disposal of properties after settling any property debt,

are retained within the reserve and are used for the acquisition of land and/or buildings or the development of land under the control of the Shire”.

VOTING REQUIREMENT 13

Absolute Majority

OFFICER’S RECOMMENDATION 13

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

VOTING REQUIREMENT 14

Absolute Majority

OFFICER’S RECOMMENDATION 14

Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, that Council adopt the Municipal Fund Budget as contained in Attachment 1 of this agenda, for the Shire of Wyndham East Kimberley for the 2018/19 financial year which includes the following:

1. Statement of Comprehensive Income by Nature and Type
2. Statement of Comprehensive Income by Program
3. Statement of Cash Flows;
4. Rate Setting Statement showing a net amount required to be raised from rates of \$10,420,934;
5. Notes to and forming Part of the Budget;
6. Fees and Charges Schedule.

PURPOSE

The purpose of this report is to consider the Municipal Fund Budget for the 2018/19 Financial Year together with the supporting schedules, including imposition of rates and minimum payments, adoption of the fees and charges, setting of Elected Members fees for the year and other consequential matters arising from the Budget papers.

NATURE OF COUNCIL’S ROLE IN THE MATTER

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

Facilitator - bring stakeholders together

Funder - provide funds or other resources

Leader - plan and provide direction through policy and practices

Provider - provide physical infrastructure and essential services

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The 2018/19 Budget has been prepared in accordance with the requirements of the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

The process of preparing the 2018/19 Budget commenced in February 2018. The budget process is a comprehensive one involving Responsible Officers in all departments of the Shire. The process includes a detailed analysis of the current year revenue and expenditure, forecasting the 30 June 2018 budget position and determining the funding requirements to maintain service levels for the 2018/19 financial year. The contents of the budget have been developed on an iterative process since February. The data has been reviewed by the CEO, Directors and workshopped with Council. Comment has also been sought from the Community.

The draft 2018-19 Budget has been developed within a strategic financial planning framework after due consideration of Council priorities and the resource allocation requirements of these priorities.

The process for the development of the draft 2018/19 Budget is in alignment with both the *Corporate Business Plan 2018/19 - 2021/22* and the Shire's *Strategic Community Plan 2017-2027*, to ensure the Shire is delivering on the strategic vision in an achievable and sustainable manner.

Council is requested to re-adopt the Schedule of Fees and Charges for the 2018/19 financial year as there have been minor changes made since the previous adoption. In accordance with *section 6.16(1)* of the *Local Government Act 1995*, the Council may impose and recover a fee or charge for any goods or services it provides or proposes to provide, other than a service for which a service charge is imposed.

The Council has a number of charges, which are applicable from 1 July 2018, and therefore it was recommended that the proposed Schedule of Fees and Charges is adopted prior to the adoption of the annual budget so that necessary steps could be taken to ensure that all fees can apply from 1 July 2018.

Decisions of Council relevant to the 2018-19 budget process are as follows:

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

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

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

COUNCIL DECISION

Minute Number: 24/04/2018- 117940

Moved: Cr M Dear

Seconded: Cr D Pearce

That Council:

- 1. Adopts the revised Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements;**
- 2. For the 2018/19 financial year, adopt 70% of the maximum Salaries and Allowances Tribunal (SAT) determination of 10 April 2018 levels in determining the President's Annual Meeting Attendance Fee, the Elected Members Annual Meeting Attendance Fee, the President's Annual Allowance and the Deputy President's Annual Allowance;**

3. Pursuant to section 5.99 of the Local Government Act 1995, adopts the following annual fees for payment of Elected Members in lieu of individual meeting attendance fees:
 - i. President \$21,589;
 - ii. Councillors \$16,100;
4. Pursuant to section 5.98(5) of the Local Government Act 1995, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:
 - i. President \$43,909;
5. Pursuant to section 5.98(5) of the Local Government Act 1995, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:
 - i. Deputy President \$10,977;
6. For the 2018/19 financial year provide the Elected Members an ICT Allowance of \$2,400 per annum.

Carried 6/1

COUNCIL DECISION

Minute Number: 24/04/2018-117941

Moved: Cr Petherick

Seconded: Cr Pearce

That Council:

1. Pursuant to section 6.16 and 6.18 of the Local Government Act 1995, adopts the proposed Schedule of Fees and Charges for 2018/19 outlined in Attachment 1 to be effective from either 1 July 2018 or 1 January 2019, whichever date is applicable as indicated in the Attachment; and
2. Requests the Chief Executive Officer to give local public notice of the Council's intention to impose the Schedule of Fees and Charges 2018/19, to apply from 1 July 2018 or 1 January 2019 as applicable, in accordance with section 6.19 of the Local Government Act 1995; and
3. Pursuant to Section 6.13 of the Local Government Act 1995, impose interest at 9% on any amount of money (other than rates and service charges) which is owed to Shire and has been owed for a period of 35 days in accordance with Council Policy CP/FIN-3214- Sundry Debt Collection.

Carried 7/0

Councillor Alma Petherick moved an amendment to the original motion to advertise the rating model at a yield increase of 0%.

COUNCIL DECISION

Minute Number: 24/4/2018- 117944

Moved: Cr A Petherick

Seconded: Cr D Pearce

That Council:

1. Endorse the revised Council Policy CP/FIN-3200 Strategic Rating;
2. Endorse the 2018/19 Rating Model as follows, with the intention of seeking public submissions thereon and thereafter striking the rates as part of the 2018/19 Budget adoption, subject to receiving Ministerial approval where required by legislation;

Differential Rating Category	Total Properties	Total Rateable Value of Properties \$	Proposed Minimum Payment \$	Proposed Rate in the Dollar	% of Properties on Minimum Payments	Proposed Rates Revenue Budget 2018/19 \$
GRV - Residential	1703	24,657,507	1,112	0.1906	2.00%	4,711,230
GRV - Other Vacant	123	781,613	1,112	0.1551	75.61%	178,945
GRV - Commercial	186	10,389,648	1,112	0.1772	10.75%	1,849,828
GRV - Industrial	177	6,406,005	1,112	0.1623	4.52%	1,044,799
UV - Rural Residential	185	45,908,000	1,112	0.0110	0.00%	504,988
UV - Pastoral	23	5,903,151	1,112	0.0570	4.35%	336,596
UV - Commercial/Industrial	62	12,219,960	1,112	0.0077	32.26%	113,868
UV - Rural Agriculture 1	82	61,162,309	1,112	0.0116	1.22%	710,479
UV - Rural Agriculture 2	109	34,018,000	1,112	0.0101	0.00%	343,582
UV - Mining	70	1,734,978	1,112	0.2821	47.14%	511,787
UV - Mining Exploration and Prospecting	46	400,070	310	0.1411	47.83%	59,605
UV - Other	3	8,525,000	1,112	0.0065	0.00%	55,413
TOTALS	2,769	212,106,240				10,421,120

3. That Council endorses for advertising for a minimum of twenty-one (21) days and seeks public submissions on:
 - a. Council Policy CP/FIN-3200 Strategic Rating (Attachment 1) that outlines the principles which underpin the proposed 2018/19 rating model, including the Object of and Reasons for Differential Rates;

- b. The Draft 2018/19 Rating Model (Attachment 2) which incorporates the Object of and Reasons for Differential Rates, along with the proposed differential rates and minimum payments to be applied from 1 July 2018 for the 2018/19 financial year in accordance with section 6.36 of the Local Government Act 1995.

Carried 6/1

COUNCIL DECISION

Minute Number 29/05/2018- 117971

Moved: Cr T Chafer

Seconded: Cr J Farquhar

That Council:

1. Notes the submissions received in relation to the proposed Differential General Rates and Minimum Payments and Strategic Rating Policy, and thanks the community for their input;
2. Endorse the revised Council Policy CP/FIN-3200 Strategic Rating including the 2018/19 Rating Model as follows, with the intention of striking the rates as part of the 2018/19 Budget adoption, subject to receiving Ministerial approval where required by legislation;
3. Request the CEO, or their delegate to seek approval from the Minister for Local Government, Sport and Cultural Industries to approve the Shire of Wyndham East Kimberley applications to:
 - a. Impose minimum payments for vacant land which will result in more than 50% of the properties in the GRV Other Vacant rating category subject to minimum payments in accordance with section 6.35(5) of the Local Government Act 1995; and
 - b. Impose a rate in the dollar which will result in it being more than twice the lowest differential general rate imposed for UV Mining, UV Mining Exploration and Prospecting and UV Pastoral rating categories, in accordance with section 6.33(3) of the Local Government Act 1995.

Carried 9/0

STATUTORY IMPLICATIONS

Local Government Act 1995

Part 5 Administration

Division 5 - Annual reports and planning

5.56. Planning for the future

(1) A local government is to plan for the future of the district.

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

Government (Administration) Regulations 1996

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

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

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

5.63. Some interests need not be disclosed

- (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —
- (a) an interest common to a significant number of electors or ratepayers; or
 - (b) an interest in the imposition of any rate, charge or fee by the local government; or
 - (c) an interest relating to (i) a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers;

Local Government Act 1995

Part 2 – Constitution of local government

Division 2 – Local governments and councils of local government

2.7. Role of council

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

- (2) Without limiting subsection (1), the council is to —
- (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

Local Government Act 1995

Part 6, Division 2 – Annual Budget

6.2. Local government to prepare annual budget

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

* Absolute majority required.

- (4) The annual budget is to incorporate —
- (c) the fees and charges proposed to be imposed by the local government...

Local Government Act 1995

Part 6 - Financial management

Division 4 - General financial provisions Division

6.11. Reserve accounts

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

(2) Subject to subsection

(3), before a local government —

(a) changes* the purpose of a reserve account; or

(b) uses* the money in a reserve account for another purpose, it must give one month's local public notice of the proposed change of purpose or proposed use. * Absolute majority required. (3) A local government is not required to give local public notice under subsection (2) —

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

(b) in such other circumstances as are prescribed.

(4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.

(5) Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.

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

(1) Subject to subsection (2) and any other written law, a local government may —

(a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or

(b) waive or grant concessions in relation to any amount of money; or

(c) write off any amount of money, which is owed to the local government.

** Absolute majority required.*

(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

(4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

6.13. Interest on money owing to local governments

(1) Subject to any other written law, a local government may resolve to require a person to pay interest at the rate set in its annual budget on any amount of money (other than rates and service charges) which —*

(a) that person owes to the local government; and

(b) has been owed for the period of time referred to in subsection (6).

** Absolute majority required.*

(2) A resolution under subsection (1) is to be included in the annual budget.

(3) The rate of interest that may be set by the local government under this section is not to exceed the rate for the time being prescribed as the maximum rate of interest that may be set for the purposes of this section.

(4) Where a local government imposes interest under subsection (1) on any outstanding amount of money the local government is not to also impose an additional charge in relation to that amount.

(5) Accrued interest is, for the purpose of its recovery, taken to form part of the money owed to the local government on which it is charged.

(6) A local government is not to impose interest on any amount of money under subsection (1) until the money has been owed to the local government for the period of time set by the local government in its annual budget (not being less than 35 days) after the date which is stated on the relevant account for payment as being the date the account was issued.

(7) Regulations may provide for the method of calculation of interest.

Local Government Act 1995

Part 6, Division 5 – Financing local government activities

6.16 Imposition of fees and charges

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

** Absolute majority required.*

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

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

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

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

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

- (e) *supplying goods;*
 - (f) *such other service as may be prescribed.*
 - (3) *Fees and charges are to be imposed when adopting the annual budget but may be —*
 - (a) *imposed* during a financial year; and*
 - (b) *amended* from time to time during a financial year.*
- * Absolute majority required.*

6.17 Setting level of fees and charges

- (1) *In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors –*
 - (a) *the cost to the local government of providing the service or goods; and*
 - (b) *the importance of the service or goods to the community; and*
 - (c) *the price at which the service or goods could be provided by an alternative provider.*
- (2) *A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.*
- (3) *The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —*
 - (a) *under section 5.96; or*
 - (b) *under section 6.16(2)(d); or*
 - (c) *prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.*
- (4) *Regulations may —*
 - (a) *prohibit the imposition of a fee or charge in prescribed circumstances; or*
 - (b) *limit the amount of a fee or charge in prescribed circumstances.*

6.18. Effect of other written laws

- (1) *If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —*
 - (a) *determine an amount that is inconsistent with the amount determined under the other written law; or*
 - (b) *charge a fee or charge in addition to the amount determined by or under the other written law.*
- (2) *A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.*

6.19. Local government to give notice of fees and charges

- If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —*
- (a) *its intention to do so; and*
 - (b) *the date from which it is proposed the fees or charges will be imposed.*

6.2. Local government to prepare annual budget

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

** Absolute majority required.*

(2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —

(a) the expenditure by the local government; and

(b) the revenue and income, independent of general rates, of the local government; and

(c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.

(3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.

(4) The annual budget is to incorporate —

(a) particulars of the estimated expenditure proposed to be incurred by the local government; and

(b) detailed information relating to the rates and service charges which will apply to land within the district including —

(i) the amount it is estimated will be yielded by the general rate; and

(ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges; and

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

(d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government; and

(e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used; and

(f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and

(g) such other matters as are prescribed.

(5) Regulations may provide for —

(a) the form of the annual budget; and

(b) the contents of the annual budget; and

(c) the information to be contained in or to accompany the annual budget.

6.33. Differential general rates

(1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —

(a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005; or

(b) a purpose for which the land is held or used as determined by the local government; or

(c) whether or not the land is vacant land; or

(d) any other characteristic or combination of characteristics prescribed.

(2) Regulations may —

(a) specify the characteristics under subsection (1) which a local government is to use; or

(b) limit the characteristics under subsection (1) which a local government is permitted to use.

(3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

(4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.

(5) A differential general rate that a local government purported to impose under this Act before the Local Government Amendment Act 2009 section 39(1)(a) came into operation 1 is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.

6.34. Limit on revenue or income from general rates

Unless the Minister otherwise approves, the amount shown in the annual budget as being the amount it is estimated will be yielded by the general rate is not to —

- (a) be more than 110% of the amount of the budget deficiency; or*
- (b) be less than 90% of the amount of the budget deficiency.*

6.35. Minimum payment

(1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.

(2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.

(3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —

- (a) 50% of the total number of separately rated properties in the district; or*
- (b) 50% of the number of properties in each category referred to in subsection (6), on which a minimum payment is imposed.*

(4) A minimum payment is not to be imposed on more than the prescribed percentage of —

- (a) the number of separately rated properties in the district; or*
- (b) the number of properties in each category referred to in subsection (6), unless the general minimum does not exceed the prescribed amount.*

(5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and

(4) for that land.

(6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —

- (a) to land rated on gross rental value; and*
- (b) to land rated on unimproved value; and*
- (c) to each differential rating category where a differential general rate is imposed.*

[Section 6.35 amended by No. 49 of 2004 s. 61.]

6.50. Rates or service charges due and payable

(1) Subject to —

(a) subsections (2) and (3); and

(b) any concession granted under section 6.47; and

(c) the Rates and Charges (Rebates and Deferments) Act 1992, a rate or service charge becomes due and payable on such date as is determined by the local government.

(2) The date determined by a local government under subsection (1) is not to be earlier than 35 days after the date noted on the rate notice as the date the rate notice was issued.

(3) Where a person elects to pay a rate or service charge by instalments the second and each subsequent instalment does not become due and payable at intervals of less than 2 months.

Local Government (Financial Management) Regulations 1996

Part 2 – General financial management

5. CEO's duties as to financial management

(1) Efficient systems and procedures are to be established by the CEO of a local government —

(g) to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.

(2) The CEO is to —

(b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year).

Local Government (Financial Management) Regulations 1996

Part 5 – Rates and service charges

53. Amount prescribed for minimum payment (Act s. 6.35(4))

The amount prescribed for the purposes of section 6.35(4) is \$200.

Waste Avoidance and Resource Recovery Act 2007

Part 6, Division 3 – Local laws and local government rates, fees and charges

66. Local government may impose waste collection rate

(1) A local government may impose on rateable land within its district, and cause to be collected, an annual rate for the purpose of providing for the proper performance of all or any of the waste services it provides

(2) The annual rate must not exceed —

(a) 12 cents in the dollar on the gross rental value; or

(b) where the system of valuation on the basis of the unimproved value is adopted, 3 cents in the dollar on the unimproved value of the land in fee simple.

(3) The provisions of the Local Government Act 1995 relating to the making, payment and recovery of general rates apply with respect to rates referred to in subsection(1).

67. Local government may impose receptacle charge

(1) A local government may, in lieu of, or in addition to a rate under section 66, provide for the proper disposal of waste, whether within its district or not, by making an annual charge per waste receptacle, payable in one sum or by equal monthly or other instalments in advance, in respect of premises provided with a waste service by the local government.

(2) *The charge is to be imposed on the owner (as defined in section 64(1)) or occupier, as the local government may decide, of any premises provided with a waste service by the local government.*

(3) *The provisions of the Local Government Act 1995 relating to the recovery of general rates apply with respect to a charge referred to in subsection (1).*

(4) *In the case of premises being erected and becoming occupied during the year for which payment is to be made, the charge for the service provided is to be the sum that proportionately represents the period between the occupation of the premises and the end of the year for which payment is made.*

(5) *Notice of any charge made under this section may be included in any notice of rates imposed under section 66 or the Local Government Act 1995, but the omission to give notice of a charge does not affect the validity of the charge or the power of the local government to recover the charge.*

(6) *A charge may be limited to premises in a particular portion of the area under the control of the local government.*

(7) *Charges under this section may be imposed in respect of and are to be payable for all premises in respect of which a waste service is provided, whether such premises are rateable or not.*

(8) *A local government may make different charges for waste services rendered in different portions of its district.*

68. *Fees and charges fixed by local government Nothing in this Part prevents or restricts a local government from imposing or recovering a fee or charge in respect of waste services under the Local Government Act 1995 section 6.16.*

Cemeteries Act 1986

Part II – Cemeteries

Part VIII – Local laws, by-laws and regulations

53. Fees and charges

There are also numerous other sections of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* that deal with specific parts of the Annual Budget. Where relevant the sections and/or regulations have been specifically mentioned in the officer's recommendations.

POLICY IMPLICATIONS

Each of the Council Policies outlined below are relevant in the adoption of the annual budget:

- *CP/FIN-3201 – Significant Accounting Policies*
- *CP/FIN-3200 – Strategic Rating*
- *CP/FIN-3208 – Rates Exemptions for Charitable Organisations (Non Rateable Land)*
- *CP/FIN-3211 – Fees and Charges Pricing*
- *CP/CNC-3141 – Elected Member Allowances and Entitlements*
- *CP/COM-3582 - Community Grants Scheme*

FINANCIAL IMPLICATIONS

The annual Municipal Fund Budget is the primary means for a local government to manage and allocate its financial resources. The budget also provides the ability to impose rates, which is one of the primary means for a local government to raise income to fund the services the Shire is required to deliver.

The proposed budget aims to raise \$21.7m in operating revenue and \$8.5m in capital grants and other capital income. A net amount of \$2.9m will be transferred from the Shires Reserves. This revenue together with existing cash resources will fund \$19.1m in operating expenses, \$13.3m in capital works and \$1m of debt repayment.

Should the Council adopt the budget at this time, it will permit the issuing of rates notices in July which will facilitate the cash flow management of the Shire and ensure the continued delivery of services.

More detailed financial implications are outlined in the comments section of this Report and in the 2018/19 Budget in Attachment 1 to this report.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017 to 2027

Focus Area: 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.3: Adequately plan for and fund asset maintenance and renewal to deliver planned services

Strategy 4.4.4: Apply best practice financial management to ensure long term sustainability

RISK IMPLICATIONS

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

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

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

Control: Current budget and service levels.

COMMUNITY ENGAGEMENT

Engagement has taken place in accordance with the Shire's Community Engagement Guidelines.

The following outlines the consultation processes that have been undertaken in order to provide the opportunity for both the community and Council to contribute to the Corporate Business Plan for 2018/19 to 2021/22, the 2018/19 Annual Budget process, Rates Modelling process and the determination of Fees and Charges:

27 March 2018 - Ordinary Council Meeting - A report to Council to adopt the revised Council Policy *CP/FIN-3211 – Fees and Charges Pricing*. (**Minute Number: 27/03/2018-117920**).

24 April 2018 - Ordinary Council Meeting - Council adopted the 2018/19 Elected Member Allowances and the Schedule of Fees and Charges for 2018-19. Along with local public notice, the Shire also distributed general notices to current debtors to ensure that they take any change into account in their future planning.

Council endorsed the Rates Modelling that determined the proposed rate in the dollar, adoption of the revised Council Policy *CP/FIN-3200 Strategic Rating* and community engagement plan for the purposes of seeking public submissions (**Minute Number: 24/4/2018- 117944**). Local public notice for submission to Impose Differential General Rates and Minimum Payments was endorsed to advertise for comment from 3 May 2018.

29 May 2018 - Ordinary Council Meeting - Community Consultation - In accordance with the Community Engagement Plan, advertising occurred in the following manner in order to seek public submissions on the proposed rate in the dollar;

- Local public notice placed in the Kimberley Echo;
- Local public notices available at the Civic Centres, Coles, IGA, Wyndham Post Office and Libraries in both Kununurra and Wyndham;
- Media Release on the Shire's Facebook page and website;
- Draft Corporate Business Plan 2017/18 to 2020/21 and draft 2017/18 Budget was placed on the Shire's website;
- Shire of Wyndham East Kimberley Stakeholder Advisory Group invited to comment and provide feedback;
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2018-19, including Council Policy *CP/FIN-3200 Strategic Rating* placed on the Shire website, public notice boards at the Civic Centres and Libraries in both Wyndham and Kununurra.

The Council considered public submissions and adopted the rating model for inclusion in the 2018/19 Budget subject to Ministerial approval. Council authorised the CEO to apply to the Minister for Local Government; Heritage; Culture and the Arts for approval to impose the proposed minimum payment for the GRV Other Vacant rating category and impose the proposed the differential rate for UV Mining, UV Mining Exploration and Prospecting and UV Pastoral rating categories.

June 2018 - Ministerial approval was received in relation to differential rates and minimum payments applications.

April-June 2018 - Budget Briefings and Public Forums - Shire officers, the Executive and Council engaged in budget briefings and workshops to discuss the draft Corporate Business Plan, Annual Budget, Rates Model, Schedule of Fees and Charges and Elected Members remuneration. Public Forums were held in Wyndham and Kununurra on 6 June and 7 June respectively. Feedback from these workshops, briefings and forums have been taken into account in the preparation of the budget.

COMMENTS

Introduction

The Annual Municipal Fund Budget is arguably the most important document that Council produces in any one year. The document has an impact on the Community in that it not only raises funds from them but also uses those funds to provide services to the Community as a whole. The Budget sets out the financial resources that the Shire can rely on to fund the expenditure necessary to meet the service obligations that the Community expect. It is evident that the supply of funds is never sufficient to meet all the needs of the Community. Priorities need to be established and difficult decisions need to be made. These decisions need to be made in the context of what the Shire's legal obligations for service delivery are, what its asset management responsibilities are, what the Community regards is important and what is the ability of the Shire to fund these various matters in a sustainable manner.

The proposed budget has been prepared to ensure that there is sufficient cash flow to meet all its operational and capital asset commitments as set out in the budget. Sufficient cash is budgeted for to ensure that all reserves are supported by cash resources.

To compile the Annual Budget, Administration accesses and refers to financial information, commentary and forecasts that may have an impact, such as the State and Federal Budgets. Both of these Budgets included items that impacted the Shire budget preparations. One of the more significant aspects from a Federal perspective was that the Commonwealth Financial Assistance Grants indexation remains frozen. The State Government in its budget has placed an emphasis on reducing debt. Local government can expect that the opportunities for grant funding will be reduced in comparison to previous financial years as the State Government implements its financial management policies. The implication for the Shire is that capital grant money may not be readily available for projects we consider important.

The Shire is adopting its budget prior to it having audited financial information for the 2017/18 year. It is therefore necessary to estimate the financial position at 30 June 2018 as the starting point for the 2018/19 Municipal Fund Budget. Shire staff have monitored the Shire's financial performance throughout the financial year. They undertook a rigorous process to project end of year balances and consequently the opening funding requirements and funding capacity for 2018/19 year.

These projections remain estimates and are subject to change as actual data is captured. Since the results for 2017/18 end of year will only be completed in August 2018 with the annual audit, it is likely that there will be differences between the actual audited results reported and the projected data. This may impact the final end of year surplus (or deficit)

identified in the Rate Setting Statement. The differences between the actual data and the budget data will be reported to Council once quantified and the 2018/19 budget data amended to reflect the necessary changes.

Application was made to the Minister to impose a minimum payment on the GRV Other Vacant rating category that will result in more than 50% of the properties being subject to the minimum payment and to impose a rate in the dollar on the UV Mining, UV Mining and Exploration and UV Pastoral rating categories that is more than twice the lowest differential UV rate. The approval from the Minister is contained in **Attachment 4** and **Attachment 5** to this report.

Budget Analysis - General

The documents contained in **Attachment 1** provides the details for the Statutory Annual Budget. They include a Statement of Comprehensive Income (by Nature and Type) reflecting the following totals in respect to the Operating position, a Statement of Comprehensive Income (by Program), a Cash Flow Statement and a Rate Setting Statement. These documents reflect the overall picture of the proposed budget. The detail behind the data has been presented to Council in working papers presented at budget discussions. The commentary below refers mainly to the data contained in the Statement of Comprehensive Income (by Nature and Type) as it is the highest level summary of financial data.

In considering the the Statement of Comprehensive Income by Nature and Type there are a some general comments that need to be made.

- Firstly, the budgeted Operating Income for 2017/18 was \$21.4m and the proposed budget for 2018/19 is \$21.7m. This is a small increase due in the main to the Shire adopting a 0% rate yield for the year and the Shire being more cautious on its potential revenue streams.
- Budgeted Operating Expenditure is expected to reduce from \$27.9m in 2017/18 to \$26.6m in 2018/19. This is a reduction of \$1.2m. This is a positive outcome.
- The difference between Operating Income and Expenditure for the two years shows that the budgeted deficit is reducing. This deficit is a structural in nature and does not impact on the overall cash position of the Shire. The Shire does have some more work to do to correct this structural imbalance.
- Both the 2017/18 budget and the 2018/19 budget have been affected by the advance payment of the Commonwealth Federal Assistance Grants (FAG's). The Federal Government has decided to pay approximately 50% of the 2018/19 grant in the 2017/18 financial year. The Shire is required to account for this income in the 2017/18 year and cannot reflect it as income for the 2018/19 year. This was the same for the 2017/18 year. This impacts on both the total revenue and the operating difference. Had the amounts been received in the years for which they were intended then the projected operating deficit would be \$3.1m (2017/18 - \$4.5m). This is an improvement of \$1.5 million over the prior year.
- Non-operating income has reduced significantly due to the West Australian Natural Disaster Relief and Recovery Arrangements (WANDRRA) works in the 2017/18 year being substantially completed. This has been partially compensated for by an increase in the Roads to Recovery funding.

Operating Income

Comments relating to the changes in each operating income category, comparing the 2018/19 Municipal Fund Budget to the 2017/18 budget and the forecast actuals are provided below;

Operating Revenue By Category	2017/18 Adopted Budget \$ 000	2017/18 Forecast \$ 000	2018/19 Proposed Budget \$ 000
Rates	10,377	10,440	10,427
Operating Grants	2,165	4,002	2,374
Fees and Charges	8,074	7,485	7,957
Interest Earnings	427	344	514
Other Revenue	414	467	433
Total	21,457	22,738	21,705

Rates Revenue (including ex-gratia rates) \$10.427 million (2017/18 - \$10.377 million)

The proposed Rates for the budget process were modelled within the guidelines in the Council Policy *CP/FIN-3200 – Strategic Rating*. In determining the amount of rates to be raised the Shire applied the principles set out in the policy by ensuring that the setting of the Minimum Rate and calculation of the General Rate (Rate-in-the-Dollar) only recovers an amount (referred to as the Budget Deficiency), which is considered essential to the running of Shire's activities and ensuring the Shire's long term financial sustainability. The Council determined at the April and May Ordinary Council Meetings (**Minute Nos: 24/04/18 - 117944 and 29/05/18 - 117971**) that a rate yield of 0% would apply for the 2018/19 financial year. This meant that any increase in rates would only be attributable to any natural growth achieved during the 2017/18 financial year. The marginal increase in budgeted rate revenue is reflective of this fact. The total amount reflected as rate income of \$10.427 million includes ex-gratia rates of \$5,700. Ex-gratia rates are excluded from the tables in the Officer recommendations and the tables shown below.

It should be noted that properties rated on an Unimproved Value (UV) basis are revalued annually, whereas Gross Rental Values (GRV) are revalued every four years. The Shire has had its GRV rated properties revalued and this has had a significant impact on the rates modelling.

The Ordinary Council Meeting held on 29 May 2018, Council approved for purposes of the budget a 0% rate yield increase. The amount of rates therefore that each of the differential categories contributed to the total rate revenue was approximately the same as the 2017/18 financial year but for natural growth. Due to the fact that the revaluation decreased values in each of the GRV categories, the rate in the dollar increased to compensate for the reduction in values in order to achieve the same gross yield. Furthermore, the properties within each GRV category had a range of value reductions. Those properties that decreased by more than the average for their category will experience a rate reduction and those properties that decreased by less than the average for their category will experience a rate increase for the 2018/19 financial year.

It was reported to the May 2018 Ordinary Council Meeting that of the 2768 rateable properties, 1102 would experience a rate increase and 1666 experience a rate decrease. Of the 1102 that would have a rate increase 570 would have an increase between \$0 and \$100, 264 between \$100 and \$200 and 111 between \$200 and \$300. Only 157 properties would experience a rate increase of more than \$300. The table below shows how the property valuation changes have affected each of the rating categories.

<u>Analysis by Rating Category</u>		<u>Rate Yield</u> <u>2017/18</u>	<u>Rate Yield</u> <u>2018/19</u>	<u>Rate Yield</u> <u>% Change</u>	<u>Valuation</u> <u>% Change</u>	<u>Number</u> <u>Increase</u>	<u>Number</u> <u>Same or</u> <u>Decrease</u>
GRV Residential	1899	4,887,502	4,710,494	0.49%	(34.08)%	808	893
GRV Other Vacant	126	178,761	179,071	0.17%	(38.79)%	10	116
GRV Commercial	186	1,848,838	1,849,909	0.06%	(13.05)%	92	94
GRV Industrial	177	1,047,931	1,045,021	(0.28)%	(17.85)%	61	116
UV Rural Residential	185	504,988	504,988	0.00%	0.00%	0	185
UV Pastoral	23	336,800	336,596	(0.00)%	0.00%	0	23
UV Commercial/Industrial	62	119,266	113,868	(4.53)%	(5.62)%	0	62
UV Rural Agriculture 1	81	704,653	706,361	0.24%	0.00%	1	80
UV Rural Agriculture 1 - Proportional	1	4,118	4,118	0.00%	0.00%	0	1
UV Rural Agriculture 2	109	343,561	343,582	0.01%	(6.92)%	71	38
UV Mining	70	510,189	511,809	0.32%	2.97%	38	32
UV Other	3	55,413	55,413	0.00%	0.00%	0	3
UV Mining Exploration and Prospecting	46	59,029	59,704	1.14%	3.30%	23	23
	2768	10,400,848	10,420,934	0.19%	(9.57)%	1102	1666

It is important to note that ratepayers can lodge a formal objection against their valuation. Should the Valuer-General uphold their objection then the Shire will have to amend their rates notice to reflect the reduced amount of the valuation. This is a risk to the cash flow of the Shire and should this happen reductions to the budget expenditure may need to be made.

The changes to UV property values advised to the Shire by Landgate were minor. This necessitated minor adjustments to the rate in the dollar to compensate for the changes in UV values in order to maintain the rate yield.

The modified Differential General and Minimum Rates and the difference between the amount of rates raised between the advertised rate in the dollar and the proposed rate in the dollar are set out in the table below.

Comparison to Advertised Rate in the Dollar	Minimum Amounts	Advertised RID	Advertised Rate Yield	Proposed RID	Proposed Rate Yield	Difference
GRV Residential	1699	1,112	0.1906	4,711,230	0.1449	4,710,494 (736)
GRV Other Vacant	126	1,112	0.1551	178,945	0.2247	179,071 126
GRV Commercial	186	1,112	0.1772	1,849,828	0.1429	1,849,909 81
GRV Industrial	177	1,112	0.1623	1,044,799	0.1389	1,045,021 222
UV Rural Residential	185	1,112	0.0110	504,988	0.0110	504,988 0
UV Pastoral	23	1,112	0.0570	336,596	0.0570	336,596 0
UV Commercial/Industrial	62	1,112	0.0077	113,868	0.0077	113,868 0
UV Rural Agriculture 1	81	1,112	0.0116	706,361	0.0116	706,361 0
UV Rural Agriculture 1 - Proportional	1	1,112	0.0116	4,118	0.0116	4,118 0
UV Rural Agriculture 2	109	1,112	0.0101	343,582	0.0101	343,582 0
UV Mining	70	1,112	0.2821	511,787	0.2740	511,809 22
UV Other	3	1,112	0.0065	55,413	0.0065	55,413 (1)
UV Mining Exploration and Prospecting	46	310	0.1411	59,605	0.1369	59,704 99
	2768			10,421,120		10,420,934 (186)

The Shire does not budget for interim rates received. The difference between the budget amount for 2017/18 and the forecast is the receipt of interim rates. While the Shire expects to receive some interim rates it cannot predict with any certainty the timing and extent of the any amounts that may be received.

Operating Grants, Contributions & Subsidies \$2.364 million (2017/18 - \$2.165 million)

Operating Grants and Subsidies has remained basically constant as both this financial year and last financial year had to deal with the effect of advance payments of Financial Assistance Grants (FAG's) revenue from the Local Government Grants Commission. The accounting standards require the Shire to recognise the FAG's revenue for 2018/19 received in 2017/18 in the income of 2017/18. The revenue received in 2017/18 has been allocated to the Unspent Grants and Loans Reserve to restrict the proceeds until the 2018/19 financial year. When comparing the 2017/18 budget amount to the forecast, the forecast amount includes the estimate of the advance receipt for the 2018/19 financial year.

Interest Earnings \$0.427 million (2017/18 - \$0.514 million)

Despite the cash rate being at historic lows the Shire is estimating an increase in the interest earning from investment due to anticipated higher cash reserve balances. The Shire's cash reserve balances were used as bridging finance for the WANDRRA works that were conducted during 2017/18. It is estimated that this will not be the case for the 2018/19 year and so an increase in interest income is expected.

Fees and Charges \$ 7.957 million (2017/18 - \$8.074 million)

Each year all fees and charges imposed by Council are reviewed as part of the budget process to ensure compliance requirements are met, cost recoveries are in place and market rates are comparable. The Schedule of Fees and Charges for 2017/18 is included as **Attachment 2** previously adopted by Council (**Minute No: 24/04/2018-117941**) and is to be effective from 1 July 2018 and from 1 January 2019 where it relates to Aerodromes.

The Shire currently has approximately 700 fees (including statutory fees) generating projected revenue of \$7.485 million in 2017/18, compared to rating income of \$10.440 million for the same period. It is clear that revenue from fees and charges is significant and therefore the process of setting the fees and charges and the monitoring of revenue performance needs to be reviewed on a regular basis.

The setting of the Fees and Charges was completed in accordance with the Council Policy *CP/FIN-3211 Fees and Charges Pricing*. The intent of the Policy acknowledges that there are competing priorities between community service obligations, full cost recovery in a “user pays” environment and ensuring that the community is not unduly burdened. Where there is not a full cost recovery fee in place, the shortfall is made up by the ratepayers in general from municipal funds. Therefore, the Policy seeks to ensure that the Shire’s fees and charges are determined utilising key principles that ensure fair and reasonable charging to the community for the goods and services that the Shire provides, thereby achieving an appropriate balance between these competing principles.

A major factor in determining the increase to fees and charges was centred on what basis to use as the Index. The most common of these is the Consumer Price Index. The Australian Bureau of Statistics (ABS) when calculating the Consumer Price Index (CPI) uses a basket of goods base that is not reflective of the mix of business activities of a local government. The Perth CPI change for the year March 2017 to March 2018 was 0.9%. The Local Government Cost Index (LGCI) is the most appropriate measure of price changes over time for the Shire as it takes expenditure items like road construction, machinery and equipment, and street lighting. The forecast LGCI for 2018/19 by the West Australian Local Government Association is 1.8%.

In 2016/17 the Council adopted a 2.55% average increase to Fees and Charges and in 2017/18 it adopted a 1% average increase. In determining the increase for fees and charges for the 2018/19 financial year Shire Officers proposed a 1.2% increase would fairly represent the increase in the cost of providing the services and therefore a reasonable factor to use. The total cumulative percentage increase from 2016/17 is 4.75% over the 3 years which compare favourably with the LGCI increases over the same three year period of 4.7%.

The majority of Recreation and Culture fees and charges have remained unchanged to ensure access and affordability for the community.

Waste Vouchers

The Shire introduced the provision of waste vouchers with the distribution of Rates Notices for the 2013/14 financial year as a result of no longer accepting ‘free’ domestic waste from 1 October 2013. In 2017/18, yellow domestic waste vouchers were provided to those properties within the GRV Residential, UV Rural Residential, UV Rural Agriculture 1 and UV Rural Agriculture 2 rating categories. Properties in all other rate categories did not receive a yellow domestic waste voucher. The Shire does have some domestic residences on GRV Commercial and Industrial properties within the town site. Some of these properties were issued yellow vouchers in the past. For the 2018/19 year the Shire proposes to issue vouchers to these properties. Apart from this change the issuing of yellow domestic waste vouchers for the 2018/19 financial year will remain unchanged.

For the 2017/18 year It is proposed that red domestic waste vouchers be provided to properties within the GRV Residential, GRV Commercial, GRV Industrial, UV Rural Residential, UV Rural Agriculture 1 and UV Rural Agriculture 2 rating categories where the property has a domestic residence and a waste collection service is not provided. These

vouchers were provided free of charge in the 2016/17 year. This practice was regarded as inequitable as ratepayers who receive a service have to pay for it and subsequently a charge was introduced for 2017/18. Analysis of the costs of providing the waste collection service showed that 50% of the cost was attributable to the collection of waste and 50% of the cost to the disposal of the waste. It is proposed that red domestic waste vouchers be provided to at a fee that is 50% of the domestic waste service fee that would equate to the disposal portion of the waste service charge. The fee payable is listed in the Schedule of Fees and Charges in Attachment 2. This is consistent with 2017/18.

Other Revenue \$0.433 million (2017/18 - \$0.414 million)

Majority of the revenue estimated for the Other Revenue category relates to Emergency Services Levy (ESL) of \$0.393 million (2017/18 - \$0.371 million). Local Governments are required to collect the Emergency Services Levy (ESL) on behalf of the Department of Fire and Emergency Services (DFES). This is billed to all ratepayers as part of the Annual Rates notices and there is a matching expense when this amount is paid over to DFES.

Operational Expenditure

The table details the summarised operational expenditure in proposed for 2018-19.

Operating Expenditure By Category	2017/18 Adopted Budget \$ 000	2017/18 Forecast \$ 000	2018/19 Proposed Budget \$ 000
Employee Costs	11,372	10,853	11,428
Materials and contracts	5,924	5,520	6,120
Utility Charges	968	963	979
Depreciation	7,374	6,287	6,145
Interest Expenses	258	259	204
Insurance Expenses	571	460	463
Other Expenditure	1,403	929	1,306
Total	27,873	25,244	26,644

Employee Costs \$ 11.428 million (2017/18 - \$11.372 million)

The staffing Full Time Equivalents (FTE's) are forecast to be 98.94 for the 2018/19 year (100.40 - 2017/18). This represents a reduction over the prior year of 1.46 FTE's. The budgeted amount for 2018/19 has made provision for the Enterprise Agreement (EA) increase of 1.5%. The net effect of the reduction in FTE's and the EA increases means that there is only a 0.5% (\$56k) increase in staff costs for the 2018/19 year. The following comments are noted:

- WANDRRA Engineer - 0.69 FTE - contract position for the duration of the WANDRRA works. This is budget neutral as this cost will be reimbursed to the Shire as part of the approved claims process. This was a 1 FTE in 2017/18 but has been reduced to 0.69 FTE as it is anticipated that the works will be complete within the financial year. Once the works are complete the establishment will reduce by this amount.
- Trainee at the Recreation Centre - 1 FTE - A fully funded trainee position has been included in this financial year.
- Club Development Officer - 0.4 FTE - This position will remain in the establishment as long as there is funding for the position. The Shire has funding for the position for approximately 6 months.
- Hours for casual employees and provision for "backfill" while staff are on leave have been analysed and adjusted to what the actual requirements of the organisation are. This has resulted in a reduction of 1.4 FTE's.
- Community Development Officer - Wyndham - 1 FTE - This position has not been required for a number of years.

The forecast actuals for 2017/18 are lower than budgeted for 2016/17, this is a result of vacancies carried by the Shire during the year. The 2018/19 budget has not allowed for vacancy savings given their unpredictability but the Shire anticipates that the vacancy rates will be reduced for the 2018/19 year.

It should be noted that the employee costs incorporate not only salaries and allowances, but also superannuation, workers compensation insurance, safety and protective clothing, training, fringe benefits tax and other employee costs associated with recruitment and reallocation. Shire officers have examined these costs for operational savings.

If there are savings identified throughout the 2018/19 year as a result of vacancies, these will be captured as part of the Mid-Year Budget Review and the Council can determine the use for those funds at that point in time.

Materials and Contracts \$ 6.120 million (2017/18 - \$5.924 million)

The amount budgeted to be spent on Materials and Contracts has increased by 3.31% over the budget for 2017/18. One would expect this to increase by the anticipated LGCI of 1.8% if the same services and the same service levels were to be delivered. However, the mix of projects undertaken has changed with some new projects being undertaken for the first time that increased the Materials and Contracts by 2.4%. These include:

- Contribution to the Bio-Security Plan \$15,000
- Develop a Communication and Marketing Plan \$25,000

- Develop an Economic Development Strategy \$60,000
- Undertake a Priority Place Plan \$45,000

Listed below is a broad summary of the expenditure types and a brief description of the nature of the expenditure.

Materials & Contracts		
Description	Budget 2018/19	Comments
Other Governance	246,300	Subscriptions for governance software, Kimberley Zone and WALGA fees, Lobbying expenditure, Members travel and training, expenditure associated with Citizenship Ceremonies, Australia Day and Volunteer Programs.
Audit Fees	61,500	Conduct interim and annual audit including statutory reviews required by the Local Government Act.
Software licensing costs	280,000	Costs of enterprise software solution and associated software for the Shire IT network.
ICT Network maintenance and support costs	108,000	Costs of support, maintenance, system development and telecommunications.
Environmental health costs	29,400	Costs associated with water sampling, health promotion and mosquito control
Agricultural land study	92,000	Project to identify and map high quality agricultural land within the Ord Valley area of the Shire.
Library	199,500	Cost of library including the Joint Use contribution towards running of library, writers festival and visiting author program.
Recreation facilities in both Kununurra and Wyndham	298,000	Costs associated with the leisure centres, pools, maintenance of gym equipment, building operating expenses, hardcourt maintenance etc.
Kununurra Leisure Centre Planning	45,000	Planning for the future upgrade of the KLC.
TAMS Program	25,000	Shire contribution towards takeaway Alcohol Management System.
Youth Community and Safety Plan	75,000	Address youth issues and develop a Community Safety Plan for the Shire

Stormwater Management Strategy	110,000	Funding to begin to address the outcomes of the Cardno report on stormwater and drainage matters in the Shire.
Streetlight upgrades	250,000	Improvement of street lighting
Property maintenance	559,770	Costs of maintaining Shire owned buildings and structures including Shire housing, public conveniences, administration centres, club rooms, recreation centres etc.
Landfill maintenance	187,000	Operational costs
Refuse Collection	485,000	Cost of refuse collection service
Litter Control	175,000	Material and contract cost of litter control
Rural Road maintenance	400,000	Material and contract cost of rural road maintenance
Urban Road maintenance	330,000	Material and contract cost of urban road maintenance
Plant Operating Costs	405,000	Costs of fuel, maintenance, repair, licensing and tyres
Parks and Gardens	130,000	Material and contract cost of parks and gardens maintenance for both Kununurra and Wyndham
Ranger Services	48,200	Material and contract cost of ranger services
Airport Operating Costs	603,700	Material and contract cost of airport operations
	5,268,870	

Utility Charges \$ 0.979 million (2017/18 - \$0.969 million)

Utility charges comprise Water, Electricity and Gas are based on forecast unit charges together with any growth in usage. The Street Lighting component which is the most substantial portion of this expense category. In 2018/19 a trial of LED street light technology will be trialled on street lighting. The Shire anticipates savings in this regard. Tighter monitoring of utility costs by responsible officers is expected to yield additional efficiencies.

Depreciation \$ 6.145 million (2017/18 - \$7.374 million)

Depreciation is an accounting process which recognises the consumption of the Shire's property, plant and equipment including infrastructure assets such as roads and drains that has occurred during the financial year. The decrease is due to the revaluation of property

assets held by the Shire. The amount of depreciation is indicative of what the Shire should be spending on its asset renewal program on an annual basis.

Insurance Expenses \$ 0.464 million (2017/18 - \$0.572 million)

A decrease to the expected Insurance expenditure for 2018/19 is expected. The reduced premiums payable is a result of a significant review of asset coverage and negotiation with the insurance providers to obtain best value for money for the ratepayers. As the insurance market is relatively soft the Shire will continue to look for value in its risk mitigation processes. It should be noted that the workers compensation insurance premiums are reported as part of the employee costs.

Interest Expenses \$ 0.204 million (2017/18 - \$0.258 million)

The Interest Expense relates to loan agreements with Western Australian Treasury Corporation (WATC). Note 6 of the 2017/18 Budget details the ongoing loan commitments. No new borrowings are anticipated for the 2018/19 financial year. Loan principal outstanding is expected to decrease from \$4.282 million at 30 June 2018 to \$3.378 million at 30 June 2019.

Other expenses \$ 1.306 million (2017/18 - \$1.404 million)

Other expenses relate to a number of items the more significant of which are in the table below.

Other expenses		
Description	Budget 2018/19	Comments
Members Allowances, Fees and Expenses	298,975	This amount includes the members meeting allowances, Shire Presidents fee, the Shire Deputy Presidents fee, Members travel expenses, conferences and training.
Emergency Services Levy payment	393,486	This is the payment of the Emergency Levy to Department of Fire and Emergency Services that is collected as part of the rates process.
Community Grants	265,000	This is the amount provided for the granting of community annual grants, quick grants and rates assistance grants.
Marketing Tourism	185,000	This is an amount that supports tourism marketing to the Shire, support for the direct flights to Melbourne and support for the Visitor Information Centre.
TOTAL	1,142,461	

Reserves

In accordance with section 6.11 of the *Local Government Act 1995*, a local government is required to establish and maintain a reserve account where it wishes to set aside money for use for a specific purpose in a future financial year. The local government is also required to disclose where a change of the purpose of the use of money is proposed.

During the budget discussions with Council, officers and senior staff have highlighted the need to create a new reserve for Property. The purpose of the reserve is to ensure that funds received from the disposal of properties after settling any property debt, are retained within the reserve and are used for the acquisition of land and/or buildings or the development of land under the control of the Shire. The Shire currently retains these funds as part of the Asset Management Reserve which is a general asset reserve. Cash flows relating to the disposal of property assets should be held separately to these funds. As part of the 2017/18 financial year end audit the amount that needs to be transferred to the Property Reserve will be established.

Capital Works Program

The Capital Works Program is developed with the aim of primarily ensuring that the Shire renews its assets as they fall due in order that they continue to maintain the current service levels being delivered. The priority for these works is determined by the condition of the assets and the provision of grant funding that is available to the Shire. Forward works programs are being developed to be included into the Asset Management Plans that will assist with the programming of maintenance, renew, upgrade and replacement of existing assets in future periods. The current works program has been determined based on the condition of assets, risk of asset failure and obsolescence, community input and the availability of grant funding. The Capital Works Program for 2018/19 will cost \$13.3 million. The total renewal expenditure in this amount is \$12.3 million.

New infrastructure is generally only included once a business plan has provided the justification for the project, significant funding has been obtained and the ongoing operating, maintenance and renewal costs have been determined and factored into the operating budget and long term financial plan. New assets to be constructed in the 2018/19 year will be CCTV costing \$800k and implementing the Trails Master Plan of \$200k.

Included in the Capital Works Program is the Plant Replacement Program. The plant replacement program has been significantly reviewed during the 2018/19 budget process. The Shire has budgeted to replace 18 items of plant. The nature of the items to be replaced are utility vehicles, mowers, slashers, a tractor and a grader. The gross replacement cost of the plant is \$1.3 million with a net cost to the Shire of \$707k.

The plant replacement program will continue to be reviewed to ensure that the optimum replacement times for plant are achieved that deliver the best financial outcome for the Shire. The Plant Replacement Program is determined by a forward replacement program. This forward replacement program will be incorporated into the Asset Management Plan on the basis that in future periods there will be a fixed average annual amount available for plant replacement provided into the Plant Reserve and that plant replacements will be done from the reserve at the time the best economic advantage is available to the Shire.

The majority of the Capital Works Programs relates to renewal expenditure on infrastructure assets. The capital funding and works program for 2018/19 of \$ 13.3 million is detailed below:

<u>Capital Income</u>	
External Funding	2018/19 budget \$
Roads to Recovery	4,921,094
Regional Road Group	681,011
Proceeds from Sale of Assets	359,583
Safer Communities Program	800,000
WANDRRA funding	672,200
Other Capital Grants	674,747
Internal Funding	
Own Source Funding	3,150,932
Reserve Funding	2,067,250
Total Capital Works Funding	13,326,817

The projects included in the budgeted capital works program for 2018/19 are:

<u>Capital Works</u>	
Project Description	2018/19 budget \$
WANDRRA Funding - Monsoonal Trough and Associated Flooding	4,500,000
Lake Argyle Road - Widening and floodways	1,171,517
Bandicoot Drive - Road and Drainage upgrade	842,552

Kalumburu Road - Re-sheet	877,000
CCTV Infrastructure Works	800,000
WANDRRA	800,000
Heavy Plant - Purchase Price	549,318
Anthon Landing Wyndham - Jetty Cathodic Protection and remediation works	394,500
Light Plant - Purchase Price	349,786
Airport Plant - Purchase Price	317,078
Carpark Upgrade - East Kimberley Regional Airport	300,000
Playspace renewal program	250,000
Hard court resurfacing	220,000
Implement Trails Master Plan	200,000
Wyndham Boat Ramp Pontoon Jetty	180,550
ICT renewals	173,300
Footpath renewal	160,000
Playspace and Playground Equipment	138,600
Reticulation Upgrades - Wyndham & Kununurra	119,000
Kununurra Drainage and Road Design	100,000
Apron Lighting - East Kimberley Regional Airport Terminal	100,000
Runway Lighting Replacement - Wyndham Airport	90,000
CCTV - East Kimberley Regional Airport	84,600

Cemetery Upgrade & Beautification - Kununurra & Wyndham	80,000
Blackspot Coolibah lighting upgrade	79,430
Medium Plant - Purchase Price	77,836
Golf Course Water Re-use Project - Preliminary Costs	75,000
Taxiway and Apron Upgrade - East Kimberley Regional Airport Terminal	50,000
Security Fence Upgrade - East Kimberley Regional Airport	50,000
Streetscape & Landscaping	50,000
Kununurra Landfill Site - Security (CCTV)	25,950
Peter Reid Memorial Hall - essential renewal works	25,000
Kununurra Pound upgrades	20,000
Contaminated Land Removal Works - Pearce St Wyndham	20,000
Lakeview - traffic safety items	15,800
Plant and Equipment - Kununurra Swimming Complex	15,000
Signage Upgrades - East Kimberley Regional Airport	15,000
Wyndham Landfill Site - extension of life	10,000
Total	13,326,817

In order to meet the Asset Management obligations under the benchmarks set out by the Department of Local Government Guidelines, the majority of expenditure is focused on renewals rather than upgrade and new assets. The Shire meets its asset sustainability and consumption benchmarks for the 2017/18 estimates. As the Asset Management Plan based on forward capital works programs has not been fully developed as yet, the Asset Renewal Funding Ratio cannot be determined at this time. This means the Shire cannot accurately determine to what extent the forward capital works program is funded under the Long Term Financial Plan. However, in the interim as long as the Shire has committed to spend an

amount that is at least as much as the depreciation on its renewals then the assets will tend to be managed in a sustainable manner.

The capital expenditure program has been set and prioritised based on a process of consultation with Council, the executive, staff and the community. Engagement with Council and the Community has enabled the Shire to assess the needs for each project and the priorities of the community, balanced against the Shire's financial and resourcing capacity.

Setting of materiality for monthly reporting

The Local Government Act 1995 and associated regulations require the Council to set the materiality level at which explanations are required for variations between year to date budget and year to date actual figures. The materiality level established for 2017/18 was +/- 10% and +/- \$20,000 at account level (this is general ledger account number level), and +/- \$100,000 at a financial statement level (equivalent to the program level). It is recommended that these materiality levels remain for 2018/19.

ATTACHMENTS

Attachment 1 - Statutory Budget 2018-19

Attachment 2 - Schedule of Fees and Charges for 2018-19

Attachment 3 - CP/FIN-3201 Significant Accounting Policy 2018 - Track Changes

Attachment 4 - Ministerial Approval of Minimum Payments 2018-19

Attachment 5 - Ministerial Approval of Differential Rating 2018-19

12.4.2. Rates Exemptions for 2018/19 and 2019/20

DATE:	26 June 2018
AUTHOR:	Senior Rates Officer
RESPONSIBLE OFFICER:	Director Corporate Services, Vernon Lawrence
FILE NO:	FM.11.111
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Notes the application for rate exemption from MG Dawang Land Pty Ltd as trustee for MG Dawang Land Trust, A8081 LOC 5012 Packsaddle Road Kununurra WA 6743; and**
- 2. Notes the revised rate exemptions for the 2018/19 and 2019/20 financial years outlined in Attachment 1.**

PURPOSE

For Council to note the revised rate exemptions for the 2018/19 and 2019/20 financial years and the new application for the 2017/18 and 2018/19 financial years.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In March 2014, the Council adopted *CP/FIN-3208 Rates Exemptions for Charitable Organisations Policy (Non-Rateable Land)* to identify the process to be followed by any organisation that wishes to claim land it uses is not rateable land by virtue of the application of section 6.26(2)(g) of the *Local Government Act 1995*. At the 24 November 2017 Ordinary Council Meeting the Council adopted the amended policy and at the 28 November 2017 Ordinary Council Meeting the Council adopted the revised policy *CP/FIN-3208 Rates Exemption for Charitable Organisation (Non-Rateable Land)*.

In October 2017 an unimproved interim valuation schedule was received from Landgate advising of a new rateable property LOC 5012 Packsaddle Road Kununurra WA 6743. An application for rate exemption was lodged by email on the 18 December 2017 from MG Dawang Land Pty Ltd as trustee for MG Dawang Land Trust with all the correct document requirements attached. The application was assessed in accordance with policy *CP/FIN-3208 Rates Exemption for Charitable Organisation (Non-Rateable Land)* and an exemption was applied for the 2017/18 and 2018/19 financial years.

A review of current rate exempt properties was completed for the following financial years 2018/19 and 2019/20. The associated application forms were mailed on the 26 February 2018 to be completed and returned by the 29 March 2018. All returned applications were assessed for rates exemptions that is compliant with legislation in accordance with Council Policy *CP/FIN-3208 Rates Exemption for Charitable Organisation (Non-Rateable Land)*.

STATUTORY IMPLICATIONS

Local Government Act 1995

6.26. Rateable land

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

(2) The following land is not rateable land —

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

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

(ii) is unoccupied, except —

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

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

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

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

(d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of

religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood;

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

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

(g) land used exclusively for charitable purposes;

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

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

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

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

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

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

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

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

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

POLICY IMPLICATIONS

The Council Policy outlined below is relevant;

1. Policy CP/FIN-3208 Rates Exemptions for Charitable Organisations Policy (Non-Rateable Land)

FINANCIAL IMPLICATIONS

The financial implication is that the rates charged to MG Dawang Land Pty Ltd as trustee for MG Dawang Land Trust of \$5,072 will be credited to them.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017 to 2027

Focus Area: 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.3: Adequately plan for and fund asset maintenance and renewal to deliver planned services

Strategy 4.4.4: Apply best practice financial management to ensure long term sustainability

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

Engagement has taken place in accordance with the Shire's Community Engagement Guidelines.

A review of current rate exempt properties was completed for the financial years 2018/19 and 2019/20. The associated application forms were mailed on the 26 February 2018 to be completed and returned by the 29 March 2018.

COMMENTS

As per Council's Policy *CP/FIN-3208 Rates Exemptions for Charitable Organisations (Non Rateable Land)* the applicants have submitted a copy of their constitution, copies of their financial statements, floor plan of leased area, copies of current and prior years audited financial or other statements and written statements outlining the purpose of the property their exemption application is relating to.

NEW APPLICATION:

A8081 - MG Dawang Land Pty Ltd as trustee for MG Dawang Land Trust

Benefit to the Community

The MG Dawang Land Trust is one of MG Corporation's subsidiary companies, established specifically for the purposes of holding the community and cultural land transferred to the

Miriuwung Gajerrong people under the terms of the Ord Final Agreement. The Trust is responsible for owning and managing community living areas, conservation land and buffer zones on behalf of the Miriuwung Gajerrong people, ensuring that it is managed in accordance with traditional law and custom and is incapable of commercial development by third parties.

The MG Dawang Land Trust is registered with the Australian Charities and Not-For-Profit Commission as a charity and also receives a charity tax concession status through the Australian Taxation Office for GST Concession and Income Tax Exemption.

Rates (2017/18)

\$0.00 (Exempt)

Application Type - Exemption

A rates exemption has been requested by applicant by email on the 18 December 2017.

Officer's Recommendation - Exemption

In accordance with section 6.26(g), the MG Dawang Land Pty Ltd as trustee for MG Dawang Land Trust is utilising the land exclusively for charitable purposes, therefore the land is not rateable and the Council has no discretion in this matter.

ATTACHMENTS

Attachment 1 - List of Exempt Properties

12.4.3. Write off of Sundry Debts

DATE:	26 June 2018
AUTHOR:	Coordinator Financial Operations
RESPONSIBLE OFFICER:	Director Corporate Services
FILE NO:	FM.07.2
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- **Approve the write off of the outstanding sundry debt of \$3,260.23 for Debtor 457; and**
- **Approve the write off of the outstanding sundry debt of \$4,280.57 for Debtor 44**

PURPOSE

For Council to consider writing off the outstanding sundry debts of Debtors 457 and 44.

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 sundry debts for Debtor 44 and Debtor 457 date from

STATUTORY IMPLICATIONS

Local Government Act 1995

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

(1) *Subject to subsection (2) and any other written law, a local government may*

— (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*

(b) *waive or grant concessions in relation to any amount of money; or*

(c) *write off any amount of money,*

which is owed to the local government.

** Absolute majority required.*

(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

(4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

POLICY IMPLICATIONS

Council Policy CP/FIN-3214 Sundry Debt Collection:

4. Recovery of Sundry Debtors in Arrears

4.1. Fees and charges are due and payable within thirty-five (35) days from the date of issue of the invoice, as shown on that invoice.

4.2. Where payment is not received within thirty-five (35) days from the date of the initial invoice, interest will be applied on money that remains outstanding, excluding those charges prescribed under other legislation. Interest is calculated from the number of days from the due date of payment until the payment is received in full by the Shire of Wyndham East Kimberley.

4.3. The interest (percentage) charged on sundry debtors is the percentage as adopted by the Council in accordance with section 6.13 (1) of the Local Government Act 1995. The rate as set out under section 6.13 (1) of the Local Government Act 1995 is not to exceed the maximum rate of interest as prescribed within regulation 19A of the Local Government (Financial Management) Regulations 1996.

4.4. At the end of each month a Final Notice will be issued for all accounts exceeding 35 days, allowing fourteen (14) days for payment, unless the debtor has agreed to enter into a special payment arrangement.

4.5. If payment is not received fourteen (14) days after the issue of a the Final Notice a Letter of Demand will be issued by the Shire's debt collection agency allowing seven (7) days for payment or for the sundry debtor to contact the Shire to enter into a payment arrangement. The debtor will also be placed on "stop credit" and the account will be placed on hold until the outstanding amount is paid in full.

4.6. Accounts under \$500.00 may be referred to the Shire's debt collection agency at the discretion of the Director Corporate Services or the Coordinator Financial Operations.

4.7. If the sundry debtor has made no contact with the Shire and no payment is received, it will be determined in consultation with the Shire's debt collection agency whether it is economical to proceed with a General Procedure Claim (GPC). This

action will be based on a risk management approach as determined by the value and type of debt incurred.

4.8. If no response to the General Procedure Claim (GPC) is received within fourteen (14) days after being issued, Judgment will be applied for and any or all of the following legal processes may be undertaken, depending on the circumstances, to be determined in consultation with the Shire's debt collection agency.

- i. Means Enquiry*
- ii. Property (Seizure and Sale) Order on Goods*
- iii. Property (Seizure and Sale) Order on Land*

4.9. Payments Received or Contact Made After Legal Action Commenced

- a) If any payments or contact is made by the ratepayer of against whom legal action has commenced the Shire's debt collection agency will be notified that legal action must is to be placed on hold immediately.*
- b) If the sundry debtor defaults a payment or no further contact is received from the debtor, legal action will resume and the payment arrangement will be terminated.*

b) When payment has been received in full, the Shire's debt collection agency will be notified to close the account. If payment in full is received prior to Judgment, a Notice of Discontinuance will be lodged. A Memorandum of Consent may be lodged at the request of the debtor if payment in full is received either before or after judgment has been obtained.

5. Cancellation of an Account

If an account has received three (3) stop credits, the account is to be referred to Coordinator Financial Operations to determine if the account should be closed. In the case that the Coordinator Financial Operations is on leave the Director Corporate Services or the Coordinator Financial Management is to be notified and a determination made.

11. Write off of Sundry Debts

- 1. Write off of sundry debts will only be considered when all recovery processes available under this policy and allowable under legislation have been followed and there is no prospect of recovery of the debt.*
- 2. Write off of sundry debts can occur under Council delegation 11 for amounts up to \$500 or by resolution of the Council for amounts over \$500.*

FINANCIAL IMPLICATIONS

Provision has been made in the 2017/18 budget for the write off of these debts. The total value of the debts to be written off is \$7,540.80 consisting of \$4,280.57 for Debtor 44 and \$3,260.23 for Debtor 457.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.4: Apply best practice financial management to ensure long term sustainability

RISK IMPLICATIONS

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

Control: Review policies and procedures in accordance with review schedule

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Debt recovery processes have been followed in accordance with Council Policy CP/FIN-3214 Sundry Debt Collection. The details are contained in Confidential Attachment 1. It is considered that all recovery processes available under the policy and allowable under legislation have been followed and there is no prospect of recovery of the outstanding debts.

ATTACHMENTS

Confidential Attachment 1 - Details of sundry debts recommended for write off.

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

DATE:	26 June 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 131801 - 132158 (03 May 18 - 31 May 18)	\$ 1,610,147.35
Municipal cheques 51756 - 51771 (03 May 18 - 31 May 18)	\$ 106,961.07
Trust Cheques 1146 - 1176 (03 May 18- 31 May 18)	\$ 8,283.07
Trust EFT 501585 - 501604 (01 May 18 - 31 May 18)	\$ 11,266.45
Payroll (09 May 18 -23 May 18)	\$ 514,681.88
Direct bank debits (01 May 18 - 25 May 18)	\$ 111,217.49
TOTAL	\$ 2,362,557.31

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

There are no financial implications arising out the preparation of this report. The financial implications arising from the payments made from the Municipal and Trust funds have been provided for in the 2017/18 Adopted Budget and any subsequent amendments thereto. This report provides for the 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 2017-2027.

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire’s financial viability

Strategy 4: Apply best practice financial management to ensure long term sustainability.

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 - Item 12.4.4

Attachment 1 - List Of Accounts Paid May 2018

12.4.5. Monthly Statement of Financial Activity for the Period Ended 31 May 2018

DATE:	29 May 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 31 May 2018.

PURPOSE

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

There are no additional costs associated with the preparation of this report. Monthly financial reporting is a primary financial management and control process. This report provides the Council with the ability to oversee the Shire's financial performance against budgeted targets.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.4: Apply best practice financial management to ensure long term sustainability

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 31 May 2018.

12.5. INFRASTRUCTURE

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

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

16. MATTERS BEHIND CLOSED DOORS

17. CLOSURE