



SHIRE OF WYNDHAM | EAST KIMBERLEY

AGENDA
ORDINARY COUNCIL
MEETING

30 April 2019

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 30 APRIL 2019 AT 5:00PM**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

3. DECLARATION OF INTEREST

- Financial Interest
- Impartiality Interest
- Proximity Interest

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

6. APPLICATIONS FOR LEAVE OF ABSENCE

Cr. Pearce has provided a written request for a leave of absence for the August 2019 Council Briefing and Ordinary Council Meeting.

OFFICER RECOMMENDATION

That council approve a leave of absence for Cr Pearce for the 27 August 2019 Ordinary Council Meeting.

7. PETITIONS

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 26 March 2019

Note: The Minutes of the Ordinary Council Meeting held on 26 March 2019 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:	30 April 2019
AUTHOR:	Executive Assistant
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

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

PURPOSE

To report to the Council on the progress of 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

Goal 4.2: Good decision making through engagement with the community

Strategy 4.2.2: Ensure community input informs planning and decision making

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

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

This report includes actions from the March 2019 Council resolutions (attachment 1).

All other actions that are outstanding from previous Council resolutions are summarised in attachment 2.

ATTACHMENTS

Attachment 1 - Council Action Register - March 2019

Attachment 2 - Council Action Register - Outstanding Actions from Previous Council Resolutions

12.2.2. Standing Item - Use of the Common Seal

DATE:	30 April 2019
AUTHOR:	Executive Assistant
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 22 March 2019 to 26 April 2019

PURPOSE

For Council to receive this report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 22 March 2019 to 26 April 2019.

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 2017-2027

Focus Area 4: Civic Leadership

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

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

There were two documents for the time period of 22 March 2019 to 26 April 2019 with the Shire of Wyndham East Kimberley Common Seal applied.

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

Date of Use	Document
08/04/2019	Section 91 License to access UCL, being portion PIN 638581 and portion PIN 1318636, known as Lily Creek Lagoon, Kununurra
8/04/2019	2019 Northern Airport Services Pty Ltd Lease

ATTACHMENTS

Nil

12.2.3. Local Government Convention and Zone Meeting - Perth

DATE:	30 April 2019
AUTHOR:	Executive Assistant
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF INTERESTS:	No disclosure of interest

VOTING REQUIREMENT

Simple Majority

OFFICERS RECOMMENDATION

That Council:

- 1. Endorse the attendance of the Shire President, Deputy Shire President, Chief Executive Officer and Cr _____ to the 2019 WALGA Convention in Perth and Zone Meeting from 6 - 9 August.**

PURPOSE

For Council to endorse the attendance of Shire President Cr David Menzel, Deputy Shire President Cr Tony Chafer and the Chief Executive Officer at the Local Government Convention and Zone meetings in Perth from 6-9 August.

Council is also asked to consider attendance by any other interested Elected Member and nominate accordingly.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In 2018 Council resolved to change the date of the July Council Meeting to ensure SWEK was represented at the event. In 2019 the Council Meeting Dates have been set to ensure there is no conflict and those who are required to attend are able to do so.

In 2018 Cr Farquhar attended the Convention and Zone meetings in addition to the Shire President, Deputy Shire President and the Chief Executive Officer.

Information on the Conference Program:

The theme for the 2019 WA Local Government Convention is *Local Government: Renewal Practical.*

Integral to the theme is the development of the *New Local Government Act* – new legislation for Local Government that will enable the sector to reach its full potential and deal with the vast and diverse range of needs and aspirations of our communities. It is the driver for one of the most extensive consultation processes ever undertaken by the State Government with the sector. It has the potential to result in game-changing outcomes that will shift the focus and actions of Local Governments for decades to come, and whilst this is the potential for the legislation, this conference is about more than just the Act and its supporting regime of regulations and guidelines.

New thinking, new trends, new technologies, new ways of working and doing things...these all come to the fore as we explore what the implications and opportunities are in a “Brave New World” for Local Government.

In essence, the convention will explore the challenge of change. How do you define what is possible, sort it into what you need as distinct from everything that you might want, make the hard calls in deciding what to do, and then do it? Perhaps most challenging of all is understanding the progress of change. How do we know we are achieving the change we want?

These are all vital questions that must be answered if we are to move forward with purpose and not simply be the accidental tourists of any possible future. There could not be a more relevant challenge for our conference to address.

STATUTORY IMPLICATIONS

There are no statutory implications

POLICY IMPLICATIONS

There are no policy implications

FINANCIAL IMPLICATIONS

The cost of attending the convention in 2019 has not yet been released. In 2018 however, the cost per delegate was \$1615 with the option of attending a networking dinner at an additional \$140. Return flights to Perth will cost as little as \$550 or as much as \$1800 depending on how quickly bookings are made.

Accommodation will be required from Monday 5 August - Saturday 10 August or Sunday 11 August depending on flight prices and availability. Virgin does not fly on a Saturday however their flights are often significantly cheaper than Qantas/AirNorth. Accommodation is quoted to range between \$180 and \$270 per night. These costs will be allocated to the 2019/2020 financial year.

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 4.1.1: Lobby all levels of government and industry for greater regional investment, both social and economic

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

Poor delivery of information and lack of advocacy/representation from State or Federal Government authorities.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

As the Zone Meeting is taking place on Tuesday 6 August, it is recommended the Shire President, Deputy Shire President and CEO attend both the Zone and RCG Meetings in addition to the WALGA Convention. Other Councillors may also want the opportunity to attend. In 2018 Cr Farquhar attended and found it a very worthwhile event.

ATTACHMENTS

Nil

12.3. PLANNING AND COMMUNITY DEVELOPMENT

12.3.1. Kununurra Aquatic and Leisure Facility Draft Masterplan

DATE:	30 April 2019
AUTHOR:	Acting Manager Community Development
RESPONSIBLE OFFICER:	Director Planning and Community Development
FILE NO:	CP.06.14
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Notes the public submissions received; and**
- 2. Authorises the preparation of a Business Case for the purposes of seeking external funding for the project; including investigating possible economic and social benefits, as well as possible ongoing operational costs associated with the project. The Business Case process will investigate further changes to the advertised plan and design based upon the feedback received including but not limited to:**
 - a. Creation of additional storage for clubs and users**
 - b. Changes to the proposed splash pad for the inclusion of water slides**
 - c. Enlargement of change room facilities**
 - d. Additional shade elements**
 - e. Improved signage**
 - f. Pool heating**

PURPOSE

For Council to note the feedback obtained from the most recent community, user and stakeholder engagement and authorise the preparation of a business case to obtain external funding.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Advocator - advocate and support initiatives on behalf of the community and the Kimberley Funder - provide funds or other resources
Provider - provide physical infrastructure and essential services

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Architects Donovan and Payne (specialists in the design of community projects and aquatic facilities) prepared a Draft Masterplan and Concept Design for the Kununurra Leisure Centre late last year, a copy of which is at Attachment 1. The plan was designed on the basis of preliminary engagement with users and key stakeholders. Those considerations and priorities included improved:

- Facilities for lap and competition swimming
- Storage
- Facilities that accommodate people with disability
- Visitor and parent facilities
- More flexible indoor and outdoor spaces

The Shire in addition requested consideration for improved surveillance; consideration to maintain operating costs; optimising operating times between seasons, and to make the centre a greater 'hub' destination for residents and visitors.

The initial concept plan included:

- Construction of new freeform and 50m lap pool on a concourse level with the main facility as well as a toddlers pool. *The suggestion is that a boom may be installed in the lap pool to allow the pool to be divided into two 25m pools if required.*
- Splash pad/Water park. *This is shown as a second stage of the proposal but given that funding has previously been agreed, is likely to be constructed in the initial stage.*
- Renovated change rooms and toilets to conform with disability standards
- New entry and expanded gymnasium
- New and expanded storage areas
- Creation of a new programmable activity space or community meeting space by utilising part of the former Shire administration offices, being the newest part of the building closest and adjoining the centre

At the Ordinary Council Meeting of 30 October 2018 the draft Design Report was endorsed for the purpose of community consultation.

COUNCIL DECISION

Minute Number: 30/10/2018 - 115864

Moved: Cr D Pearce

Seconded: Cr J Farquhar

That Council:

- 1. Endorses the Kununurra Aquatic Redevelopment - Design Report for the purpose of advertising for public comment, and**
- 2. Authorises a 28 day advertising period for public comment and consultation with relevant stakeholders and users of the Kununurra Leisure Centre.**

Decision:8/0

Community members and stakeholders were invited to provide comment on the draft Kununurra Aquatic and Leisure Facility Master Plan - Design Report between the 5 November and 4 December 2018 by submissions, Community Consultation page located on the Shire website, the Shire's Facebook page, information located at Shire administration offices in Kununurra and Wyndham, Kununurra School and Community Library and Kununurra Leisure Centre.

User group and stakeholder meetings were conducted by Shire officers and Scott Oswald of Donovan and Payne and community information sessions held at Coles on 15, 16 and 17 November, assisted by a number of Councillors. The plans and report were also forwarded to key stakeholders and user groups. Feedback provided by the community and stakeholders was predominantly positive in nature however, additions to the concept mainly focusing around three main themes to be included in the design report review. These items were:

1. The need for greater and/or improved storage for clubs and sporting groups
2. Additional parking around the centre
3. Enhancements to the suggested splash pad equipment to include a water slide

A total of 55 submissions were received throughout the consultation period across various media and are provided at Attachment 2 - Consultation Feedback .

Many submitters also provided useful suggestions that could further refine the proposal, including:

- Larger or additional change facilities
- Greater shade
- Expansion of the gymnasium and potential for gender separation
- Inclusion of cultural elements such as murals etc.
- Additional soft play elements within the landscaping
- Crèche
- Improved signage in and around the centre
- Potential for free entry to the facility

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

FINANCIAL IMPLICATIONS

The adopted 2018/19 budget included an expenditure budget of \$50,000 for the development of a recreation master plan for the site. Approximately half of the budgeted expenditure has been accessed for the purposes of preparing the preliminary concept and project costings. The balance funds will be used to update the concept plan and design report. Additional funds may be needed within the 2019/20 financial period for the preparation of a business case to support the concept, which will be used for the basis of determining funding required and available sources of funding. This is estimated to be approximately \$25,000.

The project (construction works) as contained in the preliminary concept proposal has been costed in total at \$23M. The project is likely to be initiated in two main stages. Stage 1, being for the main aquatics, is estimated to be \$17M. The splash pad will be separately costed but would be able to be constructed concurrently in this stage. Preliminary estimates are that the splash pad would cost in the order of \$600,000, but it will be designed to enable additional elements to be added in outyears. External funding has already been approved for this latter element.

Additional costs may be incurred in outyears for the inclusion of heating and this will be included in the overall concept and separately costed.

The (preliminary) overall costings include *Contingencies* at \$1.5m and *District Loading* of \$6m. Officers consider that these contingency estimates may be overly conservative and “risk averse” and that the subsequent stages of development, including tender processes, will see these figures much lower.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 1: Healthy vibrant active communities

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

Goal 2.2: Provide sustainable public infrastructure that serves the current and future needs of the community

Goal 4.2: Good decision making through engagement with the community

Strategy 1.2.1: Collaborate with a wide range of stakeholders to advocate and provide accessible facilities that supports a range of sporting and recreational activities

Strategy 1.2.3: Support and build capacity of community groups and clubs through community grants programs, advice and management of Shire reserves and facilities

Strategy 2.2.1: Provide and maintain infrastructure that promotes sustainable growth and positively impacts the well-being and lifestyle of residents and users

Strategy 2.2.2: Ensure energy efficiency options are considered to reduce the Shire’s costs

Strategy 4.4.2: Secure the maximum grant assistance available, whilst ensuring the greatest relevant benefit to the community

RISK IMPLICATIONS

The current (main) pool is at risk of failure in the structural integrity (cracking and movement) of the shell and this is evidenced by water intrusion into the liner. It may not be possible to repair the shell and liner in the event that there is further cracking. The development of this plan will provide a ‘shovel-ready’ solution for the purpose of planning for this eventuality as well as to plan and improve the centre into the future.

COMMUNITY ENGAGEMENT

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

- Three community information sessions at Coles Kununurra
- Public notice of the draft Kununurra Aquatic and Leisure Facility Master Plan - Design Report for community comment was advertised on local Community Notice Boards.
- Publicly available draft copies.
- Copies were available at Wyndham Shire Office and Kununurra Shire Office, Kununurra School and Community Library and at the Kununurra Leisure Centre.
- Public notice on the Shire's Facebook page and shared on community pages.
- SWEK News and Community Consultation page of the Shire's website - 'Have your Say'.
- Meetings with Shire representatives (Officers and Councillors), community members, sports clubs and other key stakeholders.
- Report and plans emailed to stakeholders with reference to Shire website for comment.

COMMENTS

The concept proposal addresses the fundamental need to replace the aquatic facilities which are at risk of failure. The Plan, at least in the initial stage, would also address the poor standard of the change facilities and toilets to bring them in line with modern standards and with disability requirements which is a priority for the purpose of bringing the centre into compliance with modern standards. Eventually, through the progressive implementation of the plan the centre will have an improved and more 'legible' entry point that also meets these standards and provide improved amenities for users, families and other guests of the facility.

The design of the new aquatic facilities has the potential to meet the needs of the community for the next 20 to 25 years with the option of constructing a 50m pool. The addition of the splash pad feature along with the freeform pool design, all on the one level, will improve management and surveillance and has the potential to be an attractor to the centre. Additional advantages to the concept design include the provision of expanded storage and gymnasium and improved amenities and landscaping such as BBQ huts and sporting club facilities for the benefit of centre users and families. Consideration has also been given to containing operational costs to acceptable limits and in particular to ensure that the Shire does not need to employ additional recreation staff. Additional research will also be undertaken to determine costs associated with heating the pool in association with other (staged) out-year proposals.

Considerations and suggested changes

A number of useful changes and refinements were suggested by the community and user groups through the consultation process, particularly with regard to addressing constraints and opportunities of the site.

Parking

Perhaps the greatest limitation of the site, and one of the main reasons that the Shire had investigated shifting the centre to a 'greenfield' site is parking. Currently there are only 20 car parking spaces, inclusive of one disability car parking space, directly associated with the centre. Additional parking is available in close proximity to the centre but this is shared with the Post Office and former Shire Offices - noting that this site may be redeveloped in future. Increase patronage of the centre associated with the improved aquatics and services such as the gymnasium will require additional parking. Options to increase the number of parking spaces within the existing car park are constrained and so any additional parking will need to be constructed on land adjoining or at the rear of the site. Separate plans will be prepared to determine if any additional parking can be added close to the Centre or at the rear, although this may remain an ongoing limitation, particularly when there are major events: markets, funerals, school assemblies, elections etc.

Storage

Options are available to enlarge or create new storage, which would be done in consultation with users.

Water slide

This was an omission from the exhibited concept plan and can be easily incorporated into the final concept plan and is not a large budget item. The splash pad would, in any case, be configured to enable the replacement or addition of new equipment as required.

Pool heating

Pool heating was not included in the draft concept proposal or costings. This could, however, be achieved by installation of a:

- Solar heating unit using evacuated tube array which would be fitted to the main roof of the centre
- Heat Pump
- Boiler

The addition of pool heating will greatly extend the usage of the centre aquatics through the dry season and cooler shoulder periods.

Heating is estimated to cost in the order of \$350,000 and it is suggested that this element be separately costed and included in the concept costings.

Entry fees

The establishment of a free aquatic element, being the splash pad, raises issues associated with seemingly excluding some people from then accessing the main aquatics facilities. Entry fees, however, contribute annual income of approximately \$75,000, which represents about 20% of the centre's annual revenue. It remains desirable in the sense that it further promotes health and fitness and is very beneficial to children and families. The income offset will need to be further investigated to see if any external funding may be obtained for this or to reduce centre operating costs. The alternative is that Council seek some form of "recurrent" corporate sponsorship for such fees or determine to 'include' it within its rating strategy. As a minimum, Council may wish to consider free entry for children, noting that any such decision needs to also be reflective across the Shire and apply to the Wyndham Swimming Pool also.

Conclusion

The Kununurra Leisure Centre is an important part of the local community. It provides the community with a recreation space that is safe and inclusive. It is documented that community facilities such as the Kununurra Leisure Centre are key settings for improving general health and quality of life and enhancing social support through connecting communities. The redevelopment of the Kununurra Leisure Centre and aquatic facilities will deliver key infrastructure that supports structured activities, organised sport and informal recreation opportunities to East Kimberley residents and visitors.

The redevelopment project will create a facility that helps to bind families through shared experiences and bring people together, providing opportunities for social interaction and which may complement other programs being implemented with regard to youth and families. The new aquatic facilities including a public water park (splash pad) and BBQ and picnic areas creates an environment where the facility will become the hub of community life. The facility will furthermore provide recreation opportunities for surrounding schools providing a facility that allows children to participate in wide range of activities such as swimming, squash, badminton, basketball and volleyball to name a few.

The concept as proposed has overall support of community members and centre users, with further refinements to enhance the range of opportunities on offer, along with ensuring that the centre is up to date, accessible and meets user needs.

ATTACHMENTS

Attachment 1 - Kununurra Aquatic Redevelopment - Original Concept Plan and Design Report

Attachment 2 - Consultation Feedback

12.4. CORPORATE SERVICES

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

DATE:	30 April 2019
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 134473 - 134472 (07 Mar 19 - 28 Mar 19)	\$ 993,475.92
Municipal Cheques 51920 - 51939 (01 Mar 19 - 29 Mar 19)	\$ 142,207.25
Trust Cheque 1207 - 1209 (11 Mar 19 - 21 Mar 19)	\$ 850.00
Trust EFT 501768 - 501784 (01 Mar 19 - 27 Mar 19)	\$ 10,461.20
Payroll (13 Mar 19 - 27 Mar 19)	\$ 452,850.40
Direct bank debits (01 Mar 19 – 29 Mar 19)	\$ 146,450.22
Total	\$ 1,746,294.99

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 Councils Delegations Register 2018/19 which was adopted by the Council on the 28 August 2018, 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 of 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 2018/19 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

Attachment 1 - List of Accounts Paid March 2019

12.4.2. Monthly Financial Report March 2019

DATE:	30 April 2019
AUTHOR:	Coordinator Financial Operations
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 for the period ending 31 March 2019.

PURPOSE

For Council to receive the monthly financial report for the period ended 31 March 2019.

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 section 34 of the *Local Government (Financial Management Regulations) 1996*.

At the 26 June 2018 Ordinary Council Meeting, the Council resolved the following:

COUNCIL DECISION

Minute Number: 26/06/2018-115800

Moved: Cr M McKittrick

Seconded: Cr M Dear

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.

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

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

Control: Annual audit performed.

COMMUNITY ENGAGEMENT

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

No community engagement is required.

COMMENTS

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

ATTACHMENTS

Attachment 1 - Monthly Financial Report for the period to 31 March 2019.

12.4.3. Schedule of Fees and Charges for 2019/20

DATE:	30 April 2019
AUTHOR:	Coordinator Financial Operations
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM.05.18
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

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 2019/20 outlined in attachment 1 to be effective from either 1 July 2019 or 1 January 2020, whichever date is applicable as indicated in the attachment; and**
- 2. Requests the Chief Executive Officer to give local public notice of Council's intention to impose the Schedule of Fees and Charges 2019/20, to apply from 1 July 2019 or 1 January 2020 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.**

PURPOSE

For the Council to consider adopting the Schedule of Fees and Charges for 2019/20 to commence from 1 July 2019 or 1 January 2020 whichever is applicable, as indicated in Appendix 1 to the report, including interest charges levied under section 6.13 of the *Local Government Act 1995*. For Council to further authorise the CEO to give local public notice of Council's intention to impose the Schedule of Fees and Charges 2019/20 from the applicable dates.

NATURE OF COUNCIL'S ROLE IN THE MATTER

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

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Council adopts the Schedule of Fees and Charges on an annual basis in accordance with section 6.16(1) of the *Local Government Act 1995*. In terms of this section 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 approximately 700 different fees and charges. Some of these fees and charges can be implemented from 1 July 2019 and therefore it is recommended that the proposed Schedule of Fees and Charges is adopted prior to the adoption of the annual budget.

All fees and charges have been reviewed by Council Officers with their recommended changes incorporated in the draft Schedule of Fees and Charges for consideration and if adopted will be used by Shire officers when compiling the 2019/20 Annual Budget.

At the Ordinary Council Meeting on 24 April 2018 Council resolved the following:

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

STATUTORY IMPLICATIONS

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, 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.

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).

19A. Maximum rate of interest prescribed (Act s. 6.13(3))

The maximum rate of interest to be imposed under section 6.13(1) is prescribed as 11%.

POLICY IMPLICATIONS

The Council Policy CP-FIN 3211 Fees and Charges Pricing Policy has been amended and adopted at the 26 March 2019 Ordinary Council Meeting.

FINANCIAL IMPLICATIONS

The setting of fees and charges for 2019/20 has a minor impact on the current financial year in relation to costs associated with implementing the changes to be effective from 1 July 2019. It has significant financial implications for 2019/20 financial year and the setting of the Annual Budget for 2019/20.

Fees and Charges are estimated at this time to be \$7.603 million for the 2018/19 financial year against a budget of \$7.954 million. The estimate for the 2018/19 financial year is lower than budget due to the forecast being conservative and that it reflects the softer conditions in the local economy. Assuming the same mix of services are provided for the 2019/20 financial year and a 1.5% on average increase in Fees and Charges, the budgeted yield will be approximately \$7.898m.

Included in these estimates is the consideration given for the option of the landfill sites accepting domestic waste at no charge in the 2019/20 financial year with the income forgone to be offset as part of the general increase in the rate in the dollar for all ratepayers. The budget impact of this is a reduction in Fees and Charges revenue of approximately \$100,000. This is equivalent to an increase in the rate in the dollar of approximately 0.96%. Shire Officers are proposing a rate increase of 1.5%

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.3: 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.

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

Control: Current budget and service levels.

COMMUNITY ENGAGEMENT

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

- Shire officers responsible for fees and charges;

- Councillor briefing conducted during April 2019;
- Feedback from the community will be considered after local public notice has been given;
- Where material changes are made to fees and charges, notices to current debtors who may be affected will be given.

COMMENTS

The Schedule of Fees and Charges 2019/20 was compiled with reference to Council Policy *CP/FIN-3211 Fees and Charges Pricing*. The policy acknowledges that there are competing priorities between community service obligations, maintaining infrastructure and ensuring that the community is not unduly burdened. It further acknowledges that there are fees in which the Shire has no discretion as they are regulatory fees set by other legislation. In setting the Fees and Charges, Shire officers attempt to ensure that a fair balance is maintained between the service levels provided, the cost of providing those services and the extent of subsidising the services provided.

A significant factor in setting Fees and Charges is deciding what increment to implement. Traditionally this has always been determined with reference to the Consumer Price Index (CPI). This index is not a good measure of the change in the cost of doing business for local government. A better measure is the Local Government Cost Index (LGCI). In 2018/19 the Shire used an increment of 1.5% which was determined by reference to LGCI data at the time. The latest WALGA data from their February 2019 Economic Briefing indicates that the LGCI for 2018/19 is forecast to be 1.7%. They are further forecasting that the LGCI for 2019/20 will be 2.0%.

Shire officers have determined the Fees and Charges again by using an increase of 1.5% on average. Officers believe that this increase is reasonable in the current economic climate. This also equates to the increase in rate in the dollar to be advertised for the purposes of determining rate revenue. Emphasis will be placed on being more cost effective in providing the services in order to maintain consistency in the level of subsidiation.

A number of charges have remained the same as those for the 2018/19 financial year. Approximately 140 individual charges relating to the use of recreation facilities have been kept at 2018/19 prices. Shire officers believe that keeping the fees the same may encourage better utilisation of the facilities while any proposed increment in the fees would have a marginal yield for the Shire. The Shire is also investigating the possibility of having a direct debit process for the gym and swimming pool memberships in the new financial year.

In the 2018/19 financial year yellow domestic waste vouchers were issued to properties within the GRV Residential, UV Rural Residential, UV Rural Agriculture 1 and UV Rural Agriculture 2 rating categories and to residential properties located within the GRV Townsite that do not fall into the above mentioned rating categories upon application. Red domestic waste vouchers were provided to properties within the GRV Residential, UV Rural Residential, UV Rural Agriculture 1 and UV Rural Agriculture 2 rating categories where a

waste collection service is not provided at a fee that is 50% of the domestic waste service fee.

The Shire introduced the provision of yellow waste vouchers with the distribution of rates notices for the 2013/14 financial year as a result of the Shire landfill sites no longer accepting 'free' domestic waste from 1 October 2013. Consideration has been given to the option of the landfill sites accepting domestic waste from residential premises at no charge for the 2019/20 financial year with the income forgone to be offset by the increase in rates in the dollar for all ratepayers. This option is recommended for implementation and as a result the issuing of yellow and red domestic waste vouchers will not be required for the 2019/20 financial year and have been removed from the attached fees and charges schedule.

ATTACHMENTS

Attachment 1 - Schedule of Fees and Charges 2019/20 - DRAFT

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

16.1. Bandicoot Drive And Various Locations Drainage Upgrade - Stage 2

DATE:	30 April 2019
AUTHOR:	Manager Engineering Services
RESPONSIBLE OFFICER:	Stuart Dyson, Director Infrastructure
FILE NO:	CM.16.311
DISCLOSURE OF INTERESTS:	Nil

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

5.23. Meetings generally open to public

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

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

- (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
- (h) such other matters as may be prescribed.*
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

VOTING REQUIREMENT

Simple Majority

PURPOSE

Council's endorsement is sought to prepare and release a new tender document for the next stage of Bandicoot Drive and Various Locations Drainage Upgrade project (known as Stage 2B).

The tender will be released in preparedness for Council's adoption of the 2019-20 budget.

17. CLOSURE