

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

Commissioner

Date



SHIRE OF WYNDHAM | EAST KIMBERLEY

MINUTES ORDINARY COUNCIL MEETING

23 May 2017

CONTENTS

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	3
2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	3
3. DECLARATION OF INTEREST	4
4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	4
5. PUBLIC QUESTION TIME	4
6. APPLICATIONS FOR LEAVE OF ABSENCE	4
7. PETITIONS	5
8. CONFIRMATION OF MINUTES.....	5
9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	5
10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED	5
11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS.....	5
12. REPORTS.....	5
12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL.....	5
12.2. CHIEF EXECUTIVE OFFICER	6
12.2.1. Standing Item - Use of the Common Seal.....	6
12.2.2. Standing Item - Outstanding Actions from Previous Council Resolutions	9
12.3. COMMUNITY DEVELOPMENT.....	11
12.3.1. Community Lease Kununurra Dragon Boat Club	11
12.3.2. Community Score Card 2017	14
12.3.3. Third Party Appeal Rights in Planning.....	20
12.3.5. Temporary Caravan Park Licence - Circus Royale	26
12.3.6. Dodnun Community Layout Plan	30
12.3.7. Corporate Business Plan 2017/18 - 2020/21	35
12.3.8. Corporate Business Plan 2016/17 - Progress Report - January to March 2017	40
12.3.9. Proposed Road Closure - Portion of Old Darwin Road, Kununurra.....	49
12.4. CORPORATE SERVICES.....	54
12.4.1. List Of Accounts Paid From Municipal Fund and Trust Fund	54
12.4.2. Draft Budget 2017/18 - Endorse the Draft Budget 2017/18 for purpose of Community consultation.....	58
12.4.3. Monthly Financial Report as at 30 April 2017	65
12.4.4. Review of Council Policy CP/CS-3281 Customer Service.....	68
12.4.5. Review of Council Policy CP/CS-3280 Complaints Management.....	72
12.5. INFRASTRUCTURE.....	76
13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	76
14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	76
15. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION	76
16. MATTERS BEHIND CLOSED DOORS.....	76
17. CLOSURE	76

**SHIRE OF WYNDHAM EAST KIMBERLEY
ORDINARY COUNCIL MEETING AGENDA
WYNDHAM COUNCIL CHAMBERS
HELD ON 23 MAY 2017 AT 5:00PM**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Members of the Public are advised that recommendations to Council contained within this Agenda and decisions arising from the Council meeting can be subject to alteration. Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

Members of the Public are also advised that everyone attending Council Meetings, be they members of the public, staff or Councillors, are bound by the Meeting Procedures Local Law 2016.

The Commissioner opened the meeting at 5pm.

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

Attendees

R Yuryevich	Commissioner
C Askew	CEO
D Klye	Director Infrastructure
J Ninnette	Acting Director Community Development
V Lawrence	Director Community Development
M Le Riche	Executive Assistant (Minute Taker)

Gallery

P Bracegirdle	SWEK
G Hocking	SWEK
S Sibly	SWEK
C McLachlan	Resident
C Dalley	University of Melbourne

Apologies

L Gee	Director Community Development
-------	--------------------------------

3. DECLARATION OF INTEREST

- Financial Interest
Nil
- Impartiality Interest
Nil
- Proximity Interest
Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Chris McLachlan, Wyndham

Question 1 – has the 2016/17 budget item “Provide chlorine treatment to effluent in Wyndham” been completed?

D Klye, Director Infrastructure, responded:

The project is currently underway but not yet completed.

Question 1 (b) – The project has disappeared from the Corporate Business Plan, why is that?

D Klye, Director Infrastructure, responded:

The project is the first of a two part project, the second of which is listed in the Corporate Business for 2017/2018.

C Askew, Chief Executive Officer, responded:

Any unexpended funds from the chlorination project (part one) will be carried forward into the new budget for 2017/18.

Question 2 – I noticed that the budget item to reconstruct Dulverton St in Wyndham has been reduced from a total of \$1,231,200 over 2 years to \$700,000 2 years. Does that reflect a change in the specifications of the work that will be undertaken?

D Klye, Director Infrastructure, responded:

The scope of works was amended as a result of budget constraints. The Shire will complete what works it can and the balance of the project will be reallocated over a longer period.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS

Nil

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

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

COUNCIL DECISION

Minute No: 23/05/2017-11675

Commissioner resolved:

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

Carried 1/0

Note: The Minutes of the Ordinary Council Meeting held on 26 April 2017 are provided under separate cover via www.swek.wa.gov.au

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Nil

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

12.2. CHIEF EXECUTIVE OFFICER

12.2.1. Standing Item - Use of the Common Seal

DATE:	23 May 2017
AUTHOR:	Governance and Communications Officer
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 20 April 2017 to 16 May 2017.

COUNCIL DECISION

Minute No: 23/05/2017-11676

Commissioner resolved:

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 20 April 2017 to 16 May 2017.

Carried 1/0

PURPOSE

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 20 April 2017 to 16 May 2017.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

STATUTORY IMPLICATIONS

Local Government Act 1995

9.49A. Execution of documents

- (1) A document is duly executed by a local government if —
 - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.**
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) The common seal of the local government is to be affixed to a document in the presence of —
 - (a) the mayor or president; and*
 - (b) the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.**
- (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*
- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.*
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.*
- (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.4: Business innovation, efficiency and improved services

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

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

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

Date of Use	Document
26/04/2017	Lease - Reserve (Part Lot 707 on Plan 217504, Part Reserve 30290) - Kununurra Bushmen's Rodeo
26/04/2017	Lease - Reserve (Part Lot 707 on Plan 217504, Part Reserve 30290) - Kununurra Race Club Inc.
26/04/2017	Deed of Surrender of Lease - Wyndham Childcare Centre: Lot 826 (No. 44) & Lot 827 (No.46) Koolama Street, Wyndham

ATTACHMENTS

Nil

12.2.2. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	23 May 2017
AUTHOR:	Governance and Communications Officer
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

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

COUNCIL DECISION

Minute No: 23/05/2017-11677

Commissioner resolved:

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

Carried 1/0

PURPOSE

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

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

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

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.4: Business innovation, efficiency and improved services

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

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

This report includes actions from April resolutions (Attachment 1).

Attachment 2 summarises all other actions that are outstanding from previous Council resolutions.

ATTACHMENTS

Attachment 1 - Council Action Register Current

Attachment 2 - Outstanding Actions from Previous Council Resolutions

12.3. COMMUNITY DEVELOPMENT

12.3.1. Community Lease Kununurra Dragon Boat Club

DATE:	23 May 2017
AUTHOR:	Manager Community Services
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
ASSESSMENT NO:	A2866
FILE NO:	CP.07.23
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple majority

OFFICER'S RECOMMENDATION

That Council authorise the Chief Executive Officer to offer a 10 year lease to the Kununurra Dragon Boat Club for Part Reserve 41812 on Plan 217491, Part Lot 668 Old Darwin Road Kununurra, subject to the approval of the Minister of Lands.

COUNCIL DECISION

Minute No: 23/05/2017-11678

Commissioner resolved:

That Council authorise the Chief Executive Officer to offer a 10 year lease to the Kununurra Dragon Boat Club for Part Reserve 41812 on Plan 217491, Part Lot 668 Old Darwin Road Kununurra, subject to the approval of the Minister of Lands.

Carried 1/0

PURPOSE

To inform Council of the intent to offer a lease to the Kununurra Dragon Boat Club for a portion of Reserve 41812 on Plan 217491, Part Lot 668 Old Darwin Road, Kununurra, subject to the approval of the Minister of Lands.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader- plan and provide direction through policy and practices

BACKGROUND

The Kununurra Dragon Boat Club (the Club) is located on portion of "Foreshore and Recreation" Reserve 41812, Part Lot 668, Old Darwin Road, Kununurra.

On 24 June 2015, Officers met with the Club to discuss their proposal for a community lease for the Kununurra Dragon Boat Club. The original proposal sought the use of a portion of Reserve 30290, Lot 2371, Old Darwin Road Kununurra for the use of Club activities including the construction of a boat storage shed.

Following discussions with the Department of Lands, it was decided that it was more appropriate to seek a lease site within Reserve 41812 rather than Reserve 30290 as this was closer to the river and boat launch site, and impacted less on the existing use of Reserve 30290. It should be noted that there is a 10 metre buffer between the proposed lease site and the Ord River.

The Club were advised that as per *Policy CP/PMG-3780 Leasing of Council Managed Reserve Land-Community*, they would be required to submit a Business Plan for a 21 year lease. As yet the Club have not submitted a Business Plan to the Shire.

STATUTORY IMPLICATIONS

Land Administration Act 1997

Reserve 41812 is reserved under the Land Administration Act 1997 (LAA) for the purpose of 'Foreshore and Recreation'. Department of Lands would need to grant consent for this lease to proceed.

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.

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 2012-2022

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

Objective 3.4: Protection and enhancement of community facilities

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

Objective 3.5: An active outdoor lifestyle is encouraged and promoted

Strategy 3.5.2 : Encourage cooperation between sporting groups and assist them in building capacity

RISK IMPLICATIONS

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

COMMUNITY ENGAGEMENT

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

- Open communication with the Kununurra Dragon Boat Club throughout the lease negotiation process.

COMMENTS

To date the Club have not provided the Shire with a Business Plan, therefore in accordance with Council Policy *CP/PMG-3780 Leasing of Council Managed Reserve Land-Community* it is proposed to offer the Club a standard lease term of 10 years.

ATTACHMENTS

Attachment 1 - Kununurra Dragon Boat Club Site.

Attachment 2 - Draft Lease - Kununurra Dragon Boat Club

12.3.2. Community Score Card 2017

DATE:	23 May 2017
AUTHOR:	Senior Integrated Planning and Reporting Officer
RESPONSIBLE OFFICER:	Louise Gee, Director Community and Development
FILE NO:	CM.10.3
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council endorses the 2017 Community Scorecard Report as attached as an informing document to aid the Shire and Council in decision making.

COUNCIL DECISION

Minute No: 23/05/2017-11679

Commissioner resolved:

That Council receives the 2017 Community Scorecard Report as attached as an informing document to aid the Shire and Council in decision making

Carried 1/0

REASON FOR VARYING OFFICER'S RECOMMENDATION

The CEO recommended, and the Commissioner agreed, to change the wording of the recommendation from 'endorses' to 'receives'.

PURPOSE

This report presents Council with the results of the Community Scorecard 2017 undertaken between 14 March and the 14 April.

The results of the Community Scorecard provide to Council the following benefits:

- provides robust and reliable measures of performance, from advocacy, community engagement and community development, to town planning, economic development and environmental management.
- Respondents share their needs and aspirations and their location giving the ability to create local priority mapping.

- If carried out every 2 years the Shire can benchmark performance over time, showing historical trends.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Facilitator - bring stakeholders together

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL

A satisfaction survey of the Shire of Wyndham East Kimberley community is an action identified to be undertaken every two years in the Corporate Business Plan. A regular community survey is an opportunity for the organisation to understand the opinions and views of the community, identify issues and areas for focus, benchmark performance, track improvements over time and inform the review of the Strategic Community Plan. Importantly, the survey is a fundamental part of a healthy democracy and well-functioning local government.

The Shire of Wyndham East Kimberley has not undertaken a comprehensive survey of this nature for some time so the results of this survey will be used as a baseline of performance into the future.

The Community Scorecard survey was undertaken between 14 March and the 14 April with the primary aim to evaluate community needs and aspirations which will inform budget decisions, strategic planning and performance evaluation. The Strategic Community Plan full review requires an informing community survey to be completed to provide a base for the process of community engagement and review to begin.

The survey has collated the communities impressions about the Shire. The primary distinction of the satisfaction survey is that it is intended to discover "opinions" rather than factual data; a satisfaction survey seeks to uncover what people think.

The results of the Community Scorecard are important to the Shire. The findings have told the Shire what the community think of our services and facilities. The data collected is critical to helping the Shire understand its strengths and weaknesses. It will also help the Shire to focus on performance improvement.

POLICY IMPLICATIONS

Results from the Survey will inform the review of Policies.

FINANCIAL IMPLICATIONS

Results of the Survey will inform the budget process for 2017/18.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.1: Strong community engagement

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

COMMUNITY ENGAGEMENT

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

- Undertaking a Community Scorecard survey.
- Community Scorecard was advertised as open to all community members over the age of 18 in the local newspaper, Shire Website and community Facebook pages.

COMMENTS

Officers engaged CATALYSE to undertake the community survey. This company has a significant amount of experience in conducting similar surveys for other local governments. This experience has allowed a comparison with other local governments for benchmarking purposes.

Whilst most of the questions are standard and allow comparison with other local governments, some questions with particular relevance to the Shire of of Wyndham East Kimberley were included. Issues raised by community members included in the survey:

- Takeaway alcohol Management System (TAMS)
- Graffiti and antisocial behaviour
- Access to Lake Argyle

The Strategic Community Plan 2012-2022 was reviewed in 2014/15 and performance measures were added to the plan. These measures required the completion of a community satisfaction survey be undertaken to review the Council's performance in delivering on the Goal, Objectives and Strategies detailed in the Strategic Community Plan. These included:

Goal:	Civic Leadership and Governance	
Objective/Community Outcome	Key Performance Measures	2017 Scorecard result
Strong community engagement	Community satisfaction with Council's engagement and communication with the community	9/100
Business innovation, efficiency and improved service	Community satisfaction with customer service	45/100
Goal:	Physical & Social Infrastructure	
Objective/Community Outcome	Key Performance Measures	2017 Scorecard result
High standard of health and community facilities and services available to all residents.	Community satisfaction with access to adequate health and medical facilities	44/100
East Kimberley residents have access to a broad range of educational opportunities	Community satisfaction with access to adequate educational facilities	44/100
Goal:	Lifestyle & Environment	
Objective/Community Outcome	Key Performance Measures	2017 Scorecard result
A broad range of lifestyle opportunities and activities are available for East Kimberley residents.	Community satisfaction with Council owned boat ramps	59/100
	Community satisfaction with Council owned parks and gardens	47/100
	Community satisfaction with condition of rural (unsealed) roads	33/100
Waste management and protection of environmental values.	Community satisfaction with domestic waste collection	54/100

Towns are safe and inviting for locals and tourists	Community perception of safety and security in public places	21/100
Protection and enhancement of community facilities	Community satisfaction with community facilities	72/100
	Airport facilities and services	71/100
	Library and information services	35/100
An active outdoor lifestyle is encouraged and promoted	Community satisfaction with council owned recreation facilities	48/100
	Community satisfaction with pathways	34/100

Community Priorities

Through the Scorecard the community would like the Shire of Wyndham East Kimberley to focus on the following priorities:

Improve leadership with greater transparency, integrity and collaboration.

Residents want improved community leadership from the Shire. They seek greater transparency, integrity, honesty and collaboration in pursuit of bettering the community. As the direct representatives of the community, the Council is responsible for setting the strategic direction and making decisions. The community would like Councillors to put aside personal differences and work together for the good of our community.

Provide better value for money from rates

Respondents want to see value for the rates they pay. Tangible results such as maintained roads, improving streetscapes and equitable waste collection and a range of services to benefit the community are all identified as services to be prioritised for rates to be spent on.

Address anti-social behaviour and community safety with CCTV cameras, Police presence and security patrols; and retain TAMS

Residents want a safe and attractive town that is free of antisocial behaviour. CCTV cameras, Police presence and security patrols are suggested to combat youth on the street, public alcohol consumption, fighting, street violence and graffiti.

Strengthen the economy, tourism and job creation

Residents want the Shire to provide an environment that supports and encourages business and job development by reducing the administrative burdens, championing tourism and increasing access to supporting services, including childcare.

Improve the appearance of streetscapes

Respondents want their local area to look nice. Topical issues include planting and maintenance of lawn and trees, control of weeds and cleaning and repair of public amenities and spaces.

Upgrade and improve sport and recreation facilities

Respondents would like current facilities to be upgraded and maintained. Ideas for new facilities include a water park, renovated pool complex and ablution blocks for outdoor ovals.

Wyndham

There is a perception that Wyndham is treated inferiorly compared to Kununurra. Residents would like more equity across the Shire and for the Shire's decision makers to spend time in the town.

ATTACHMENTS

Attachment 1 - Community Scorecard 2017 Report

12.3.3. Third Party Appeal Rights in Planning

DATE:	23 May, 2017
AUTHOR:	Planning Officer
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
FILE NO:	LP.01.4
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council requests the Chief Executive Officer advise the Western Australian Local Government Association (WALGA) that the Shire of Wyndham East Kimberley supports the current WALGA position of no Third Party Appeal Rights, and enclose the feedback as provided in Attachment 2.

COUNCIL DECISION

Minute No: 23/05/2017-11680

Commissioner resolved:

That Council requests the Chief Executive Officer advise the Western Australian Local Government Association (WALGA) that the Shire of Wyndham East Kimberley supports the current WALGA position of no Third Party Appeal Rights, and enclose the feedback as provided in Attachment 2

Carried 1/0

PURPOSE

To consider the introduction of Third Party Appeal Rights in Planning in Western Australia and provide feedback to WALGA with regards to whether the Shire is in favour of the introduction of some form of Third Party Appeal Rights, whether the Shire would support some form of Third Party Appeal Rights and any other relevant comments in regards to Third Party Appeal Rights.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Shire has recently received correspondence from the Western Australian Local Government Association (WALGA) seeking feedback in relation to particular questions with regards to Third Party Appeal Rights.

Below is a summary of the Discussion Paper, prepared by WALGA and provided as Attachment 1, with regards to the background of WALGA's current policy position and a review of arguments both for and against third party appeals. WALGA is seeking feedback from the Local Government planning community and Elected members which it will be used to consider any review of WALGA's policy position on third party appeal rights.

Background:

Unlike most other jurisdictions in Australia, Western Australia is unique in that no Third Party Appeal Rights exist under the *Planning and Development Act 2005*, although in the past some Local Government planning schemes have allowed them.

In 2007 a Private Member's Bill was proposed which was modelled on Victoria's *Planning and Development Act 1987*, with the justification being primarily based on Western Australia being the only state without third party appeals and failed to acknowledge that significant differences exist between the Victorian and Western Australian planning system. State Council resolved in February 2008 that there is no justification for the proposed legislation and that Local Government continued to be opposed to the introduction of third party appeal rights in Western Australia.

While the arguments for WALGA's position remain, the decision making environment in Western Australia has changed since the formation of the position in 2008 with changes to legislation arising from the State's planning reform 'Planning Makes it Happen: Phases 1 and 2', and the introduction of Development Assessment Panels (DAPs). Given these changes and recent community concerns over the creation of the DAP system to determine development applications in place of Local Governments, WALGA has decided it is appropriate to initiate a discussion on the possible role of Third Party Appeal rights in the Western Australian planning system.

Development Assessment Forum (DAF)

Third party appeal rights vary by state and currently there is no common 'best practice'. The Development Assessment Forum (DAF) is a federal government advisory body which provides a Leading Practice Model which aims to provide a blueprint for jurisdictions to create a simpler, more effective approach to development assessment, by streamlining processes while still maintaining quality decision making. With regards to third party appeal rights, DAF's Leading Practice Model states that "*opportunities for third-party appeals should not be provided where applications are wholly assessed against objective rules and tests*", and that "*opportunities for third-party appeals may be provided in limited other cases*". The DAF model aims to avoid unnecessary review where objective criteria has been established by a consultative process.

Third Party Appeal Rights on a National Scale

As outlined in the Discussion Paper prepared by WALGA, there is no common 'best practice' and each State and Territory has different requirements in regards to when and to what type of applications Third Party Appeal Rights apply.

Some States like Queensland, Tasmania and New South Wales limit Third Party Appeal Rights to specific category developments or "major" developments, which allow objectors to lodge a merit based appeal, however only certain applications can be appealed. Similarly the Australian Capital Territory and Queensland, Third Party Appeal Rights are based around the DAF and have limited appeal rights over certain types of applications. The Northern Territory is similar, however third party appeal rights are limited to development in residential zones only, with some limited circumstances land adjacent to or opposite a residential zone. The Victorian system is more broad than the other States and Territories, with Third Party Appeal Rights being available to most development applications.

Western Australia State Government Position:

In 2009 the State's position on Third Party Appeal Rights was that the Government did not have any plans to introduce third party appeal rights in Western Australia and that at that time the Government did not believe that the introduction of third party appeal rights was consistent with attempts at that time to simplify and streamline the planning approvals process.

At that time WALGA's main arguments against the introduction of Third Party Appeal Rights, was that the current strategic and statutory planning processes already take into account the views of affected parties and the community generally; third party appeals could be lodged which are not genuine planning matters; that appeals would cause delays and additional costs for development and that additional planning appeals would place a further burden on already stretched Local Government resources.

The *Planning and Development Act 2005* requires public consultation in relation to the planning framework established in local and regional areas, local and regional planning scheme amendments, State Planning Policies, local planning policies and structure plans, and as such the State was satisfied that the planning process provided sufficient opportunity for the local community to have a say in what happens in their neighbourhoods.

STATUTORY IMPLICATIONS

Statutory implications are that WALGA policy could change in the future which would result in changes to the State Planning Policy.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no financial implications for the Shire of Wyndham East Kimberley.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.1: Strong community engagement

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

RISK IMPLICATIONS

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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Arguments for and against Third Party Appeals:

There are strong arguments for both sides as to whether Third Party Appeals are a benefit or burden on decision making in planning. Determining who has a legitimate interest in development applications is complex as to whether the adjoining property owners/occupiers or the wider community as a whole has just as much right as an individual property owner/applicant to appeal over a development. In some instances allowing the wider community the opportunity to comment on development applications may actually improve the outcome of a development application. However on the other hand, Third Party Appeal Rights allow individuals to take part in planning decisions in which they have no direct interest which can lead to opposition on non planning grounds with the possibility of vexatious or commercial interests and not because of genuine planning matters.

Another major concern is that by allowing Third Party Appeal Rights it shifts decision making away from Local Government and people locally elected to make such decisions, and introduces a neutral decision maker. In this respect it may be viewed that this ensures and improves transparency and keeps decision makers accountable. However, the other side of the argument is that it may result in a decision that is reflected by the “best argument” put forward at an appeal, rather than a sound planning decision. It is noted in the Discussion Paper that in the instance of Victoria it is rare for an objector to completely succeed in overturning a decision, often the objectors involvement is considered to lead to a better planning decision. It also may be that it encourages developers to deal with local communities in a more engaging manner in the first place, which may also see a more positive and balanced outcome.

Another negative aspect to Third Party Appeal Rights providing equity of access to planning decisions is that often the number of objections against applications increase in more socio-economically advantaged areas. The Discussion Paper notes that this is particularly evident in appeals against multi-unit developments in Victoria, which indicates developments in these areas are facing more organised community resistance where the community perceives that the number of objections is a way of engaging in the planning process and preventing developments. Likewise as the volume of objections to a development increase, so too does the likelihood of appeal and in addition to this the likelihood of appeals based on failure to determine applications (equivalent to deemed refusal in Western Australia). It is also perceived that often the local authority is declining to make a decision where there is significant resident opposition. Despite this it should be noted, while there is no restriction on people lodging objections, those that are lodged must be based on valid planning concerns in order to be actually considered.

A strong argument against third party appeal rights is that public engagement, participation and collaboration in policy formation and strategy planning is preferable as these processes focus on higher order engagement, whereas third party appeal tends to encourage adversarial rather than collaborative debate on planning issues.

The implications for Local Government

Allowing Third Party Appeal Rights would result in the majority of appeals being lodged against decisions made by Local Government, which in turn would have a direct impact on Local Government and its staff. An increase in lodged appeals has the potential to impact on statutory timeframes for assessing and processing development applications and increase staff workloads/timeframes. Also depending on the nature of the appeal, additional resources and legal counsel may also be required to appear at appeals or present on Local Government's behalf. Local Government Staff would require additional time to prepare for and attend appeals, and of particular concern for remote areas would be travel times and times spent away from the office.

Resourcing, increased workloads, travel times and increased timeframes for processing, lead to potential financial implications for Local Government. It is assumed that being in a remote area, there would be the potential for SAT to travel to this area to undertake appeal proceedings, rather than staff being required to travel away to Perth on each occasion. However in this situation would this cost be a further financial implication for Local Government to absorb. Financial implications would also be dependent on a number of factors, including on how long appeals went for, where Officers were required to travel to and whether there was a requirement to temporarily replace staff.

Introducing Third Party Appeal Rights in Western Australia has the potential to significantly impact on Local Governments, particularly those in regional and remote areas who may not have adequate financial and staff resourcing. While in some situations the inclusion of third parties can lead to better planning outcomes, this is not always the case as people can lodge vexatious objections which only serve to hold up development approvals.

Shire Officers have reviewed the Discussion Paper and have drafted a response for Council's consideration, which is provided as Attachment 2, to the following questions which were posed by WALGA:

1. Would you be in favour of the introduction of some form of Third Party Appeal Rights in Western Australia? Why or Why not?
2. Do you feel your Council is likely to support some form of Third Party Appeal Rights?
3. Any other comments relating to Third Party Appeal Rights.

ATTACHMENTS

Attachment 1 - WALGA Third Party Appeal Rights in Planning Discussion Paper

Attachment 2 - Feedback to be provided to WALGA

12.3.5. Temporary Caravan Park Licence - Circus Royale

DATE:	23 May 2017
AUTHOR:	Environmental Health Officer
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
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 Circus Royale for 14 short stay sites at the Kununurra Agricultural Grounds from 14 June 2017 to 18 June 2017 and 14 short stay sites at the Wyndham Town Oval from 18 June 2017 to 21 June 2017 subject to the following conditions:

- 1. Only event participants and staff associated with the Circus 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.**

COUNCIL DECISION

Minute No: 23/05/2017-11681

Commissioner resolved:

That Council grant a temporary caravan park licence to Circus Royale for 14 short stay sites at the Kununurra Agricultural Grounds from 14 June 2017 to 18 June 2017 and 14 short stay sites at the Wyndham Town Oval from 18 June 2017 to 21 June 2017 subject to the following conditions:

- 1. Only event participants and staff associated with the Circus 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.**

Carried 1/0

PURPOSE

For Council to consider an application made by Circus Royale for a Temporary Caravan Park and Camping Ground Licence at the Kununurra Agricultural Grounds and the Wyndham Town Oval.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Circus Royale is a regular event held at the Agricultural Grounds in Kununurra and the Wyndham Town Oval every few years. In 2017, the event will run from 15 June to 18 June in Kununurra and from 19 June to 20 June in Wyndham. Circus Royale have applied for a temporary caravan park and camping ground licence from Wednesday 14 June to Sunday 18 June 2017 at the Kununurra Agricultural Grounds and from Sunday 18 June to Wednesday 21 June 2017 at the Wyndham Town Oval.

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 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 Circus Royale 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 14 short stay sites for 8 days the minimum fee of \$100 will be applicable.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

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

Strategy 2.4.2 : Ensure community compliance with Environmental Health regulations

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

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

ATTACHMENTS

Attachment 1 - Site Plans

12.3.6. Dodnun Community Layout Plan

DATE:	23 May, 2017
AUTHOR:	Planning Officer
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
ASSESSMENT NO:	A5761
FILE NO:	LP.02.55
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Endorses the Dodnun Layout Plan 1 subject to the recommendations of the Dodnun Drinking Water Source Protection Plan being incorporated into the layout plan.**
- 2. Authorises the Chief Executive Officer to execute the amended documentation when the recommendations of the Dodnun Drinking Water Source Protection Plan have been incorporated into the Dodnun Layout Plan 1.**

COUNCIL DECISION

Minute No: 23/05/2017-11682

Commissioner resolved:

That Council:

- 1. Endorses the Dodnun Layout Plan 1 subject to the recommendations of the Dodnun Drinking Water Source Protection Plan being incorporated into the layout plan.**
- 2. Authorises the Chief Executive Officer to execute the amended documentation when the recommendations of the Dodnun Drinking Water Source Protection Plan have been incorporated into the Dodnun Layout Plan 1**

Carried 1/0

PURPOSE

For Council to endorse the Dodnun Community Layout Plan 1 (LP1).

NATURE OF COUNCIL'S ROLE IN THE MATTER

Procedural - to review, provide advice/comments and endorse

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Layout Plans

All Aboriginal settlements are required to have an endorsed Layout Plan. A Layout Plan is a land-use plan that reflects the growth aspirations of the resident community and traditional owners based on sound planning principles, including the consideration of known cultural, environmental, economic, tenure and infrastructure constraints, opportunities and requirements. A drinking water source protection plan must also be prepared for each Aboriginal settlement and is to be incorporated into the Layout Plan.

The main purpose of the Layout Plan 1 (LP1) is to guide the growth and development of Dodnun by providing a layout of future land uses in the community. The LP1 addresses future growth issues in the context of constraints to development including available land for growth of the living area and the location of essential infrastructure services.

Dodnun Community History and the Layout Plan 1

Dodnun was originally established as an outstation for the Mount Elizabeth Station pastoral lease in the late 1980s. Funding was not available to the Traditional Owners if they remained living at the homestead, and as such there was a push to move the community away from the station house. The Traditional Owners chose the site where Dodnun is today and a portion of the land was excised from Mount Elizabeth station. Permanent housing was first built in 1993.

The population of the Dodnun community is approximately 50 people and it is determined that over the next 15 years there are approximately 30 people who want to move to the community. There are currently fourteen (14) residential dwellings and one (1) workshop shed located in the community, with nine (9) of the residential dwellings being inhabited. Based on the projected population increase of thirty (30) people over the next fifteen (15) years, the LP1 indicates that an additional seven (7) houses will be required and the existing housing stock be adequately maintained so that they are habitable.

Dodnun Drinking Water Source Protection Plan February, 2017 (DWSPP)

The DWSPP investigates the potential risks and provides management strategies which aim to manage, minimise, or avoid risk to the quality of the drinking water source and water supply system at Dodnun.

There are two Bores (1/91 and 2/91) which are used at the Dodnun community with Bore 1/91 being the duty supply bore and Bore 2/91 being the standby bore, which it was identified as leaking around the borehead. The DWSPP doesn't identify water for new development, but does identify where new development should be located to protect water sources into the future.

The first recommendation of the DWSPP is to ensure that the Dodnun Layout Plan No. 1 incorporates the priority areas and protection zones shown on Figure 4 of the document.

STATUTORY IMPLICATIONS

Local Planning Strategy 2006

The *Shire of Wyndham East Kimberley Local Planning Strategy 2006* (LPS) recognises that there are in the order of 80 Aboriginal settlements of varying size within the Shire and states that Community layout plans should be prepared for key Aboriginal settlements where appropriate. The LPS further states that consideration should also be given to the clustering of neighbourhood communities through the shared provision of services and new communities should not be encouraged unless they satisfy essential location, access and servicing criteria.

The LPS also states the process of developing Community Layout Plans, along with regular reviews, will assist in identifying how communities are developing and are likely to grow over the short to medium term.

Draft Local Planning Strategy December, 2015

The Shire of Wyndham East Kimberley Draft Local Planning Strategy 2015 recognises that there are a number of Aboriginal settlements of varying sizes within the Shire and that the Shire does not provide services to these communities. The Draft Local Planning Strategy states that Layout Plans should be prepared for all remote settlements and should incorporate planning for infrastructure within and to these settlements.

Shire of Wyndham East Kimberley Local Planning Schemes No. 6 and 7

The Dodnun Community is currently not located within the area covered by the Scheme Maps of the Shire of Wyndham East Kimberley Local Planning Schemes No.6 and 7 and as such land use and development within the community has not been subject to development approval (however building and health approvals are usually required). Despite this, the Shire have been involved in providing comment and advice on land use and Layout Plans for such communities.

Proposed Local Planning Scheme No. 9

Currently a new planning scheme (Local Planning Scheme No. 9) is with the Western Australian Planning Commission (WAPC) for consideration and while Dodnun Community was not shown as a 'settlement' zone on the advertised maps, Shire Officers are not opposed to the inclusion of the Dodnun Community in a 'settlement' zone if the WAPC determines this is appropriate.

POLICY IMPLICATIONS

State Planning Policy 3.2 - Aboriginal Settlements (SPP 3.2)

The objectives of the *State Planning Policy 3.2 - Aboriginal Settlements* is to provide for the recognition of Aboriginal settlements through local planning schemes and strategies and to collaboratively plan for the orderly and coordinated development of Aboriginal settlements.

Under SPP 3.2 consultation is required to be undertaken with the resident community, traditional owners, local government and relevant key agencies and stakeholders in the preparation of Layout Plans. While the local government was not consulted during the preparation of the draft document, the draft document has been forwarded to the Shire of Wyndham East Kimberley for comment and endorsement. The LP1 references the Shire of Wyndham East Kimberley Local Planning Schemes No. 6 and No. 7 and also the Local Planning Strategy (LPS).

FINANCIAL IMPLICATIONS

Endorsement of the plans will not have a financial impact on the Shire. Implementation of the recommendations will be the responsibility of the respective corporations as identified in LP1.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.4: Business innovation, efficiency and improved services

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

RISK IMPLICATIONS

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

COMMUNITY ENGAGEMENT

The plans indicate that representatives of the Dodnun Aboriginal Corporation were consulted in the preparation of the Layout Plan 1 and that input was also sought from a number of government and non-government agencies responsible for providing services and infrastructure to the community.

COMMENTS

The Layout Plan 1 and the Background Report for the Dodnun Community addresses issues such as flooding and drainage, culturally sensitive areas, housing needs (both present and into the future), access and dedicated roads, wastewater, rubbish disposal, availability to air services, water supply and electricity supply. Also addressed are location and setting, climate, history, population, land tenure, native title, Aboriginal heritage and culture, community aspirations.

The Layout Plan 1 also details specific development priorities over the next 15 years which include:

Within the next year:

- Power to be supplied to the arts centre and new office/shop building
- Investigate feasibility of vacant dwellings for refurbishment, rebuild, demolition or new construction
- Identify drinking water source protection areas

Within the next five (5) years:

- Construct three (3) new dwellings and refurbishment of some existing dwellings.
- Inclusion of basketball courts and a football oval within the community
- Develop a naming system for roads

Within the next ten (10) years:

- Construction of formal roads
- Establishment of a day care centre
- Construction of three (3) new dwellings
- Relocate power station to a more appropriate location (if required)

Within the next fifteen (15) years:

- Review LP including population growth and trends
- Develop housing as required in areas identified for future housing.

It is noted that the Background Report states that the recommendations in the Drinking Water Source Protection Plan (DWSPP) be incorporated into the LP1, which is also a policy measure outlined in SPP 3.2.

Accordingly, subject to the recommendations of the DWSPP being incorporated, it is recommended that the Council endorses the Dodnun Layout Plan.

ATTACHMENTS

Attachment 1 - Dodnun Layout Plan Mapset

Attachment 2 - Dodnun Layout Plan 1 Background Report

Attachment 3 - Recommendations of the Dodnun Drinking Water Source Protection Plan

12.3.7. Corporate Business Plan 2017/18 - 2020/21

DATE:	23 May 2017
AUTHOR:	Senior Integrated Planning and Reporting Officer
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
FILE NO:	CM.10.3
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council endorse the draft Shire of Wyndham East Kimberley 2017/18 - 2020/21 Corporate Business Plan for community consultation.

COUNCIL DECISION

Minute No: 23/05/2017-11683

Commissioner resolved:

That Council endorse the draft Shire of Wyndham East Kimberley 2017/18 - 2020/21 Corporate Business Plan for community consultation.

Carried 1/0

PURPOSE

This report recommends the endorsement of the draft Shire Of Wyndham East Kimberley's Corporate Business Plan 2017/18 - 2020/21 for community consultation.

The Corporate Business Plan is the Shire of Wyndham East Kimberley's 4-year service and project delivery program. It is aligned to the strategic direction and priorities set within the 10-year Strategic Community Plan 2012–2022.

The purpose of the Corporate Business Plan is to demonstrate the operational capacity of the Shire to achieve its aspirational outcomes and objectives over the medium-term. All operational planning and reporting is driven by the Corporate Business Plan, which is reviewed annually to ensure priorities are achievable and effectively timed.

NATURE OF COUNCIL'S ROLE IN THE MATTER

The Council's role in the 4 year Corporate Business Plan activities include:

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 Corporate Business Plan is the Shire's 4-year planning document. It gives effect to the first four years of the Strategic Community Plan and is pivotal in ensuring that the medium term commitments are both strategically aligned and affordable.

The Draft 2017/18 - 2020/21 Corporate Business Plan has been developed with input from a wide selection of the organisation based on the resources available and the community needs identified by Council, senior staff, the recent community perceptions study and community consultation.

The previous Corporate Business Plan Year 2016/17 - 2019/20 was adopted by Council at the 15 September 2016 Ordinary Council Meeting in conjunction with the Annual Budget 2016 -2017. At this meeting Council resolved as follows:-

Minute No: 11495

- 1. Pursuant to the provisions of section 5.56 of the Local Government Act 1995 and Regulation 19DA of the Local Government (Administration) Regulations 1996, the Council adopt the Corporate Business Plan 2016/17 to 2019/20 as contained in Attachment 7 of this agenda, for the Shire of Wyndham East Kimberley which has:**

- 1. Incorporated Council's consideration of the public submissions received;**
- 2. Reflects key programs and projects to be undertaken in 2016/17 in accordance with the 2016/17 Annual Budget.**

The Corporate Business Plan ("CBP") is a key component of the Integrated Planning Framework requirements that were introduced in 2013. The intent of the Integrated Planning Framework was to ensure improved strategic, financial and asset management planning across WA local governments.

STATUTORY IMPLICATIONS

Council must comply with the statutory requirements of the Integrated Planning and Reporting Framework.

Local Government Act 1995

5.56. *Planning for the future*

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

Local Government (Administration) Regulations 1996

Part 5 Annual reports and planning

Division 3 Planning for the future

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

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

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 are adequately funded and that appropriate and endorsed rating strategies are in place to allow any financial impact on the community to be carefully considered.

There is also an ongoing cost associated with the review of the Corporate Business Plan and reporting on the performance measures for each of the actions within the Plan.

STRATEGIC IMPLICATIONS

The Corporate Business Plan serves to activate the Strategic Community Plan by resourcing operational priorities and activities over the short to medium term.

Strategic Community Plan 2012-2022

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

Objective 1.1: Strong community engagement

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

RISK IMPLICATIONS

The Department of Local Government and Communities has released a series of standards against which the Integrated Planning and Reporting Framework elements, including the Corporate Business Plan, can be measured.

Failure to adopt a Corporate Business Plan may also compromise the ability of Council to consider or endorse the Long Term Financial Plan and the 2017-18 Annual Budget. This may in turn compromise the Shire's ability to meet its statutory compliance obligations.

COMMUNITY ENGAGEMENT

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

- Advertising including local public notice in accordance with the *Local Government Act 1995*;
- Open house sessions in Kununurra and Wyndham;
- Reference to the Shire of Wyndham East Kimberley Stakeholder Advisory Group;
- Media stories, including social media; and
- Submissions.

COMMENTS

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 regulations. Regulations came into effect on 1 July 2013 requiring all local governments in Western Australia to develop and adopt a Strategic Community Plan (SCP) and a Corporate Business Plan (CBP), supported and informed by resourcing and delivery strategies. These plans drive the development of each local government's annual budget and through a process of continuous improvement, local governments should be better able to plan for and meet the needs of their communities.

The Integrated Planning and Reporting Framework is designed to ensure more effective delivery of the local government's strategic intentions, and to provide a process to:

- Ensure community input is explicitly and reliably generated;
- Provide the capacity for location specific planning where appropriate;
- Inform the long term objectives of the local government with these inputs;
- Identify the resourcing required to deliver against the long term objectives; and
- Clearly articulate long term financial implications and strategies.

ATTACHMENTS

Attachment 1 - draft Corporate Business Plan 2017/18 - 2020/21

12.3.8. Corporate Business Plan 2016/17 - Progress Report - January to March 2017

DATE:	23 May 2017
AUTHOR:	Senior Integrated Planning and Reporting Officer
RESPONSIBLE OFFICER:	Louise Gee, Director Community and Development
FILE NO:	CM.10.3
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council note the Corporate Business Plan 2016/17 - 2019/20 Progress Report - January to March 2017

COUNCIL DECISION

Minute No: 23/05/2017-11684

Commissioner resolved:

That Council note the Corporate Business Plan 2016/17 - 2019/20 Progress Report - January to March 2017

Carried 1/0

PURPOSE

For the Council to receive the January to March 2017 Quarterly Review of the Corporate Business Plan 2016/17 - 2019/20 and Progress Report.

The Corporate Business Plan is the Shire of Wyndham East Kimberley's 4-year service and project delivery program. It is aligned to the strategic direction and priorities set within the 10-year Strategic Community Plan 2012–2022.

The purpose of the Plan is to demonstrate the operational capacity of the Shire to achieve its aspirational outcomes and objectives over the medium-term. All operational planning and reporting is driven by the Corporate Business Plan, which is reviewed annually to ensure priorities are achievable and effectively timed.

Quarterly progress against services and programs is reported against the Strategic Community Plan's three Goals of:

- Goal 1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational sustainability
- Goal 2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure
- Goal 3: Protection and enhancement of lifestyle values, community facilities and the environment to provide safe and inviting communities.

The attached Corporate Business Plan Progress Report (refer Attachment 1) details the progress up to the end of the March Quarter 2016/17 financial year in implementing Council's Corporate Business Plan. To deliver the initiatives detailed in the Corporate Business Plan 2016/17 - 2019/20, a comprehensive internal program has been developed which is regularly reviewed by the Executive Management Team to ensure work priorities are being met.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - Plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Corporate Business Plan is the Shire's 4-year planning document. It gives effect to the first four years of the Strategic Community Plan and is pivotal in ensuring that the medium term commitments are both strategically aligned and affordable.

Monitoring and reporting is integral to the Integrated Planning and Reporting Framework. Monitoring and reporting on the progress against the Corporate Business Plan ensures that the Shire is working towards the achievement of community priorities and aspirations.

The Corporate Business Plan Year 2016/17 - 2019/20 was adopted by Council at the 15 September 2016 Ordinary Council Meeting in conjunction with the Annual Budget 2016 - 2017. At this meeting Council resolved as follows:-

Minute No: 11495

- 1. Pursuant to the provisions of section 5.56 of the Local Government Act 1995 and Regulation 19DA of the Local Government (Administration) Regulations 1996, the Council adopt the Corporate Business Plan 2016/17 to 2019/20 as contained in Attachment 7 of this agenda, for the Shire of Wyndham East Kimberley which has:
1. Incorporated Council's consideration of the public submissions received;
2. Reflects key programs and projects to be undertaken in 2016/17 in accordance with the 2016/17 Annual Budget.**

The Corporate Business Plan is a component of the Integrated Planning and Reporting Framework introduced in Western Australia as part of the State Government's Local Government Reform Program in 2010.

STATUTORY IMPLICATIONS

Council must comply with the statutory requirements of the Integrated Planning and Reporting Framework.

Local Government Act 1995

5.56. *Planning for the future*

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

Local Government (Administration) Regulations 1996

Part 5 Annual reports and planning

Division 3 Planning for the future

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

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

POLICY IMPLICATIONS

Integrated Planning and Reporting Framework

FINANCIAL IMPLICATIONS

Individual projects and actions that are incomplete within the financial year may impact the draft budget for 2017/18.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.1: Strong community engagement

Objective 1.4: Business innovation, efficiency and improved services

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

COMMUNITY ENGAGEMENT

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

Informing - Item is a report to Council on the progress against the Corporate Business Plan. The report will be made available to the community via the Shire's web page.

COMMENTS

Status of the active action items

The attached report details the progress for January to March 2017 of the 2016/17 financial year in implementing Council's Corporate Business Plan. Corporate Business Plan Actions are linked to the Strategic Community Plan. The Strategic Community Plan 2012-2022 is the long-term strategic planning document that outlines the Shire's commitment to achieving the vision and aspirations of its community and key stakeholders. The report groups the Shire's active action's under their relevant Goal, Objectives and Strategies. A commentary is provided against each action completed, and project status is reported via colour coding which indicates if the project has been completed, is on track or behind schedule.

For each item listed in the report there is:

- An assigned responsible directorate - each action is assigned to a directorate to implement
- Action percentage complete - a measure of the amount of the task that has been completed as a percentage
- Quarter Progress Update - Action Update for the Quarter by Responsible Officers
- Complete by 30th June - Will the 2016/17 milestones set for the action be complete within the current financial year.
- Inclusion in the 2017/18 CBP - An indication if the Action will be included in the draft 2017/18 Corporate Business Plan

2016/17 action milestones within the attached report (refer Attachment 1) at risk of not being completed by the end of the financial year 2016/17 (30 June 2017), are highlighted in the end column "Action complete by 30th June."

Report Summary

Progress during the quarter of January to March saw 26 actions move from not started to in progress and 19 actions completed. 56 or 25% of the 2016/17 actions are now complete.

The attached report highlights 50 items planned to be complete by the end of the financial year that are at risk of not being completed by the 30 June 2017. At the end of quarter two this was 49. A number of issues have affected the progress of these actions including; prioritisation of resources, staff resources due to vacancies, impact of weather, grant funding applications not successful or external funding to-date not being secured.

Reporting against the Strategic Community Plan's Strategies, the below tables summarise the number of active actions and their status in the Corporate Business Plan 2016/17 - 2019/20:

Community Goal	2016/17 Actions Supporting the Goal	% Complete	Number of actions at risk of not being completed by 30th June
1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational sustainability	56	54%	17
2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure	76	62%	15
3: Protection and enhancement of lifestyle values, community facilities and the environment to provide safe and inviting communities	70	60%	18
Regulation 17 Audit of the Local Government Regulations 1996	22	46%	0
Total CBP 2016/17	224	55%	50

Table: Action status by strategic community goal

Strategy	Action s	% complete
Goal 1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational sustainability	56	54%
1.1.1: Investigate and implement options to encourage and integrate community input in Council planning, policies & decisions making	1	10%
1.1.2: Improve planning processes to ensure broader engagement and identification of relevant issues from all parties	6	29%
1.2.1: Work collaboratively with agencies for forward planning to expand opportunities and reduce wastage and duplication	1	50%
1.2.2: Work collaboratively with the other Kimberley Shires to create and manage regionally beneficial projects	6	75%
1.2.3: Promote the colocation of community facilities and sharing of resources among community groups	1	0%
1.3.1: Actively provide input to decision making at the Regional, State and Federal levels on behalf of the community	2	88%
1.3.2: Actively participate in the review and implementation of municipal services to remote and Aboriginal communities	1	75%
1.4.1: Ensure legislative compliance and follow best practice principles in planning and service delivery	15	60%
1.4.2: Improve the efficiency and productivity of Shire services	5	47%
1.4.3: Maintain Council's long term financial viability	6	20%
1.4.4: Deliver cost effective and efficient corporate services	10	52%
1.4.5: Attract and maintain a skilled, motivated and professional workforce	3	37%
Goal 2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure	76	62%
2.1.2: Promote and support major events that benefit locals and attract visitors to the area	2	45%
2.2.1: Promote the expansion of residential and industrial land	6	78%
2.2.2: Support agricultural opportunities	3	30%
2.2.3: Advocate for improved availability of adequate water resources	1	75%

2.2.4: Enhance and expand tourism opportunities in the East Kimberley and improve access to significant tourism destinations	4	81%
2.2.5: Advocate for improved telecommunications and internet services	1	75%
2.2.6: Support local initiatives that promote entrepreneurial activities and a greater diversity of industries in the East Kimberley	1	75%
2.2.7: Advocate for a range of affordable housing options and styles that cater to a broad market including key worker housing	1	75%
2.2.8: Support and advocate for further development of the East Kimberley regional airport to attract more aircraft and greater competition	9	36%
2.2.9: Lobby for improvements to transport infrastructure, particularly for heavy haulage and shipping	2	18%
2.3.1: Manage and maintain assets in a strategic and cost effective manner	30	77%
2.3.2: Plan, design and budget for sustainable infrastructure	3	57%
2.4.1: Advocate for improved health and community services	2	40%
2.4.2: Ensure community compliance with Environmental Health regulations	3	67%
2.4.3: Support early childhood and family support services	1	75%
2.4.4: Provide an environment where youth are empowered to develop their potential	4	36%
2.5.2: Advocate for the introduction of culturally appropriate alternative education for Indigenous people	1	0%
2.5.3: Advocate for the establishment of more school based apprenticeships	1	0%
2.5.4: Encourage activities that promote adult educational opportunities including family support and life skills programs	1	75%
Goal 3: Protection and enhancement of lifestyle values, community facilities and the environment to provide safe and inviting communities	70	60%
3.1.1: Support activities that promote volunteerism and active participation in community events and programs	9	92%
3.1.3: Support the community by providing access to local funding and sponsorship opportunities	3	58%
3.1.4: Facilitate activities that link communities	1	75%
3.2.1: Provide an integrated approach to waste management that includes waste minimisation strategies	3	75%
3.2.2: Ensure energy efficiency and low carbon options are used to reduce the Shire's energy costs and carbon footprint	1	50%

3.3.10: Adopt a partnership approach for emergency and fire management planning, preparedness, response and recovery	2	25%
3.3.2: Promote greater vibrancy and activity within town centres, particularly through a mix of restaurants and accommodation	1	100%
3.3.4: Ensure a well-connected and maintained network of shared paths	1	50%
3.3.3: Ensure Adequate street lighting	1	50%
3.3.6: Collaborate with Police and other agencies to review and make recommendations with regard to improved safety and reduced vandalism in towns	4	50%
3.3.8: Ensure quality, consistent and responsive development and building assessment approval processes and enforcement	5	73%
3.3.9: Provide animal control in accordance with legislative requirements	3	75%
3.4.1: Manage, maintain and upgrade public parks and amenities to ensure they meet community need and are accessible to people of all ages and abilities	12	40%
3.4.2: Consider cultural values in all planning and design phases	1	75%
3.4.3: Ensure Shire facilities are planned and managed to meet community needs	6	59%
3.4.4: Provide and support a more effective range of sport and recreation services and facilities including a new leisure and aquatic facility in Kununurra	4	34%
3.5.1: Promote an increase in the number of public events particularly outdoor events and those for youth and which promote cultural diversity	1	100%
3.5.2: Encourage cooperation between sporting groups and assist them in building capacity	1	75%
3.5.3: Increase access to the lake, gulf and rivers, including boat ramps, according to demand usage and safety considerations	6	43%

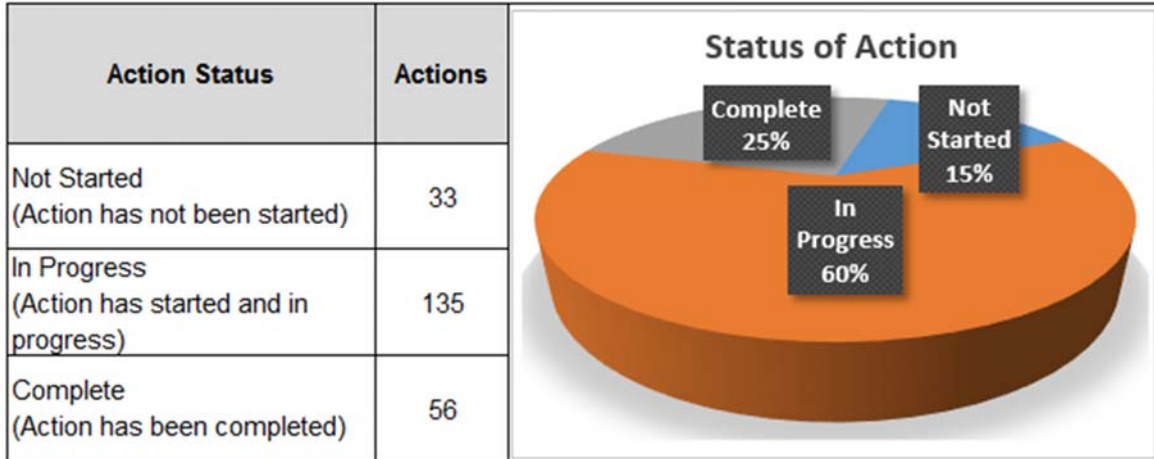


Table: Actions by reported status

ATTACHMENTS

Attachment 1 - Corporate Business Plan 16/17 - Progress Report - January to March 2017

12.3.9. Proposed Road Closure - Portion of Old Darwin Road, Kununurra

DATE:	23 May 2017
AUTHOR:	Senior Planning Officer
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
FILE NO:	RD.19.1
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Close an approximately 3.5ha portion of Old Darwin Road in Kununurra as depicted on the plan shown at Attachment 2.**
- 2. In accordance with section 58(1) of the *Land Administration Act 1997*, requests the Minister of Lands to permanently close an approximately 3.5ha portion of Old Darwin Road in Kununurra as depicted on the plan shown at Attachment 2.**

COUNCIL DECISION

Minute No: 23/05/2017-11685

Commissioner resolved:

That Council:

- 1. Close an approximately 3.5ha portion of Old Darwin Road in Kununurra as depicted on the plan shown at Attachment 2.**
- 2. In accordance with section 58(1) of the *Land Administration Act 1997*, requests the Minister of Lands to permanently close an approximately 3.5ha portion of Old Darwin Road in Kununurra as depicted on the plan shown at Attachment 2.**

Carried 1/0

PURPOSE

For Council to consider the permanent closure of a portion of the Old Darwin Road reserve in Kununurra.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Facilitator - bring stakeholders together

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Old Darwin Road was part of the old Wyndham - Darwin Road which was constructed in approximately 1948 under the Commonwealth Beef Roads Scheme, and was superseded when the route over the Diversion Dam was opened.

The road corridor remains in place, however a portion of the road is permanently under water and not trafficable or maintained as a road, and instead is the location of the Lily Creek Boat Ramp, adjoining Celebrity Tree Park, and a portion of the road reserve is also lawned and utilised in conjunction with the adjacent Kimberleyland Holiday Park (Kimberleyland).

The full extent of the Old Darwin Road Corridor is shown shaded yellow on the plan at Attachment 1.

The Department of Lands (DoL) has requested that the Shire consider closing a portion of the Old Darwin Road reserve adjoining Kimberleyland, being an area of approximately 1200 square metres, to be included into the area proposed to be leased and licensed in conjunction with the holiday park.

The management order for the foreshore area adjoining Kimberleyland, being portion of Reserve 50425, is currently held by the Department of Water (DoW), however Council has previously resolved (Minute No. 10622) that it is willing to take on management of a portion of this reserve, subject to survey, and at no cost to the Shire. The DoW have agreed to cover the costs to survey the portion of land to be transferred, and survey instructions are in the process of being issued.

The intent is for the portion of land to be transferred to the Shire to be further subdivided to create:

1. A new reserve over land to be leased in conjunction with the adjoining holiday park, and;
2. A minimum 10m wide strip along the water's' edge, proposed to be included into Reserve 41812, which can be licenced in conjunction with the adjoining holiday park.

The section of road reserve that is already being utilised in conjunction with the adjoining holiday park, is recommended to be included into the proposed lease and licence areas.

In considering closure of the portion of road recommended to be leased/licenced in conjunction with the adjoining holiday park, it was proposed to also consider closing a portion of the road that is permanently under the water.

The Shire wishes to retain the extent of the reconstructed Lily Creek boat ramp and newly constructed finger jetties, to allow for ongoing management, which would result in an area of up to approximately 3.5ha that may be closed, as shown shaded red on the plan at Attachment 2.

Attachment 3 indicates the proposed future disposition of the land comprising the road closure area.

At the Ordinary Council meeting of 28 February 2017, Council resolved (Minute No: 28/02/2017-11615) as follows:

That Council requests the Chief Executive Officer to advertise the proposed closure of an approximately 3.5 hectare portion of the Old Darwin Road reserve.

Accordingly, the closure of an approximately 3.5ha portion of the Old Darwin Road was advertised in accordance with the *Land Administration Act 1997*.

STATUTORY IMPLICATIONS

Land Administration Act 1997 (LAA)

Section 58 of the LAA outlines the process for closing roads, which requires the local government to advertise a proposed road closure for a period of 35 days before it can resolve to request the Minister for Lands to close a road, or portion thereof.

Land Administration Regulations 1998

Regulation 9 of the *Land Administration Regulations 1998* outlines the information that a local government is required to provide to request to close road permanently under section 58(2) of the LAA. This regulation requires the local government to provide:

- (a) *written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require; and*
- (b) *sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed; and*
- (c) *copies of any submissions relating to the request that, after complying with the requirement to publish the relevant notice of motion under section 58(3) of the Act, the local government has received, and the local government's comments on those submissions; and*
- (d) *a copy of the relevant notice of motion referred to in paragraph (c); and*
- (e) *any other information the local government considers relevant to the Minister's consideration of the request; and*
- (f) *written confirmation that the local government has complied with section 58(2) and (3) of the Act.*

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The advertising costs for the proposed road closure was a total of \$512.45, for the advert to be published in the Kimberley Echo for two weeks.

If Council resolves to proceed with closure of any portion of the road reserve, the Shire will also be requested to agree to pay survey costs. Survey costs will vary depending on the area proposed to be excised.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.1: Strong community engagement

Objective 1.4: Business innovation, efficiency and improved services

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

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

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

RISK IMPLICATIONS

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

COMMUNITY ENGAGEMENT

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

Advertising the proposed closure in the Kimberley Echo, with public notices at the Shire's Administration Offices and Kununurra School and Community Library and Shire's website, giving 35 days for submissions to be received.

Notification letters sent to service providers for comment.

COMMENTS

A total of two submissions were received during the advertising period, both from service agencies, from the Water Corporation (Attachment 4) and Telstra (Attachment 5).

The Water Corporation advised that they have no objection as water services are not affected, however Telstra advised that there are Telstra assets within the area, and recommended that the Shire contact Dial Before You Dig for a detailed site plan to establish the exact location of Telstra assets.

Accordingly Shire Officers undertook a Dial Before You Dig search, and the plans received show that there are no Telstra assets (Attachment 6), nor any Horizon Power assets (Attachment 7).

As there were no objections received and no services will be affected, there is no impediment to the proposed road closure.

It is noted that the Old Wyndham - Darwin Road is identified in the Shire's 1997 Municipal Heritage Inventory (MHI) in a List of Historical Sites, of which there are 23, and which are separate to the Places included on the Heritage Inventory List.

The Shire's 2007 MHI identifies that those 23 historical sites need to be reviewed and included on the heritage list where appropriate. As such, it is acknowledged that there is likely to be some desire to recognise the historical road in some manner, which may be achieved through the installation of commemorative signage or inclusion in the heritage list when reviewed.

Accordingly, it is recommended that Council resolve to close an approximately 3.5ha portion of Old Darwin Road.

ATTACHMENTS

- Attachment 1 - Extent of Old Darwin Road
- Attachment 2 - Proposed Road Closure Area
- Attachment 3 - Future Disposition of Land Comprising Road
- Attachment 4 - Water Corporation submission
- Attachment 5 - Telstra submission
- Attachment 6 - Telstra Dial Before You Dig Plans
- Attachment 7 - Horizon Power Dial Before You Dig Plans

12.4. CORPORATE SERVICES

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

DATE:	23 May 2017
AUTHOR:	Creditors Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM.09.5
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the listing of accounts paid from the Municipal and Trust funds, being:	
Municipal EFT 128868 – 129010 (13 Apr - 28 Apr 17)	\$526,196.48
Municipal cheques 51542 - 51562 (13 Apr - 28 Apr 17)	\$134,319.60
Trust cheques 1025 - 1028 (30 Apr 17)	\$3,493.11
Trust EFT 501370 - 501384 (03 Apr – 28 Apr 17)	\$15,236.80
Payroll (12 Apr - 26 Apr 17)	\$463,549.81
Direct bank debits (03 Apr - 20 Apr 17)	\$143,641.80
TOTAL	\$1,286,437.60

COUNCIL DECISION

Minute No: 23/05/2017-11686

Commissioner resolved:

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

Municipal EFT 128868 – 129010 (13 Apr - 28 Apr 17)	\$526,196.48
Municipal cheques 51542 - 51562 (13 Apr - 28 Apr 17)	\$134,319.60
Trust cheques 1025 - 1028 (30 Apr 17)	\$3,493.11
Trust EFT 501370 - 501384 (03 Apr – 28 Apr 17)	\$15,236.80
Payroll (12 Apr - 26 Apr 17)	\$463,549.81
Direct bank debits (03 Apr - 20 Apr 17)	\$143,641.80
TOTAL	\$1,286,437.60

Carried 1/0

PURPOSE

To present the listing of accounts paid from the Municipal Fund and Trust Fund in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996*.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In accordance with Council's Delegations Register 2016/17 which was adopted by the Council on the 30 August 2016, the Council has delegated to the CEO the exercise of its power under regulations 12 and 13 of the *Local Government (Financial Management) Regulations 1996* to make payments from Municipal Fund and Trust Fund.

STATUTORY IMPLICATIONS

Local Government Act 1995 – section 5.42

Local Government (Financial Management) Regulations 1996 – Regulations 5, 11, 12, 12(1)(a) and 13.

POLICY IMPLICATIONS

Sub-delegation 12 “Payments from the Municipal Fund and Trust Fund” applies subject to compliance with *Council Policy CP/FIN-3204 Purchasing*.

FINANCIAL IMPLICATIONS

Ongoing management of the Shire’s funds by providing the Council with sufficient information to monitor and review payments made.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022.

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

Objective 1.4: Business innovation, efficiency and improved services.

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

Strategy 1.4.3 : Maintain Council’s long term financial viability.

RISK IMPLICATIONS

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

Controls: Annual Financial Audit.
Annual Compliance Return to Department of Local Government.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

In accordance with statutory requirements, each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled each month showing: the payee's name, amount of payment, date of payment and sufficient information to identify the transaction. The list is to be presented to the Council at the next ordinary meeting of the Council following the preparation of the list and is to be recorded in the minutes of the meeting at which it is presented.

ATTACHMENTS - Item 12.4.2

Attachment 1 - List Of Accounts Paid April 2017

12.4.2. Draft Budget 2017/18 - Endorse the Draft Budget 2017/18 for purpose of Community consultation.

DATE:	23 May 2017
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM.05.14
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

The Council endorse the Draft Budget 2017/18 for the purposes of community consultation.

COUNCIL DECISION

Minute No: 23/05/2017-11687

Commissioner resolved:

The Council endorse the Draft Budget 2017/18 for the purposes of community consultation.

Carried 1/0

PURPOSE

The purpose of this report is for the Council to consider the Draft Budget 2017/18 and to endorse Shire Officers to undertake a community consultation process.

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

Shire Officers have as part of the 2017/18 Budgeting process commenced community consultation on the proposed Fee and Charges 2017/18, proposed Rates model for 21017/18 and amendments to the Strategic Rating Policy 2017/18. The resolutions giving effect to this were passed at the Ordinary Council Meeting on 26 April 2017 (**Minute No: 26/04/2017 – 11661** and **Minute No: 26/04/2017 – 11663**). This process commenced on the 4 May 2017 with a Media release and advertisements appeared in the Kimberley Echo, the Shires Facebook page, the Shire website and various public noticeboards.

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 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 - 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.*

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.

POLICY IMPLICATIONS

Each of the Council Policies outlined below are relevant in the preparation of the Draft Budget 2017/18:

- 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

FINANCIAL IMPLICATIONS

The Draft Budget 2017/18 details the collection of estimated revenue from rates, fees and charges, grant income and available cash from 2016/17 of \$28.5m and how that revenue is expended over the provision of services, the maintenance and renewal of the Shires asset base and maintenance of adequate cash reserves to fund future projects.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.1: Strong community engagement

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

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

RISK IMPLICATIONS

Strategic 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:

- Available in the Shire Offices.
- Advertising including local public notice in accordance with the *Local Government Act 1995*;
- Open house sessions in Kununurra and Wyndham;
- Reference to the Shire of Wyndham East Kimberley Stakeholder Advisory Group;
- Media stories, including social media; and
- Submissions

COMMENTS

The 2017/18 Budget has been compiled on a basis that is consistent with prior years. It assumes that Shire service levels will not change in the main and where there is change it is funded from savings in other areas of the operations. The commentary below is a brief outline of the Budget and a more comprehensive commentary will be presented as part of the final budget report to the July Ordinary Council Meeting.

The main objective in compiling the budget was to further progress a process whereby the Shire can move towards being financially sustainable and at the same time be a moderate rating Shire. This is not an objective that can be achieved in a single budget period and will have to be implemented over a number of years. It is critical that future budgets are informed by detailed Asset Management Plans, Long Term Financial Plans and Workforce Management Plans. All of these plans are in the process of being compiled and will be informing plans for the next budget period.

The Draft Budget 2017/18 has provided sufficient funds to maintain Shire services at current service levels. The operational aspects of the Budget have not changed materially over what was presented in 2016/17. This is expected as the mix of services provided have not changed materially since the last Budget was adopted. The staffing Full Time Equivalents are forecast to be 99.14 for the 2017/18 year (96.04 - 2016/17). This represents a change over the prior year of 3.1. This change in the establishment is due to the following:

- WANDRRA Engineer - 1 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.
- Manager Assets and Financial Accountant - 1 FTE - these were positions that were approved by Council in the 2016/17 year but were only budgeted for half of the year. These positions have been filled and need to be budgeted for the full year.
- Trainees at the Recreation Centre - 0.6 FTE - This reflects the line item in the Corporate Business Plan Strategy Item 2.4.4 action number 351.
- ICT part time technical staff - 0.3 FTE - This increase has been included to ensure the organisation retains corporate knowledge and recognises service delivery expectations and requirements in the ICT area. While the full time position has not been filled at this stage the position has been budgeted for in full.

- Economic Development Officer - 0.2 - (\$Nil) - The hours allocated to this position have increased over the prior year budget at no additional cost to the Shire.

The total staff costs have increased by \$486k to \$9,700k for the current budget. The change in the establishment detailed above account for \$294k of the difference. The remaining amount represents an anticipated Enterprise Agreement increase and the cost to align positions to achieve consistency across the organisation.

The capital works program is where significant funds are going to be spent. Shire Officers estimate that \$9.5m will be received in WANDRRA funding for capital works to rectify flood damage to road infrastructure in the Shire. Other major projects include Lake Argyle Road (\$1.8m), drainage and road upgrades to Kununurra Townsite (\$1.8m), resealing program in Kununurra and Wyndham (\$947), Kalumburu Road (\$987k), drainage and road upgrades to Bandicoot Drive (\$400k), drainage improvements to Gambier Street (\$300k) and Airport asset renewal and replacement (\$1.0m). Total funds to be spent on drainage in various projects in 2017/18 is \$2.6m.

The Shire is currently undertaking a Drainage Study for the Kununurra Townsite in partnership with Water Corp and OIC and it is anticipated that a range of drainage related works will be recommended from the study. At the midyear budget review an amount of \$208k was placed in the drainage reserve for future capital works. After funding project expenditure during the current year from the reserve, it is estimated that it will be built up to \$705k at 30 June 2018. Other reserves that have been built up are the Waste Reserve which has a projected balance at 30 June 2018 of \$624k and the Plant and Equipment Reserve to have a projected balance of \$53k.

ATTACHMENTS

Attachment 1 - Draft Budget 2017/18

12.4.3. Monthly Financial Report as at 30 April 2017

DATE:	23 May 2017
AUTHOR:	Asset Management Accountant
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM.09.5
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

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

COUNCIL DECISION

Minute No: 23/05/2017-11688

Commissioner resolved:

That Council receives the monthly financial report as at 30 April 2017

Carried 1/0

PURPOSE

For Council to receive the monthly financial report for the period ended 30 April 2017.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Council is to prepare monthly financial reports as required by the *Local Government (Financial Management Regulations) 1996*.

At the 15 September 2016 Ordinary Council Meeting, the Council resolved the following:

COUNCIL DECISION

Minute No: 11491

Moved: Cr B Robinson

Seconded: Cr N Perry

That the Council, in accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, approves the materiality level for monthly reporting to be set at +/- 10% and +/- \$20,000 at account level and +/- 10% and +/- \$100,000 at financial statement level.

Carried 9/0

These materiality levels have been applied in the preparation of this report.

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 6.4.

Local Government (Financial Management) Regulations 1996, Regulation 34.

POLICY IMPLICATIONS

No policy implications apply in the preparation of the report.

FINANCIAL IMPLICATIONS

Monthly financial reporting is a primary financial management and control process; it provides the Council with the ability to oversee the Shire's financial performance against budgeted target.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.4: Business innovation, efficiency and improved services

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

RISK IMPLICATIONS

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

COMMUNITY ENGAGEMENT

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

No community engagement is required.

COMMENTS

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

ATTACHMENTS

Attachment 1 - Monthly Financial Report as at 30 April 2017.

12.4.4. Review of Council Policy CP/CS-3281 Customer Service

DATE:	23 May 2017
AUTHOR:	Team Leader Records Management & Customer Service
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council to adopt the revised *Customer Service Policy CP/CS-3281*

COUNCIL DECISION

Minute No: 23/05/2017-11689

Commissioner resolved:

That Council to adopt the revised *Customer Service Policy CP/CS-3281*

Carried 1/0

PURPOSE

For Council to adopt the revised *Customer Service Policy CP/CS-3281*.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At the 16 December 2014 Ordinary Council Meeting an item was presented to Council regarding statistical records of information requests received for calendar year 2013 versus 2014. At that meeting Council resolved the following:

COUNCIL DECISION

Minute No. 10741

That the Acting Chief Executive Officer develop the following for Council consideration in 2015:

- 1. Communications Policy**
- 2. Customer Service Charter**
- 3. Complaints Policy**

In January 2015 the Leadership Team was consulted in relation to the implementation of these policies and the charter. At this meeting it was determined that the proposed Communications Policy would be more appropriately separated into a Media Policy and a Customer Service Policy.

At the 24 March 2015 Ordinary Council Meeting an item was presented to Council requesting that the Council consider the adoption of a Customer Service and a Complaints Management Policy and to seek public comment on the content for the Council to subsequently consider. The Council resolved to:

COUNCIL DECISION
Minute No. 10837

That Council:

- 1. Endorse the Customer Service Policy effective immediately;***
- 2. Endorse the Complaints Management Policy effective immediately;***
- 3. Directs the Acting Chief Executive Officer to seek public comment in relation to the Customer Service Policy and the Complaints Management Policy;***
- 4. Notes that the Communications Policy resolved at the December Ordinary Meeting of Council has been separated into two policies, being the Customer Services Policy and a new Media Policy that is currently in development;***
- 5. Notes that to ensure the appropriate implementation of a Customer Service Charter incorporating service standards, the Shire will require a significant review of procedures and systems to support its implementation and ongoing measurement against the standards set, which is not funded in 2014/15 and would need to be considered as part of the 2015/16 Budget Process.***

At the 23 June 2015 Ordinary Council Meeting Council resolved:

COUNCIL DECISION

Minute No.10977

Moved: Cr B Robinson
Seconded: Cr D Learbuch

That Council:

- 1. Thanks the community member for their feedback on the Customer Service and Complaints Management Policies;**

2. Adopts the Customer Service Policy;

3. Adopts the Complaints Management Policy.

Carried Unanimously 9/0

STATUTORY IMPLICATIONS

The *Local Government Act 1995* and associated regulations only provides avenues for dealing with complaints in relation to the conduct of councillors. However, the recommended policies are broader than this.

POLICY IMPLICATIONS

The Customer Service Policy align with the Code of Conduct.

It should be noted that the *Local Government (Rules of Conduct) Regulations 2007* were introduced to provide a disciplinary framework to deal with individual misconduct by local government council members. The regulations only apply to complaints against elected members and do not apply to complaints about employees hence these policies are broader in their application.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.4: Business innovation, efficiency and improved services

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

RISK IMPLICATIONS

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

The purpose of this Policy review is to reinforce the Council's commitment to delivering professional and quality customer service in line with the Council's policy review schedule, And to bring the Policy inline with Ombudsmen Western Australia Managing Unreasonable Complaint Conduct Practice Manual.

ATTACHMENTS

Attachment 1 - CP/CS-3281 Customer Service Policy - track changes

Attachment 2 - Ombudsmen Western Australia Managing Unreasonable Complaint Conduct Practice Manual.

12.4.5. Review of Council Policy CP/CS-3280 Complaints Management

DATE:	23 May 2017
AUTHOR:	Team Leader Records Management & Customer Service
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the revised Complaints Management Policy CP/CS-3280.

COUNCIL DECISION

Minute No: 23/05/2017-11690

Commissioner resolved:

That Council adopt the revised Complaints Management Policy CP/CS-3280.

Carried 1/0

PURPOSE

For Council to adopt the revised *Complaints Management Policy CP/CS-3280*.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At the 16 December 2014 Ordinary Council Meeting an item was presented to Council regarding statistical records of information requests received for calendar year 2013 versus 2014. At that meeting Council resolved the following:

COUNCIL DECISION

Minute No. 10741

That the Acting Chief Executive Officer develop the following for Council consideration in 2015:

- 1. Communications Policy**
- 2. Customer Service Charter**
- 3. Complaints Policy.**

In January 2015 the Leadership Team was consulted in relation to the implementation of these policies and the charter. At this meeting it was determined that the proposed Communications Policy would be more appropriately separated into a Media Policy and a Customer Service Policy.

At the 24 March 2015 Ordinary Council Meeting an item was presented to Council requesting that the Council consider the adoption of a Customer Service and a Complaints Management Policy and to seek public comment on the content for the Council to subsequently consider. The Council resolved to:

COUNCIL DECISION
Minute No. 10837

That Council:

- 1. Endorse the Customer Service Policy effective immediately;**
- 2. Endorse the Complaints Management Policy effective immediately;**
- 3. Directs the Acting Chief Executive Officer to seek public comment in relation to the Customer Service Policy and the Complaints Management Policy;**
- 4. Notes that the Communications Policy resolved at the December Ordinary Meeting of Council has been separated into two policies, being the Customer Services Policy and a new Media Policy that is currently in development;**
- 5. Notes that to ensure the appropriate implementation of a Customer Service Charter incorporating service standards, the Shire will require a significant review of procedures and systems to support its implementation and ongoing measurement against the standards set, which is not funded in 2014/15 and would need to be considered as part of the 2015/16 Budget Process.**

At the 23 June 2015 Ordinary Council Meeting Council resolved:

COUNCIL DECISION

Minute No.10977

Moved: Cr B Robinson
Seconded: Cr D Learbuch

That Council:

- 1. Thanks the community member for their feedback on the Customer Service and Complaints Management Policies;**
- 2. Adopts the Customer Service Policy;**
- 3. Adopts the Complaints Management Policy.**

Carried Unanimously 9/0

STATUTORY IMPLICATIONS

The *Local Government Act 1995* and associated regulations only provides avenues for dealing with complaints in relation to the conduct of Councillors. However, the recommended policies are broader than this.

POLICY IMPLICATIONS

The Customer Service Policy aligns with the Code of Conduct.

It should be noted that the *Local Government (Rules of Conduct) Regulations 2007* were introduced to provide a disciplinary framework to deal with individual misconduct by local government council members. The regulations only apply to complaints against elected members and do not apply to complaints about employees hence these policies are broader in their application.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.4: Business innovation, efficiency and improved services

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

RISK IMPLICATIONS

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

The purpose of this Policy review is to reinforce the Council's commitment to delivering professional and quality customer service in line with the Council's policy review schedule, and to bring the Policy inline with the Ombudsman Western Australia Revised Guidelines on Complaint Handling.

ATTACHMENTS

Attachment 1 - CP/CS-3280 Complaints Management Policy - track changes

Attachment 2 - Ombudsmen Western Australia Revised Guidelines on Complaint Handling

12.5. INFRASTRUCTURE

Nil

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

Nil

16. MATTERS BEHIND CLOSED DOORS

Nil

17. CLOSURE

The Commissioner closed the meeting at 5:35pm.