

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

Shire President

Date



SHIRE OF WYNDHAM | EAST KIMBERLEY

Minutes ORDINARY COUNCIL MEETING

28 November 2017

DISCLAIMER

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

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

An audio and/or video record will be made of these proceedings to assist in the taking of minutes.

Signed on behalf of Council



CARL ASKEW

CHIEF EXECUTIVE OFFICER

NOTES

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

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**SHIRE OF WYNDHAM EAST KIMBERLEY
ORDINARY COUNCIL MEETING MINUTES
WYNDHAM COUNCIL CHAMBERS
HELD ON 28 NOVEMBER AT 5:00PM**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

An audio and/or video record will be made of these proceedings to assist in the taking of minutes.

The Shire President declared the meeting open at 5.00pm

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

Cr D Menzel	Shire President
Cr T Chafer	Deputy Shire President
Cr N Brooke	Councillor
Cr M Dear	Councillor
Cr J Farquhar	Councillor
Cr G Lodge	Councillor
Cr M McKittrick	Councillor
Cr D Pearce	Councillor
Cr A Petherick	Councillor
C Askew	Chief Executive Officer
D Klye	Director Infrastructure
V Lawrence	Director Corporate Services
P Bracegirdle	A/Director Community Development
K Williams	Executive Assistant (Minute Taker)
M Davidsion	SWEK
J Law	DLGSCI
S Smith	WALGA
P De Krujif	Kimberley Echo
D Spackman	
K Wright	
C McLachlan	
M Northover	

3. DECLARATION OF INTEREST

- Financial Interest

• Councillor/ Officer	Item	Title	Description of Interest
Cr Brook	12.2.5	Additional flight options from EK Regional Airport	I am the paid Coordinator of the East Kimberley Marketing Group

- Impartiality Interest

• Councillor/ Officer	Item	Title	Description of Interest
CEO Askew	12.2.5	Additional flight options from EK Regional Airport	I am currently Council's representative to the East Kimberley Marketing Group
Cr Chafer	12.2.5	Additional flight options from EK Regional Airport	Member of East Kimberley Marketing Group
Cr Menzel	12.5.2	Stormwater Management for Developments Policy	As chairman of Ord Irrigation there may be a perception of my impartiality on this matter. I declare I will this matter on its merits and vote accordingly.
Cr Dear	12.5.2	Stormwater Management for Developments Policy	I am Manager at Ord Irrigation. As a consequence there may be a perception

			that my impartiality on this matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.
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- Proximity Interest

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

C. McLachlan
Wyndham WA

I note that the Wyndham Landfill site is stated to have an expected 12 months active life remaining (Progress Report Item 380), and preparations to cap it, before constructing a waste transfer station, are already underway. Could you please explain how the 12 months active life was calculated as, to a casual observer, it appears that only about half the available land on this site has been used?

Given what appears to be very strong opposition to this proposal in Wyndham, and the fact that it has not yet been tabled for discussion at any public meeting to date, what rights do Wyndham ratepayers have in determining the future of the Wyndham Landfill site?

David Menzel the Shire President provided the following response:

There is basically no room left at the site that can be used for waste disposal. The remaining life is calculated by comparing the available space left as approved by the Department of Water and Environmental Regulation with the rate of delivery of waste to the site. There is nothing that can realistically be done to provide a Shire landfill at Wyndham. The Department of Water and Environmental Regulation have previously advised that it is extremely unlikely to approve a second Shire landfill in Wyndham. The provision of a transfer station in Wyndham will be more cost effective than operating a landfill so on a cost basis alone, good governance would dictate that the site becomes a transfer station.

6. APPLICATIONS FOR LEAVE OF ABSENCE

LATE ITEM

6.1 Request to attend OCM December 2017 and January 2018 via Electronic Means

DATE:	28 November 2017
AUTHOR:	Executive Assistant
RESPONSIBLE OFFICER:	Carl Askew Chief Executive Officer
FILE NO:	GN.06.7
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council approve Cr Brook's participation in the Ordinary Meeting of Council to be held 19 December 2017 and proposed January Council meeting 2018 via simultaneous communications (video conferencing) from 6 Rhyder Court, Murdoch WA 6150

COUNCIL DECISION

Minute No: 28/11/2017 – 117829

That Council approve Cr Brook's participation in the Ordinary Meeting of Council to be held 19 December 2017 and proposed January Council meeting 2018 via simultaneous communications (video conferencing) from 6 Rhyder Court, Murdoch WA 6150

Moved: Cr McKittrick

Seconded: Cr Lodge

Carried 9/0

PURPOSE

Cr Brook has advised the Chief Executive Officer that she will be in Perth at the time of the December and January Ordinary Council Meeting and that she will therefore need to participate via simultaneous communications - video conferencing.

Cr Brook will participate for the entire Ordinary Council Meeting.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Cr Brook has not previously sought to participate in a Council meeting via instantaneous communication.

Cr Brook has provided the current request in the correct format (writing) and included required details (clearly identified location) as 6 Rhyder Court, Murdoch WA 6150

STATUTORY IMPLICATIONS

Local Government Act 1995 Section 5.25(1)(ba) and 5.25(2)

5.25. Regulations about council and committee meetings and committees

- (1) *Without limiting the generality of section 9.59, regulations may make provision in relation to*
- (a) *the matters to be dealt with at ordinary or at special meetings of councils; and*
 - (b) *the functions of committees or types of committee; and*
 - (ba) *the holding of council or committee meetings by telephone, video conference or other electronic means; and*
 - (c) *the procedure to be followed at, and in respect of, council or committee meetings; and*
 - (d) *methods of voting at council or committee meetings; and*
 - (e) *the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made); and*
 - (f) *the content and confirmation of minutes of council or committee meetings and the keeping and preserving of the minutes and any documents relating to meetings; and*
 - (g) *the giving of public notice of the date and agenda for council or committee meetings; and*
 - (h) *the exclusion from meetings of persons whose conduct is not conducive to the proper conduct of the meetings and the steps to be taken in the event of persons refusing to leave meetings; and*
 - (i) *the circumstances and time in which the unconfirmed minutes of council or committee meetings are to be made available for inspection by members of the public; and*
 - (j) *the circumstances and time in which notice papers and agenda relating to any council or committee meeting and reports and other documents which could be —*
 - (i) *tabled at a council or committee meeting; or*

- (ii) *produced by the local government or a committee for presentation at a council or committee meeting, are to be made available for inspection by members of the public.*

(2) *Regulations providing for meetings to be held by telephone, video conference or other electronic means may modify the application of this Act in relation to those meetings to the extent necessary or convenient to facilitate the holding of those meetings in that way.*

[Section 5.25 amended by No. 64 of 1998 s. 28.]

Local Government (Administration) Regulations 11(a) and 14A

11. Minutes, content of (Act s. 5.25(1)(f))

The content of minutes of a meeting of a council or a committee is to include —

- (a) *the names of the members present at the meeting; and*
- (b) *where a member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting; and*
- (c) *details of each motion moved at the meeting, the mover and the outcome of the motion; and*
- (d) *details of each decision made at the meeting; and*
- (da) *written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration); and*
- (e) *a summary of each question raised by members of the public at the meeting and a summary of the response to the question; and*
- (f) *in relation to each disclosure made under section 5.65 or 5.70 in relation to the meeting, where the extent of the interest has also been disclosed, the extent of the interest.*

[Regulation 11 amended in Gazette 23 Apr 1999 p. 1717.]

14A. Attendance by telephone etc. (Act s. 5.25(1)(ba))

(1) *A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if —*

- (a) *the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and*
- (b) *the person is in a suitable place; and*
- (c) *the council has approved* of the arrangement.*

(2) *A council cannot give approval under subregulation (1)(c) if to do so would mean that at more than half of the meetings of the council, or committee, as the case may be, in that financial year, a person who was not physically present was taken to be present in accordance with this regulation.*

(3) *A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting.*

(4) *In this regulation —*

suitable place means a place that the council has approved* as a suitable place for the purpose of this regulation and that is located —

- (a) in a townsite or other residential area; and
- (b) 150 km or further from the place at which the meeting is to be held under regulation 12, measured along the shortest road route ordinarily used for travelling;

townsite has the same meaning given to that term in the Land Administration Act 1997 section 3(1).

* Absolute majority required.

[Regulation 14A inserted in Gazette 31 Mar 2005 p. 1031.]

Land Administration Act 1997 - section 3 (1)

3. Terms used

- (1) In this Act, unless the contrary intention appears —

townsite means townsite referred to in section 26(1);

26. Land districts and townsites, constitution etc. of

- (1) In this section —
townsite —

- (a) means townsite constituted under subsection (2); and
 - (b) except in subsection (2)(a), includes land referred to in clause 37 of Schedule 9.3 to the Local Government Act 1995.
- (2) Subject to section 26A, the Minister may by order —
- (a) constitute land districts and townsites; and
 - (b) define and redefine the boundaries of, name, rename and cancel the names of, and, subject to this section, abolish land districts and townsites; and
 - (c) name, rename and cancel the name of any topographical feature, road or reserve.
- (3) An order made under subsection (2) may include such matters enabled to be effected under an order made under another provision of this Act as the Minister thinks fit.

[Section 26 amended by No. 38 of 2005 s. 8.]

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

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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Section 5.25(ba) of the Local Government Act provides for the holding of council or committee meetings by telephone, video conference or other electronic means. The record of meeting attendance must contain the name and other required details of any member not physically present who has been approved by council (absolute majority required) to attend a council or committee meeting by telephone, video conference or by other electronic means (*Administration Regulations 11(a) and 14A*).

For the purposes of *Administration Regulation 14A*, a person who is not physically present at a council or committee meeting is to be taken to be present if;

- the person is simultaneously in audio contact with each other person present at the meeting by telephone or other instantaneous communication means;
- the person is in a suitable place (approved by absolute majority); and
- the council has approved (by absolute majority) of the arrangement.

For a person to not physically attend a council or a committee meeting, the council has to approve (by absolute majority) a suitable place for the person to be physically present at during the course of the specific meeting. A suitable place prescribed by *Administration Regulation 14A(4)*, is one that is located;

- in a town site (as defined under *section 3(1) of the Land Administration Act 1997*) or other residential area; and
- 150 km or further from the place at which the meeting is to be held, in accordance with the notice calling the meeting.

The minutes of a meeting, where an approval is granted relating to a member's attendance at a council or committee meeting by telephone, video conference or other electronic means, must clearly show that the council has approved of the arrangement and clearly identify the approved suitable place. The minutes must also confirm that such approval was adopted by absolute majority.

ATTACHMENTS - Item 12.2.5

Attachment 1 - Written application by Cr Brook

7. PETITIONS

Nil

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 19 October 2017.

COUNCIL DECISION

Minute No: 28/11/2017 - 117830

**Moved: Cr Farquhar
Seconded: Cr Brook**

That Council confirms the Minutes of the Ordinary Council Meeting held on 19 October 2017.

Carried 9/0

COMMENT

Commissioner Ron Yuryevich has confirmed in writing the draft minutes for approval by the Shire President

Note: The Minutes of the Ordinary Council Meeting held on 19 October 2017 are provided under separate cover via www.swek.wa.gov.au

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Remembrance Day – Wyndham and Kununurra – Thank you to Cr McKittrick and Cr Petherick for attending the Wyndham ceremony and laying a wreath on behalf of the Shire. Cr Dear was able to attend the Kununurra ceremony and lay a wreath there on behalf of the Shire. As Shire president I was privileged to MC the Kununurra ceremony.

Zone Meeting (Joint Kimberley Northern Territory Local Government Forum) – Darwin – CEO and myself attended the Zone meeting in Darwin which was a great opportunity to catch up with our colleagues across the north. Great to get to know the others involved given there are three new Shire Presidents, including Broome & Derby.

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

As per Agenda

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

12.2. CHIEF EXECUTIVE OFFICER

12.2.1. 2018 Ordinary Council Meeting Dates

DATE:	28 November 2017
AUTHOR:	Executive Assistant
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
FILE NO:	N/A
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the proposed meeting dates/times and locations for 2018:

Month	Ordinary Council Meeting	Location of OCM
January	23 January or RECESS	Kununurra or N/A
February	27 February	Wyndham
March	27 March	Kununurra
April	24 April	Kununurra
May	29 May	Wyndham
June	26 June	Kununurra
July	31 July	Kununurra
August	28 August	Wyndham
September	25 September	Kununurra
October	30 October	Kununurra
November	27 November or Recess	Wyndham
December	11 December	Kununurra

Note: All meetings will commence at 5.00pm.

Cr Chafer moved an amendment to take a recess for the month of January and move the 27 November 2018 Ordinary Council Meeting forward to the 20 November 2017.

Cr Lodge Seconded the Motion

COUNCIL DECISION

Minute Number: 28/11/2017 – 117831

Moved CR Chafer
Seconded CR Lodge

That Council adopt the proposed meeting dates/times and locations for 2018:

Month	Ordinary Council Meeting	Location of OCM
January	RECESS	N/A
February	27 February	Wyndham
March	27 March	Kununurra
April	24 April	Kununurra
May	29 May	Wyndham
June	26 June	Kununurra
July	31 July	Kununurra
August	28 August	Wyndham
September	25 September	Kununurra
October	30 October	Kununurra
November	20 November	Wyndham
December	11 December	Kununurra

Note: All meetings will commence at 5.00pm.

Carried 8/1

PURPOSE

For Council to consider the 2018 Ordinary Council Meeting dates, times and locations.

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 October 2016 Ordinary Council Meeting, Council resolved unanimously (Minute No. 11522) to accept the following dates, time and locations for Ordinary Council Meetings for 2017.

All meetings/sessions will commence at 5.00pm.

Month	Ordinary Council Meeting	Location of OCM
January	24 January	Kununurra
February	28 February	Wyndham
March	28 March	Kununurra
April	26 April	Kununurra
May	29 May	Wyndham
June	27 June	Kununurra
July	25 July	Kununurra
August	22 August	Wyndham
September	26 September	Kununurra
October	24 October	Kununurra
November	28 November	Wyndham
December	19 December	Kununurra

The Audit (Finance & Risk) Committee meetings were determined and advised separately.

STATUTORY IMPLICATIONS

In accordance with the *Local Government Act 1995*:

5.3. Ordinary and special council meetings

- (1) *A Council is to hold Ordinary Meetings and may hold special meetings*
- (2) *Ordinary meetings are to be held not more than three months apart.*

5.5. Convening council meetings

- (1) *The CEO is to convene an ordinary meeting by giving each Council member at least 72 hours notice of the date, time and place of the meeting and an agenda for the meeting*

In accordance with the *Local Government (Administration) Regulations 1996, Section 2*:

12 Meetings, public notice of

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which*
 -
 - (a) *the ordinary council meetings are to be held in the next 12 months.*

POLICY IMPLICATIONS

Council Policy CP/CNC-3140 Council Briefing Sessions

FINANCIAL IMPLICATIONS

Minor expenditure will be incurred to ensure the appropriate statutory advertising occurs. This is provided for in the 2017/18 Annual Budget.

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

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

Local public notice of the Ordinary Council Meeting dates, times and locations will be given in accordance with the legislative requirements.

COMMENTS

The proposed schedule has taken into account the following events:

- Meetings are generally on the fourth (4th) Tuesday of the month
- Easter 28 March -1 April 2018
- Ord Valley Muster mid May 2018 (dates have not been confirmed)
- Local Government Week – usually first week of August (dates have not been confirmed)
- WA Public Holidays.

It is common practice in many Councils to take a recess in January due to the Christmas period, when many businesses close down and individuals take holidays (including Shire staff) and this is the case in the East Kimberley due to both the Christmas period and the impact of the wet season. However historically Council has continued to meet in January, although a briefing session has not occurred due to the limited time available to prepare reports and unavailability of many staff early in the month. The option of a recess in January is something for Council to consider.

The primary impact of such a position is on governance and decision making i.e. the time gap between an early December meeting and the scheduled February meeting and the potential need for a Council determination e.g. a planning application for which certain time constraints apply. However this would not be a significant risk given the time of year, reduced activity etc. and can be overcome through either a delegation or the convening of a Special Council meeting for that purpose.

Typically the December Council meeting occurs early in the month primarily because of the reasons outlined above combined with the fact that the fourth Tuesday tends to be very close to Christmas (for 2018 it will be 25 December) and even the third Tuesday tends to be late in the month, often after school holidays and when many businesses are considering closure and individuals are planning holidays - with many leaving the region during this period.

However when the December meeting is set too early in the month, and depending upon the date of the November meeting, there is sometimes a very small gap between the two meetings, and the consequential impact on the preparation of reports and agenda. As a consequence some Councils will also recess in November and instead refer all reports to the early December meeting.

For 2018 the November meeting is proposed for 27 November and the December meeting two weeks later on 11 December. This will not allow the usual time to also prepare/present a briefing for the December meeting as the agenda for the 11 December meeting will need to be finalised and sent out on Thursday 6 December. The option of a recess in November or the deferral of the December meeting to 18 December are therefore practical options for Council to consider (noting the issues identified above in relation to late December meetings).

The proposed meeting dates/times and locations for the 2018 Audit (Finance & Risk) Committee will be considered by the Committee at their first meeting on 29 November 2017 meeting and will take into consideration the adopted Ordinary Council Meeting dates, times and locations for 2018. This will be reported to the December Council meeting.

Regular Briefing Sessions will continue and will generally occur two weeks prior to each Ordinary Council meeting.

ATTACHMENTS

Attachment 1 - CP/CNC-3140 Council Briefing Sessions

Attachment 2 - Draft Council Meeting Schedule Planner 2018

12.2.2. Councillor Committee Representation

DATE:	06 Nov 2017
AUTHOR:	Senior Governance Officer
REPORTING OFFICER:	Carl Askew, Chief Executive Officer
FILE NO:	GN.07.5
DECLARATION OF INTERESTS:	Nil

VOTING REQUIREMENT

Absolute majority

OFFICER'S RECOMMENDATION

That Council endorses the following representation on various Committees of Council as well as representation on external Boards and Committees:

Audit (Finance and Risk) Committee

Representative 1
Representative 2
Representative 3
Proxy -

CEO review and selection panel

Representative 1
Representative 2
Representative 3
Proxy -

Local Emergency Management Committee (LEMC)

Representative 1
Representative 2 -
Proxy 1
Proxy 2 -

Bush Fire Advisory Committee (BFAC)

Representative 1 -
Representative 2 -
Proxy 1 -
Proxy 2 -

Development Assessment Panels

Representative 1

Representative 2

Proxy 1 - Nil

Proxy 2 - Nil

WALGA Kimberley Zone / Regional Collaborative Group

Representative 1 -

Representative 2 -

Proxy 1 -

Proxy 2 - Chief Executive Officer

Kimberley Regional Road Group

Representative 1 -

Proxy 1 -

Kununurra Community Library

Representative 1 -

Proxy 1 -

Community and Civic Events

Representative 1 -

Representative 2 -

Representative 3 -

Disability Access and Inclusion Planning

Representative 1 -

Representative 2 -

Proxy 1 -

SWEK Roadwise Committee

Representative 1 -

Proxy 1 -

Kununurra Visitor Centre

Representative 1 -

Proxy 1 -

Kununurra and Wyndham Alcohol Accord

Representative 1 -

Representative 2 -

Proxy 1 -

Proxy 2 -

Lake Kununurra Foreshore Reference Committee

Representative 1 -

Representative 2 -

Proxy 1 -

Proxy 2 -

East Kimberley Marketing Group

Representative 1 -

Proxy 1 -

Australian Airports Association (AAA)

Representative 1 - Chief Executive Officer

Proxy - Manager East Kimberley Regional Airport

COUNCIL DECISION

Minute Number: 28/11/2017 – 117832

Moved: Cr Chafer

Seconded: Cr Farquhar

That Council endorses the following representation on various Committees of Council as well as representation on external Boards and Committees:

Audit (Finance and Risk) Committee

Representative 1- Cr McKittrick

Representative 2- Cr Chafer

Representative 3- Cr Lodge

Proxy – Cr Farquhar

CEO review and selection panel

Representative 1- Cr Menzel

Representative 2- Cr Lodge

Representative 3- Cr Brook

Proxy 1 -Cr McKittrick

Local Emergency Management Committee (LEMC)

Representative 1-Cr Menzel

Representative 2 – Cr Dear

Proxy 1- Cr Pearce

Proxy 2 – Cr Chafer

Bush Fire Advisory Committee (BFAC)

Representative 1 –Cr Petherick

Representative 2 – Cr Lodge

Proxy 1 – Cr Farquhar

Proxy 2 – Cr Pearce

Development Assessment Panels

Representative 1- Cr Menzel

Representative 2- Cr Chafer

Proxy 1 – Cr McKittrick
Proxy 2 - Nil

WALGA Kimberley Zone / Regional Collaborative Group

Representative 1 –Cr Menzel
Representative 2 – Cr chafer
Proxy 1 – Cr Brook
Proxy 2 – Cr Petherick

Kimberley Regional Road Group

Representative 1 – Cr Pearce
Proxy 1 – Cr Menzel

Kununurra Community Library

Representative 1 – Cr McKittrick
Proxy 1 – Cr Farquhar

Community and Civic Events

Representative 1 –Cr Farquhar
Representative 2 –Cr Brook
Representative 3 – Cr Petherick

Disability Access and Inclusion Planning

Representative 1 –Cr Dear
Representative 2 –Cr McKittrick
Proxy 1 – Nil

SWEK Roadwise Committee

Representative 1 –Cr Dear
Proxy 1 – Cr Lodge

Kununurra Visitor Centre

Representative 1 –Cr Farquhar
Proxy 1 – Cr McKittrick

Kununurra and Wyndham Alcohol Accord

Representative 1 – Cr Chafer
Representative 2 – Cr Lodge
Proxy 1 – Cr Petherick
Proxy 2 – Cr Dear

Lake Kununurra Foreshore Reference Committee

Representative 1 – Cr Brook
Representative 2 – Cr Pearce
Proxy 1 –Cr Menzel
Proxy 2- Nil

East Kimberley Marketing Group

Representative 1 – Cr Chafer

Proxy 1 –Cr Brook

Australian Airports Association (AAA)

Representative 1 - Chief Executive Officer

Proxy - Manager East Kimberley Regional Airport

Carried 9/0

PURPOSE

This report provides for Council to confirm its delegates and representatives to various committees of Council as well as representation on external committees.

NATURE OF COUNCIL'S ROLE IN THE MATTER

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

BACKGROUND/PREVIOUS CONSIDERATIONS BY COUNCIL/COMMITTEE

In accordance with s5.8 of the *Local Government Act 1995* a local government may establish committees of three or more persons to assist the Council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

In accordance with the *Local Government Act 1995*

- The Shire President is entitled to be a member of any Council appointed committee.
- Each committee must be comprised of at least three elected members and can consist of as many as nine elected members (i.e. the Council).
- In terms of meeting efficiency and effectiveness, previous committee numbers have been 3 (CEO Review Panel) and 5 (Audit) elected members. By convention, *at least one* deputy member *should* be appointed to assist each committee so that quorums can be easily maintained.
- These arrangements can be changed at any time by absolute majority decision subject to the requirements of the *Local Government Act 1995*

Function

The function of a committee is to deliberate upon matters within its authority. In some cases it may be limited to only making recommendations to Council, in others the full authority to make decisions may be delegated. The Council may determine operational procedures for committees through its standing orders local law or by a policy decision.

Membership

Committee members are usually appointed by Council at the first Council meeting following the local government ordinary elections. If a committee has position(s) for Council members and the Mayor or President wishes to be a member of that committee then the local government is to appoint the mayor or president to be a member. The same principle applies if the CEO wishes to be appointed to a committee that has an employee representative.

The Shire is involved with a variety of committees some of which are statutory requirements and others which are in-house and assist with the decision-making of Council and other committees relating to external stakeholders.

Committee Information:

LEGISLATED

Audit (Finance and Risk) Committee

s7.1A (1) of the *Local Government Act* stipulates that a local government is to establish an audit committee of three or more persons to exercise the powers and discharge the duties conferred on it.

s7.1A (2) of the *Local Government Act* stipulates that the members of the audit committee of a local government are to be appointed by the local government and at least three of the members, and a majority of the members, are to be Council members.

S7.1A (3) and (4) stipulate that the Audit (Finance and Risk) Committee is primarily responsible for the overview of the financial and risk management of the Council and operates in accordance with its Terms of Reference.

- Number of Councillors - Three or Five
- Frequency of meetings - Quarterly
- Location of meetings - Kununurra
- Responsible officer - Director Corporate Services
- Committee administrator - SWEK

CEO Review and Selection Panel

The CEO is employed by the Council and the performance of the CEO is to be reviewed at least once in relation to every year of employment. Division 4 of the *Local Government Act 1995* s5.36 gives guidance to Councillors on the employment of a CEO and s5.38 indicates that an annual review must take place and this is achieved in accordance with the Panel's Terms of Reference.

- Number of Councillors - Three
- Frequency of meetings - As required (at least once a year)
- Location of meetings - Kununurra
- Responsible officer - Chief Executive Officer
- Committee administrator - SWEK

Local Emergency Management Committee (LEMC)

The LEMC is established by the respective local government and operates under the provision of the *Emergency Management Act 2005* to plan on behalf of the community. This is a representative committee to provide a network of skills, knowledge and advice to assist the local government in ensuring that the local emergency management arrangements are established for its area.

The LEMC is not an operational response committee and is often confused with the functions of an Incident Management Group or at a larger emergency, the operations Area Management Group. Members of the LEMC may well be involved with the operational management of an incident as a member of the Incident Management Group or the Local Recovery Coordinating Committee due to the roles they hold in their parent agency. Local government has an important part to play in that it has a legislative responsibility to prepare, plan and have linking arrangements with the appointed agencies.

- Number of Councillors - One
- Number of proxies - One
- Frequency of meetings - Quarterly and as required during times of emergency
- Location of meetings - Alternates between Wyndham and Kununurra
- Responsible officer - Director of Infrastructure (Chairperson)
- Committee administrator - SWEK

Bush Fire Advisory Committee (BFAC)

The function of the Bush Fire Advisory Committee (BFAC) is to provide support and guidance to Bush Fire Brigades in the Shire. It does this in collaboration with DFES and the Department of Parks & Wildlife. The BFAC meets to discuss operational and command and control issues, advise on matters relating to prosecutions under the *Bush Fires Act 1954*, and generally ensure coordination and cooperation between the brigades, agencies and the Shire in relation to the preparation of firebreaks and other preventative measures, and in the preparedness of each organisation to deal with bush fire incidents.

Chief Bush Fire Control Officer - DFES

Other members include FESA, Department of Environment and Conservation and each of the Captains from the Crossing Falls, Ivanhoe and Packsaddle brigades.

- Number of Councillors - Two
- Number of proxies - One
- Frequency of meetings - Bi-monthly
- Location of meetings - Kununurra
- Responsible officer - Director Infrastructure (Chairperson)
- Committee administrator - SWEK

Development Assessment Panels (DAP's)

Council is obliged to nominate members and alternate members for the Kimberley/Pilbara/Gascoyne (Northern) Joint Development Assessment Panel (DAP) –The Northern DAP was established in line with Part 11A of the *Planning and Development Act 2005*, and administered under the Planning and Development (Development Assessment

Panels) Regulations 2011. Its principal purpose is to deal with major planning proposals - all proposals valued over \$10 million, and subject to the applicant nominating (i.e. a voluntary application), optional proposals valued between \$2 million and \$10 million. The DAP only becomes operational once an application has been lodged.

- Number of Councillors - Two
- Number of proxies - Two
- Frequency of meetings - As required
- Location of meetings - Kununurra
- Responsible officer - Director Planning and Community Development
- Committee administrator - Department of Planning

REGIONAL REPRESENTATION

WALGA Kimberley Zone

The Western Australian Local Government Association (WALGA) is the single association for Local Government, representing the political and strategic interests of Local Government at State and Federal levels. The Shire of Wyndham-East Kimberley is a member of WALGA.

Local Governments are grouped into regional bodies called Zones (a geographically based subdivision containing Ordinary Members and is incorporated within a country or metropolitan constituency. The Kimberley Country Zone Membership is made up of the Shire of Wyndham/East Kimberley, Shire of Halls Creek, Shire of Broome, Shire of Derby/West Kimberley and the Shire of Christmas Island.

The roles/functions of a Zone are primarily as follows:

- select a State Council representative;
- consider the State Council agenda;
- provide direction/feedback to their State Councillor;
- develop/advocate positions on regional issues affecting Local Government;
- progress regional Local Government initiatives;
- identify relevant issues for action by WALGA;
- networking and sharing information; and
- contributing to policy development through Policy Units and Policy Forums.

Zones:

- have an integral role in shaping the political and strategic direction of Local Government as a tier of government;
- are responsible for bringing relevant local and regional issues to the State decision making table;
- are a key player in developing policy and legislative initiatives for Local Government; and
- have direct relationships with the State Council of the Association, Policy Units and Policy Forums and the Secretariat of the Association.

Every Zone has at least one representative on State Council (the Kimberley Zone has 2 – the Zone Chair who is also the State Council representative and the Deputy Zone Chair who is the Deputy State Council Representative). Each representative is primarily responsible for ensuring that the Association is governed in the best interests of all member Local Governments. Representatives are also required to advocate the viewpoints and interests of their Zone on issues under consideration by State Council.

Regional Collaborative Group (RCG)

In September 2010 as part of the Western Australian State Government's Local Government reform agenda, the four Kimberley Shires (Shire of Wyndham/East Kimberley, Shire of Halls Creek, Shire of Broome and the Shire of Derby/West Kimberley) formed the Kimberley Regional Collaborative Group (RCG), formalised with the signing of an agreement with the State Government. The Group was formed with a view to adopting a regional approach to strategic and community planning and facilitating the harmonisation of core functions and services across participating local governments.

The RCG was due to terminate on the 30 June 2015. In preparation of this, the Kimberley Shires formed a Kimberley Regional Group (KRG) for the purpose of governing and undertaking shared regional initiatives. The KRG has a Kimberley Local Government Governance Agreement between the four Kimberley Shires, which provides the legal framework for the establishment, membership and operation of the Kimberley Regional Group. This agreement was signed on 24 February 2014 and will expire in 4 years. Under the RCG, the Department of Local Government and Communities tasked the group with developing and implementing a Kimberley Strategic Community Plan and Kimberley Regional Business Plan. The contents of the Kimberley Strategic Community Plan 2014-2024 and Kimberley Regional Business Plan 2014-2018 include but are not limited to the following:

Community and Strategic Plan:

- social economic and environmental planning processes including consultation and priority assessment
- demonstration of productivity and service improvements
- Infrastructure renewal schedule for a minimum of 4 years
- new infrastructure schedule for a minimum of 4 years
- Financial information including capital works budget, borrowings, other funding received and the rationale for using Country Local Government Fund funding
- maintenance schedule for renewal/proposed assets
- evaluation and review processes
- conduct due diligence of each participants' financial assets and liabilities, contracts, leases and other legal agreements

Infrastructure System Improvements:

- IT systems
- record management systems
- archive facilities
- libraries community facilities
- depots
- financial systems

- asset management systems
- data systems
- human resources management systems
- communications

The RCG and Kimberley Zone meetings are held at the same time and the committee representatives are the same. Travel is required to each of the zones for the quarterly meetings as well as to Darwin and Perth for conferences at least once a year.

- Number of Councillors - Two
- Number of proxies - Two
- Frequency of meetings - Quarterly
- Meeting location - Alternates between zone locations
- Responsible officer - Chief Executive Officer
- Committee administrator - Zone secretariat (currently Broome Shire)

Kimberley Regional Road Group

Is a regional grouping of the Shires of Broome, Wyndham East Kimberley, Halls Creek and Derby-West Kimberley to work on regional road issues. Funding is made from the state Government towards regionally significant projects which Councils must make submissions for funding. Funding submissions cover Black Spot funding, Aboriginal Access Roads funding, direct funding towards administrative costs and Regional Projects funding.

- Councillor representation - One
- Number of proxies - One
- Frequency of meetings - Bi-annually
- Meeting location - Rotated through Shire locations
- Responsible officer - Director Infrastructure
- Committee administrator - Main Roads WA

LOCAL REPRESENTATION

Kununurra Community Library

The Kununurra Community Library Committee provides advice on policy with respect to the running of the jointly managed Kununurra Community Library.

- Number of Councillors - One
- Number of proxies - One
- Frequency of meetings - Bi-annually
- Location of meetings - Kununurra
- Responsible officer - Director Community Development
- Committee administrator - SWEK

Community and Civic Events

The Community and Civic Events Committee has the role of overseeing Shire community and civic events within the municipality such as Australia Day and Australian Citizenship ceremonies. There are several other significant events that occur in the such as the Ord

Valley Muster, Stars on the Bastion and Anzac Day that may require Council backing or may have community and civic impacts.

- It is recommended that there be three Councillors on this committee, comprising of the Shire President, as well as a Wyndham and Kununurra Representative.
- Number of Councillors - Three (Shire President, Wyndham and Kununurra Representative)
- Frequency of meetings - As required
- Location of meetings - Kununurra
- Responsible officer - Chief Executive Officer
- Committee administrator - SWEK

Disability Access and Inclusion Planning

Under the Disability Services Act 1993 the Shire must have and maintain a Disability Access and Inclusion Plan. The objective of the Committee is to oversee and advise on the implementation, review and evaluation of this plan. The committee meets annually to conduct this internal evaluation. The Plan must be formally reviewed and revised every five years with the most recent review taking place in 2014.

- Number of Councillors - Two
- Number of proxies - One
- Frequency of meetings - Annually
- Location of meetings - Kununurra
- Responsible officer - Director Community Development
- Committee administrator - SWEK

SWEK RoadWise Committee

The WALGA RoadWise Program supports Local Governments, community groups, private businesses and individuals to become involved in local road safety issues. RoadWise achieves this by supporting local road safety committees, providing access to resources and training, and increasing knowledge, which all contribute to building the capacity of local committees to make an effective contribution to improving road safety in their own areas.

- Number of Councillors - One
- Number of proxies - One
- Frequency of meetings - Quarterly
- Location of meetings - Kununurra
- Responsible officer - Director Infrastructure
- Committee administrator - WALGA RoadWise

East Kimberley Visitor Centre

Tourism is a major economic sector for the Shire and it is important that Council understands the needs and requirements of the sector that impact many areas of Council's work. SWEK is also the owner of tourism house and therefore has a financial interest in the building.

- Number of Councillors - One
- Number of proxies - One

- Frequency of meetings - Monthly
- Location of meetings - Kununurra
- Responsible officer - Chief Executive Officer
- Committee administrator - East Kimberley Visitor's Centre

Kununurra and Wyndham Alcohol Accord

The Kununurra and Wyndham Alcohol Accord is a voluntary group comprising representatives from Industry, Local and State Government and WA Police. The Accord's aim is to address issues associated with the sale and consumption of alcohol. Over the last couple of years the Accord's primary focus has been in relation to liquor restrictions and the potential installation of a Take Away Management System (TAMS).

- Number of Councillors - Two
- Proxy - One
- Frequency of meetings - Bi-monthly
- Location of meetings - Kununurra
- Responsible officer - Director Community Development
- Committee administrator - Kununurra and Wyndham Alcohol Accord

Lake Kununurra Foreshore Reference Committee

The Lake Kununurra Foreshore Reference Committee was endorsed at the 21 February 2012 Ordinary Council Meeting. The purpose of the committee is to implement the Lake Kununurra Foreshore and Aquatic Use Plan (adopted by Council on 16 August 2011) to ensure a coordinated approach to the management of Lake Kununurra and its foreshore.

- Number of Councillors - Two
- Proxy - One
- Frequency of meetings - Quarterly
- Location of meetings - Kununurra
- Responsible officer - Director Community Development
- Committee administrator - SWEK

East Kimberley Marketing Group

The East Kimberley Marketing Group was formed as a result of industry forums held in Kununurra during late 2013 and early 2014 when tourism operators came together to try and work out the best way of giving tourism a boost in the region. The East Kimberley Marketing Group's focus is on delivering actions aligned with the SWEK East Kimberley Tourism Action Plan 2022 and more specifically Part B – Operational Marketing Plan.

- Number of Councillors - One
- Proxy - One
- Frequency of meetings - Monthly
- Location of meetings - Kununurra
- Responsible officer - Chief Executive Officer
- Committee administrator - East Kimberley Marketing Group

OFFICER REPRESENTATION

Australian Airport Association (AAA)

The AAA is the national voice that represents the interests of over 250 airports and aerodromes Australia wide - from the local country community landing strip to major international gateway airports. Airport members represent vital infrastructure crucial to the communities in which they operate and for the overall national economy.

The AAA facilitates cooperation among airport members and their many and varied partners in Australian aviation, whilst contributing to an air transport system that is safe, secure, environmentally responsible and efficient for the benefit of all Australians and visitors.

- Officer - Chief Executive Officer
- Proxy - Manager EKRA
- Frequency of meetings - Annual
- Location of meetings - Various locations throughout Australia
- Responsible officer - Chief Executive Officer

STATUTORY IMPLICATIONS

Local Government Act 1995

5.8. Establishment of committees

A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

** Absolute majority required.*

5.9. Committees, types of

(1) In this section — other person means a person who is not a council member or an Employee.

(2) A committee is to comprise —

- (a) council members only; or*
- (b) council members and employees; or*
- (c) council members, employees and other persons; or*
- (d) council members and other persons; or*
- (e) employees and other persons; or*
- (f) other persons only.*

5.10. Committee members, appointment of

(1) A committee is to have as its members —

(a) persons appointed by the local government to be members of the committee (other than those referred to in paragraph (b)); and*

(b) persons who are appointed to be members of the committee under subsection (4) or (5).

** Absolute majority required.*

(2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.

(3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.

(4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.

(5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —

(a) to be a member of the committee; or

(b) that a representative of the CEO be a member of the Committee, the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the Committee.

5.11A. Deputy committee members

(1) The local government may appoint a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.*

** Absolute majority required.*

(2) A person who is appointed as a deputy of a member of a committee is to be —

(a) if the member of the committee is a council member — a council member; or

(b) if the member of the committee is an employee — an employee; or

(c) if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or

(d) if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.

(3) A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.

(4) A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a Member.

[Section 5.11A inserted by No. 17 of 2009 s. 20.]

5.11. Committee membership, tenure of

(1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*

- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or*
 - (b) the person resigns from membership of the committee; or*
 - (c) the committee is disbanded; or*
 - (d) the next ordinary elections day,*
- whichever happens first.*

(2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*

- (a) the term of the person's appointment as a committee member expires; or*
 - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*
 - (c) the committee is disbanded; or*
 - (d) the next ordinary elections day,*
- whichever happens first.*

5.12. Presiding members and deputies, election of

(1) *The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —*

- (a) to "office" were references to "office of presiding member"; and*
- (b) to "council" were references to "committee"; and*
- (c) to "councillors" were references to "committee Members".*

(2) *The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —*

- (a) to "office" were references to "office of deputy presiding member"; and*
- (b) to "council" were references to "committee"; and*
- (c) to "councillors" were references to "committee members"; and*
- (d) to "mayor or president" were references to "presiding member".*

POLICY IMPLICATIONS

There are no policy implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this item other than the commitment of human resources and time to attend/administer the respective committees.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.1: Strong community engagement\

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

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

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

No community engagement is required.

COMMENTS

The endorsement of Committee memberships is an operational function of the organisation and a requirement of the *Local Government Act 1995*.

ATTACHMENTS

Nil

12.2.3. Standing Item - Use of the Common Seal

DATE:	18 July 2017
AUTHOR:	Executive Assistant
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 20 October 2017 to 10 November 2017.

COUNCIL DECISION

Minute No: 28/11/2017-117833

Moved: CR Pearce

Seconded: Cr Dear

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 20 October 2017 to 10 November 2017.

Carried 9/0

PURPOSE

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 20 October 2017 to 10 November 2017.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

STATUTORY IMPLICATIONS

Local Government Act 1995

9.49A. Execution of documents

(1) A document is duly executed by a local government if —

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.4: Business innovation, efficiency and improved services

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

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

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

Date of Use	Document
20/10/2017	Lease - Reserve 41812 on Plan 217491, Old Darwin Road Kununurra - Kununurra Dragon Boat Club Inc
20/10/2017	Lease - Reserve 33112 Being Part Lot 2313 on Deposited Plan 189192 Ord River Sports Club
20/10/2017	Lease Part Reserve 29167 Lot 312 on Deposited Plan 210825 and lot 734 on Deposited Plan 217489 Lake Kununurra Gold Club
20/10/2017	Lease Part Reserve 29297 Lot 551 on Deposited Plan 410547 Kununurra Water Ski Club
10/11/2017	Section 70A Notification - Survey Strata Plan
10/11/2017	Section 70A Notification - Survey Strata Plan
10/11/2017	Lease reserve 41793 Lot 735 On Deposited Plan 190116 - Kununurra Speedway Club
10/11/2017	Lease Reserve 39391 Lot 633 on deposited plan 723- Kununurra Motocross Club

ATTACHMENTS

Nil

12.2.4. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	28 November 2017
AUTHOR:	Executive Assistant
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

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

COUNCIL DECISION

Minute No: 28/11/2017-117834

**Moved: Cr Farquhar
Seconded: Cr Chafer**

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

Carried 9/0

PURPOSE

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

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

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

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.4: Business innovation, efficiency and improved services

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

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

This report includes actions from the October 2017 Council resolutions (Attachment 1).

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

ATTACHMENTS

Attachment 1 - Council Action Register Current October

Attachment 2 - Outstanding Actions from Previous Council Resolutions

12.2.5. Additional Flight Options from East Kimberley Regional Airport

Carl Askew declared an impartiality interest as the Chief Executive Officer is Council's representative to the East Kimberley Marketing Group

Cr Tony Chafer declared an impartiality interest as a member of East Kimberley Marketing Group

Cr Narelle Brook declared a financial interest as the paid Coordinator of the East Kimberley Marketing Group and left the Chambers at 5:20pm

DATE:	28 November 2017
AUTHOR:	CEO
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
FILE NO:	TT.15.3
DISCLOSURE OF INTERESTS:	Carl Askew declared an impartiality interest as Chief Executive Officer is Council's representative to the East Kimberley Marketing Group

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council reaffirm its decision of 22 November 2016 and specifically:

- 1. Provide support for a trial of an air service proposed by the East Kimberley Marketing Group between Kununurra and Melbourne for forty (40) return services between May and October 2018 and authorise the CEO to enter into negotiations with the East Kimberley Marketing Group and their partners on the following basis:**
 - a. Consideration of a supporting financial package comprising:**
 - i. Waiver of Passenger Service Fees for screening, Terminal Passenger Handling Fees and Landing Fees to a maximum value of \$153,000. conditional upon the flights arriving and departing between 10:00 am and 4:00 pm (WA time) when the airport staff are onsite and available.**
 - ii. Operational subsidy to maximum of \$200,000 (acknowledging an additional contribution from the State Government and/or local community of at least \$200,000).**
 - b. Further negotiate with the East Kimberley Marketing Group and the Airline regarding the type of aircraft, flight schedules and the implications for connections with Melbourne Airport and services required of EKRA, confirmation of the opportunity for Code-Share, booking arrangements**

and seamless ticketing or connectivity to secondary destinations, confirmation of details related to fare structures and ticketing costs, key performance indicators and potential “profit sharing” mechanisms to reduce the Shire’s contribution to the trial should the trial prove to be an outstanding success.

2. Condition its support and contribution to the trial upon the development and execution of a professional marketing campaign properly funded and resourced by the State Government to promote the commencement and for the duration of the trial service;
3. Refers the cost of the trial for consideration in both the Mid-Year Budget Review 2017-18 and Annual Budget 2018-19; and
4. Refers the replacement of Landing Fees to the Airport Reserve from Municipal funds for consideration in both the Mid-Year Budget Review 2017-18 and Annual Budget 2018-19.

Cr Chafer moved the recommendation with an amendment to part 1(b) deleting the words “code share” and all words after “performance indicators”

COUNCIL DECISION

Minute Number: 28/11/2017-117835

Moved Cr Chafer

Seconded: Cr Pearce

That Council reaffirm its decision of 22 November 2016 and specifically:

1. Provide support for a trial of an air service proposed by the East Kimberley Marketing Group between Kununurra and Melbourne for forty (40) return services between May and October 2018 and authorise the CEO to enter into negotiations with the East Kimberley Marketing Group and their partners on the following basis:
 - a. Consideration of a supporting financial package comprising:
 - i. Waiver of Passenger Service Fees for screening, Terminal Passenger Handling Fees and Landing Fees to a maximum value of \$153,000. conditional upon the flights arriving and departing between 10:00 am and 4:00 pm (WA time) when the airport staff are onsite and available.
 - ii. Operational subsidy to maximum of \$200,000 (acknowledging an additional contribution from the State Government and/or local community of at least \$200,000).

- b. Further negotiate with the East Kimberley Marketing Group and the Airline regarding the type of aircraft, flight schedules and the implications for connections with Melbourne Airport and services required of EKRA, confirmation of the opportunity for, booking arrangements and seamless ticketing or connectivity to secondary destinations, confirmation of details related to fare structures and ticketing costs, key performance indicators.**
- 2. Condition its support and contribution to the trial upon the development and execution of a professional marketing campaign properly funded and resourced by the State Government to promote the commencement and for the duration of the trial service;**
- 3. Refers the cost of the trial for consideration in both the Mid-Year Budget Review 2017-18 and Annual Budget 2018-19; and**
- 4. Refers the replacement of Landing Fees to the Airport Reserve from Municipal funds for consideration in both the Mid-Year Budget Review 2017-18 and Annual Budget 2018-19.**

Carried 8/0

PURPOSE

For Council to consider a request to support a proposed trial of a new (additional) air service between Melbourne and Kununurra from the East Kimberley Marketing Group with the proposal to trial two flights per week for 20 weeks (40 flights) from the week of 14 May 2018 using an 80 seat F100 aircraft to increase the tourism and business potential between Kununurra and Melbourne.

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

Provider - provide physical infrastructure and essential services

BACKGROUND

The East Kimberley Marketing Group (EKMG) has been working toward the introduction of additional flights in to Kununurra from Melbourne since prior to 2013/14. The Council has previously appointed an Elected Member representative to the Group. The EKMG has previously received \$49,500 support from the Shire for various related studies as outlined in their initial proposal to Council in November 2016.

The matter was considered by Council at its ordinary meeting of on 22 November 2016 and Council resolved;

COUNCIL DECISION

Minute No: 22/11/16-11549

Commissioner resolved:

That Council:

1. Provide *in principle* support for a trial of an air service proposed by East Kimberley Marketing Group between Kununurra and Melbourne for forty (40) return services between May and October 2017 and authorise the CEO to enter into negotiations with the East Kimberley Marketing Group and their partners on the basis of the following:
 - a. Consideration of a supporting financial package comprising:
 - i. Waiver of Passenger Service Fees for screening and terminal usage.
 - ii. Operational subsidy to maximum of \$200,000 (acknowledging an additional contribution from the local community of at least \$100,000).
 - iii. Marketing campaign funded and professionally resourced to promote the commencement and for the duration of the trial service.
 - b. Advise the East Kimberley Marketing Group that Landing Fees should be met for flights as they comprise a contribution towards the asset management and maintenance of the runway and other airside infrastructure.
 - c. Further negotiate with East Kimberley Marketing Group regarding pricing structure, landing fees, marketing, key performance indicators, underwriting and “claw back” mechanism and Council’s assistance with the proposed trial.
2. Refer the cost of the trial for consideration in both the Mid-Year Budget Review 2016-17 and Annual Budget 2017-18.

Carried 1/0

STATUTORY IMPLICATIONS

Council is subject to a number of provisions under the Local Government Act in relation to the allocation of funds.

Council also needs to be mindful of issues related to the National Competition Policy and associated Competition Principles Agreement - an intergovernmental agreement between the Commonwealth and State/Territory governments that sets out how governments will apply National Competition Policy principles to public sector organisations within their jurisdiction.

The State Government released a policy statement effective from July 1996 called the Clause 7 Statement, which forms part of the Competition Principles Agreement. The provisions of Clause 7 requires Local Government to report annually on their implementation, application and effects of Competition Policy as well as the structural reform of public monopolies and the implementation of Legislative review. Competition Policy does not require contracting out or competitive tendering. It does not preclude local government from continuing to subsidize its business activities from general revenue, nor does it require privatisation of government functions. Competitive neutrality principles apply to those significant business activities conducted by (or under the control of) one or more local government.

POLICY IMPLICATIONS

There are no specific policy implications that impact on the consideration of this report however there is a need to meet good governance principles in assessing the request.

FINANCIAL IMPLICATIONS

The total financial value of the package sought by EKMG is outlined below and includes a combination of foregone revenue and direct contributions. Components such as marketing/promotion and contributions from commercial operators, other levels of government and individual community members have been identified.

EKMG and their partner airline Alliance are seeking Shire support including:

- A cash subsidy for the trial of - \$200,000.
- Waiving Terminal Passenger Handling Fee by Shire (for arrivals and departures) - \$68,800.
- Waiving Screening Fee (departures only) - \$36,000.
- Waiving landing fee by Shire - estimated at \$48,200.

The total value of the subsidy requested from the Shire is therefore estimated to be in the order of \$350k. Council forecast, in its November 2016 decision, the provision of a \$200,000 subsidy for the trial. Council has allocated \$100,000 in the 2017/18 budget and it is expected that Council will consider an additional \$100,000 subsidy in its 2018/19 budget considerations.

Waiving the Passenger Handling Fees and the Screening Fees is considered a foregone income of \$104,800. This will not have a the full \$104,800 impact on the Airport Reserve if the waiving of these fees is conditional upon the aircraft movements being between 10:00 am and 4:00 pm (WA time) when the airport staff are onsite and available. It should be noted that waiving this fee will have a negative financial impact on the Airport Reserve. However it is also noted that if the trial does not proceed the estimated foregone income will not occur.

The request to waive the landing fees was omitted from the latest Alliance proposal however, as confirmed by the Chair of the EKMG, it was intended to be included. This was outlined by Mr McConachy during his presentation to a Councillor briefing on 14 November 2017. The landing fee waiver request estimated at \$48,200 will have a direct impact on the Airport Reserve as the landing fees are calculated to offset the wear and tear, deterioration

and depreciation of airport infrastructure. As noted above however it is also correct that if the trial does not proceed the estimated foregone income will not occur.

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 1.4.2 : Improve the efficiency and productivity of Shire services

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

Objective 2.2: Maintenance of economic diversity and greater community returns from investment in the region

Strategy 2.2.8 : Support and advocate for further development of the East Kimberley Regional Airport to attract more aircraft and greater competition

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

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

Strategy 3.1.4 : Facilitate activities that link communities.

The Shire's East Kimberley Tourism Action Plan 2022 is also relevant to this proposal.

RISK IMPLICATIONS

The wider risk implications are as follows:

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

Control: Develop agreed standards of service and communicate with the community

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

Control: Increased accountability to the Audit (Finance and Risk) Committee

COMMUNITY ENGAGEMENT

No community engagement has been undertaken to date by the Shire other than via communication with EKMG and associated meetings. EKMG have been active in promoting the trial during 2017.

COMMENTS

This report provides an assessment of a proposal that has been submitted by the East Kimberley Marketing Group (EKMG) to establish direct air services to Melbourne which can be both a catalyst for regional economic development, business and tourism and improve connectivity for the local community.

The work of the EKMG has led to Alliance Airlines proposing to trial twice weekly return flights between Melbourne and Kununurra for a period of 20 weeks (40 flights) from May to October 2018.

The trial was outlined in the initial EKMG proposal to Council in November 2016 and this proposal has been more recently updated by the Airlines which references contributions from the region, with a value of approximately \$550,000, inclusive of potential foregone revenue by the Shire, direct financial support and in-kind contributions. It advocates for the delivery of a new (additional) air service between Melbourne and Kununurra aimed at providing both a boost to local tourism and the broader local economy as well as increasing capacity of the local community to take advantage of the increased connection with the East coast of Australia.

Context and proposal:

The EKMG has been actively pursuing this project for the last 3 years a number of background papers to these efforts have been previously provided to Council.

While the East Kimberley Regional Airport receives RPT services provided by Airnorth and Virgin to Darwin, Perth and Broome more distant trips particularly to east coast can involve lengthy transits and ticketing costs. This leads to challenges for residents to visit family/friend outside the region and economic impacts on potential tourists and those seeking to undertake business.

A number of regional airports in Western Australia have been able to establish direct services to the east coast although several have reverted to connecting services due to reduced economic/ resources activity. A weekly service between Broome and Melbourne is still operated by Qantas.

It should be noted that due to the limited length of the current East Kimberley Regional Airport (EKRA) runway flights to major cities need to be provided by Class 3C planes with aircraft having a range of over 3,100km without refuelling. In comparison many of the competing regional WA aerodromes have runways capable of operating longer distance Class 4C aircraft.

The Council decision at the October 2016 Ordinary Meeting to support a lengthening of EKRA Runway by 601m will address this matter in the longer term and the success of this trial will add substantially to the business case for that extension.

The proposal before Council has been provided by EKMKG and includes the following:

- Background: Alliance is Australia's third largest air operator and has previously assisted in developing new routes e.g. between Melbourne and Uluru.
- Proposal: Trial operation of twice weekly Melbourne - Kununurra - Melbourne from May 2017 for 20 weeks (40 flights).
- Support: EKMKG/Alliance seek Shire support including:
 - Waiving Terminal Passenger Handling and Screening Fees by the Shire (estimated at \$104,800).
 - Waiving landing fee by Shire (estimated at \$48,200).
 - Regional lead to marketing campaign to promote flights (value unknown).
 - Contribution per return flight towards operations (\$200,000).

The EKMKG has previously received \$49,500 support from the Shire for studies related to this proposal.

The following sections provide comment on the latest proposal and related considerations.

Specification of air-services:

The proposal will require further detail to be negotiated including:

- Type of aircraft (it is assumed Fokker 70 with 80 seats and range of 3,500km).
- Flight schedules for arrivals/departures and the implications for connections with Melbourne Airport and services required of EKRA.
- Confirmation of the opportunity for Code-Share, booking arrangements and seamless ticketing or connectivity to secondary destinations.
- Confirmation of details related to fare structures and ticketing costs.

Continuation of service:

With the level of support being sought from the region there will be a need to negotiate and determine acceptable KPI's that would result in the trial operations being sufficient for the service to be considered viable and scheduled beyond October 2018. Similarly with the trial during the dry season, guidance has not been received as to whether the service will be viewed as a year round operation if specified outcomes are reached however these are matters that would be pursued during and after the trial.

Alternate approaches to improve connectivity:

Recognising the level of subsidy during the trial period and uncertainty over longer-term viability Officers should also consider alternative approaches that could improve air services to Kununurra from the east coast. One option that has been identified is some limited changes to Air North's return service between Darwin - Kununurra - Broome services that may provide high level connectivity with the daily Qantas Melbourne - Darwin service while

maintaining the link to the daily Perth - Broome service. While this has not formally raised with Air North at this time it has been noted in the EKMKG proposal as part of previous discussions and would be expected to involve minimal costs or flight impacts. While it could reasonably be raised that compared to a direct flight passengers may have a higher fare due to transit costs in Darwin – it needs to be acknowledged that the Melbourne – Darwin leg would utilise larger aircraft. The fare would be a single transaction due to the Qantas-Airnorth Code Share.

Commercial considerations for trial and its extension:

The trial's main purpose is to test the market demand for flights between Kununurra and Melbourne and full commercial rates which have been quoted by Alliance. There could be a criticism if the Shire were to subsidise an Airline's operational costs long term and this needs to be viewed as a limited trial "underwriting". EKMKG advise that current operators Air North and Virgin do not have an appetite for this route/service at this time and this was confirmed by those airlines in writing during 2016/17.

Contributions from the region (Marketing and Advertising/Promotions):

While the Shire through its representation of local and regional interests could appropriately provide support to the trial it is considered that a wider spread of support is appropriate and this is canvassed and addressed by EKMKG in their proposal and more importantly in the significant number of letters of support as well as the indicated financial support.

It is also noted that support/sponsorship has also been identified from Tourism WA (TWA) and Australia's North West (ANW) including both in-principle and actual support for advertising and marketing, including adjusting a TV promotion suiting the East Kimberley for direct marketing in Melbourne. With such a proposal the importance of targeted marketing and advertising could be the difference between the success or failure of the trial. The marketing should include not only the range of tourists but also residents and businesses in the region. Advice from EKMKG on the participation of the State Government (Tourism WA) is an important step but needs to be augmented by initiatives across other sectors.

Fees:

If the flights were scheduled to arrive/depart during periods when the Airport Services Team is on duty a reduction in fees could be supported as basic costs would be met in current budget. Some minor costs may be encountered as other duties such as cleaning/maintenance would be increased to some extent. The current proposal requests that landing fees be waived. While the specific aircraft details have not been provided each landing is estimated as being subject to a \$1,207 fee and a total over trial period of 40 landings of \$48,200. The EKMKG has been advised of Council's previous decision that the cost of Landing Fees should be met by the trial. Landing fees are held in the airport reserve to be used for runway and other airside asset maintenance such as the resurfacing of the runway which in 2015 cost \$5.1m.

Operational Subsidy:

Advice on commercial/community contributions from EKMG is that up to 200,000 may be available from local business and commercial interests within the Shire. Council budgeted \$100,000 in 2016/17 to subsidise the trial and in recognition of the local community financial support it is proposed that the Council consider provision of a further \$100,000 in the next financial year, in addition to the requested fee waivers estimated to be in the order of \$150,000.

“Profit Sharing”

The proposal seeks a cash subsidy for the trial flights of an amount of \$400k. EKMG have advised that Alliance propose that the full subsidy be paid to them irrespective of the success of the trial as *“they are carrying the majority of the risk”*. In contributing to the trial as requested, the Shire would also risk actual cash costs in addition to the potential forgone revenue.

At full loading, the potential profit of the trial could be significant and it may be difficult to justify to ratepayers should that trial be fully commercially profitable however it is equally true that the trial may not be as successful as hoped in which case there may be losses incurred by the Airline beyond the amount of subsidy sought from the local community. It is important for the integrity of the trial that seat prices reflect commercially viable pricing. It is suggested that there be a “profit sharing” clause in the agreement be based on a progressive reduction of the cash component of the subsidy should the flights be subscribed above a specific threshold. Consideration could be given to a reduction of the cash subsidy for seats sold in excess of 2,560 which is 80% of the 3200 seats in the trial. This would share the potential bonus should the trial prove to be a success. As the risk is shared it is considered that so to should a profit be shared, should that situation eventuate. In the event of significant success, this would reduce the cost to the Shire while maintaining a significant bonus for the airline.

Conclusion:

The request is a positive move for the Kununurra and East Kimberley tourism market and the Shire should look to support the economic development and growth of the Town, specifically in the areas of Tourism however the request also represents a significant investment (with some risk) for the Shire. There is also further detail that needs to be negotiated and agreed before a final commitment can be made and this can be achieved, subject to goodwill from all parties to negotiate in good faith. As such the proposal is worthy of Council’s favourable consideration.

ATTACHMENTS

Nil

Cr Brook returned to the Meeting at 5:28PM

12.3. COMMUNITY DEVELOPMENT

12.3.1. Annual Report 2016/17

DATE:	28 November 2017
AUTHOR:	Senior Integrated Planning and Reporting Officer
RESPONSIBLE OFFICER:	Acting Director, Community Development
FILE NO:	CM.13.9
DISCLOSURE OF INTERESTS:	

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. **Accepts the 2016- 2017 Annual Report (including the 2016-17 Annual Financial Statements (Part B) and Associated Notes) as presented.**
2. **Convenes the Annual General Meeting of Electors on 19th December 2017 at 6pm at the Kununurra Council Chambers.**
3. **Requests that the Chief Executive Officer, pursuant to sections 5.29 and 5.55 of the Local Government Act 1995, provide the requisite statutory local public notice of the acceptance of the 2016 - 2017 Annual Report and the time and date of the Annual General Meeting of Electors.**

COUNCIL DECISION

Minute Number: 28/11/2017-117836

Moved: Cr Farquhar

Seconded: Cr Petherick

That Council:

1. **Accepts the 2016- 2017 Annual Report (including the 2016-17 Annual Financial Statements (Part B) and Associated Notes) as presented.**
2. **Convenes the Annual General Meeting of Electors on 19th December 2017 at 6pm at the Kununurra Council Chambers.**
3. **Requests that the Chief Executive Officer, pursuant to sections 5.29 and 5.55 of the Local Government Act 1995, provide the requisite statutory local public notice of the acceptance of the 2016 - 2017 Annual Report and the time and date of the Annual General Meeting of Electors.**

Carried 9/0

PURPOSE

For Council to accept the Annual Report for 2016-17 and to set the date for the Annual General Electors meeting.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The development of an Annual Report is a requirement of the Local Government Act 1995 (the Act). Section 5.53(1) of the Act requires local governments to develop and publish an annual report for each financial year with the required content of the annual report specified in section 5.53(2) of the Act.

Section 5.54 of the Local Government Act 1995 requires that the local government accept the annual report for a financial year no later than 31 December after that financial year; the exception being that if the Auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the Auditor's report becomes available.

A general meeting of the electors is to be held once every financial year no later than 56 days after accepting the annual report. The meeting is to be convened by the CEO giving at least 14 days local public notice.

The Annual Financial Report (AFR) is prepared in accordance with Australian Accounting Standards, the Local Government Act 1995 and the Local Government (Financial Regulations) 1996. Management's responsibility is to prepare the AFR in accordance with the Standards, Act, and Regulations and to ensure that the report presents fairly the financial position of the Shire at 30 June 2017 and the performance of the Shire for the year then ended, free from material misstatement, whether due to fraud or error.

The role of the auditor is to provide an opinion based on their audit as to whether management has fulfilled these obligations. The auditors also prepare a separate, more detailed report for management identifying any issues arising from the conduct of the audit, and recommending any corrective actions.

The Council has formally delegated its responsibility in accordance with section 5.18 of the Local Government Act 1995 to meet annually with the auditors as required by section 7.12A(2) of the Local Government Act 1995. The Terms of Reference adopted by the Council also incorporate the responsibility for the Committee to review and examine the auditor's report and any management letters arising from the conduct of the audit and recommending the adoption of the AFR to the Council.

STATUTORY IMPLICATIONS

Local Government Act 1995

5.27. Electors' general meetings

- 1) *A general meeting of the electors of a district is to be held once every financial year.*
- 2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- 3) *The matters to be discussed at general electors' meetings are to be those prescribed*

5.53. Annual reports

- 1) *The local government is to prepare an annual report for each financial year.*
- 2) *The annual report is to contain —*
 - a) *a report from the mayor or president;*
 - b) *a report from the CEO;*
 - c) *[Deleted]*
 - d) *[Deleted]*
 - e) *an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;*
 - f) *the financial report for the financial year;*
 - g) *Such information as may be prescribed in relation to the payments made to employees;*
 - h) *the auditor's report for the financial year;*

5.54. Acceptance of annual reports

- 1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*

** Absolute majority required.*

- 2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

6.4. Financial report

- 1) *A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*
- 2) *The financial report is to —*
 - a) *be prepared and presented in the manner and form prescribed; and*
 - b) *contain the prescribed information.*
- 3) *By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —*
 - a) *the accounts of the local government, balanced up to the last day of the preceding financial year; and*
 - b) *the annual financial report of the local government for the preceding financial year.*

7.9. Audit to be conducted

- 1) *An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to —*
 - a) *the mayor or president;*
 - b) *the CEO of the local government; and*
 - c) *the Minister.*
- 2) *Without limiting the generality of subsection (1), where the auditor considers that*
—
 - a) *there is any error or deficiency in an account or financial report submitted for Audit;*
 - b) *any money paid from, or due to, any fund or account of a local government has been or may have been misapplied to purposes not authorised by law; or*
 - c) *there is a matter arising from the examination of the accounts and annual financial report that needs to be addressed by the local government, details of that error, deficiency, misapplication or matter, are to be included in the report by the auditor.*
- 3) *The Minister may direct the auditor of a local government to examine a particular aspect of the accounts and the annual financial report submitted for audit by that local government and to —*
 - a) *prepare a report thereon; and*
 - b) *forward a copy of that report to the Minister, and that direction has effect according to its terms.*
- 4) *If the Minister considers it appropriate to do so, the Minister is to forward a copy of the report referred to in subsection (3), or part of that report, to the CEO of the local government to be dealt with under section 7.12A.*

7.12A. Duties of local government with respect to audits

- 1) *A local government is to do everything in its power to —*
 - a) *assist the auditor of the local government to conduct an audit and carry out his or*
 - b) *her other duties under this Act in respect of the local government; and*
 - c) *ensure that audits are conducted successfully and expeditiously.*
- 2) *Without limiting the generality of subsection (1), a local government is to meet with*
 - a) *the auditor of the local government at least once in every year.*
 - b) *A local government is to examine the report of the auditor prepared under section*

Local Government (Audit) Regulations 1996

10. Report by auditor

- 1) *An auditor's report is to be forwarded to the persons specified in section 7.9(1)*
- 2) *within 30 days of completing the audit.*
 - a) *The report is to give the auditor's opinion on —*
 - b) *the financial position of the local government; and*
 - c) *the results of the operations of the local government.*
- 3) *The report is to include —*
 - a) *any material matters that in the opinion of the auditor indicate significant adverse trends in the financial position or the financial management practices of the local government; and*
 - b) *any matters indicating non-compliance with Part 6 of the Act, the Local Government (Financial Management) Regulations 1996 or applicable financial controls in any other written law; and*
 - c) *details of whether information and explanations were obtained by the auditor; and*
 - d) *a report on the conduct of the audit; and*
 - e) *the opinion of the auditor as to whether or not the following financial ratios included in the annual financial report are supported by verifiable information and reasonable assumptions —*
 - i) *the asset consumption ratio; and*
 - ii) *the asset renewal funding ratio.*
- 4) *In sub regulation (3)(e) — asset consumption ratio has the meaning given in the Local Government (Financial Management) Regulations 1996 regulation 50(2); asset renewal funding ratio has the meaning given in the Local Government (Financial Management) Regulations 1996 regulation 50(2).*
- 5) *Where it is considered by the auditor to be appropriate to do so, the auditor is to prepare a management report to accompany the auditor's report and to forward a copy of the management report to the persons specified in section 7.9(1) with the auditor's report*

POLICY IMPLICATIONS

The Audited Annual Financial Report for year ended 30 June 2017 has been prepared in accordance with Council Policies *CP/FIN-3200 Strategic Rating* and *CP/FIN-3201 Significant Accounting Policies*.

FINANCIAL IMPLICATIONS

The Annual Report provides a comprehensive account of the Shire's activities throughout 2016/17 (Attachment 1). It outlines the progress made towards the strategic objectives as set out in the Shire's Strategic Community Plan 2012-2022, and details achievements against the 2016/17 commitments made in the Corporate Business plan 2016/17 to 2019/20.

The finalisation of the 2016-17 Annual Financial Statements has resulted in an actual carry forward surplus of \$1,828,743 (as shown in the Rate Setting Statement in the attached Annual Financial Statements). This is different to the estimated budgeted surplus position of \$2,573,358. The difference is mainly attributable to the variation in timing of capital projects. These timing differences are accounted for in the movement in reserves. The Shire will adjust the budgeted position for the 2017/18 financial year to take account of the timing differences.

Detailed commentary of the financial position and performance is set out in the attachments.

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

Strategic - failure to comply with legislative requirements leading to damage of reputation and/or financial loss

Control - Annual Financial Audit

COMMUNITY ENGAGEMENT

Engagement will take place in accordance with the Shires Community Engagement Guidelines and will include local public notice which:

- Informing the community that the Annual Report is available and making the Annual Report accessible for viewing.
- Informing the community of the date and time of the Annual General Electors meeting.

ATTACHMENTS

Attachment 1 - Annual Report 2016-17 (Part A)

Attachment 2 - Audited Annual Financial Report (Part B)

12.3.2. Draft Strategic Community Plan 2017-2027

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

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council endorse the draft Strategic Community Plan 2017-2027 and advertise for community consultation and feedback.

Cr McKittrick moved an alternate motion to defer the item to for Councillor briefing to be re-presented at the 19 December 2017 Ordinary Council Meeting.

COUNCIL DECISION

Minute Number: 28/11/2017-117837

Moved: Cr McKittrick

Seconded: Cr Chafer

That Council defer the item for review at a Council briefing and the matter be re-presented to the 19 December 2017 Ordinary Council Meeting

Carried 9/0

PURPOSE

The purpose of this report is to seek Council endorsement of the draft Strategic Community Plan 2017-2027 for community consultation for a period of between 2 and 3 months.

The Strategic Community Plan sets out the long term vision and aspirations of the East Kimberley community over the next 10 years. It is a strategic roadmap of where the community want to go and how we are going to get there. To reflect the community's changing aspirations, a minor review of the Strategic Community Plan is undertaken every two years and a major review every four years.

The Strategic Community Plan is intended to be a resource to help guide policies, strategies and actions that relate to the East Kimberley and the community.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Facilitator - bring stakeholders together

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At the Ordinary Council Meeting on 19 February 2013 Council resolved:

Council Decision

Minute No. 9986

Moved: Cr J Parker

Seconded: Cr R Dessert

That Council:

- 1. Endorse the Shire of Wyndham East Kimberley's Strategic Community Plan 2012-2022 and advertise it for community awareness.***
- 2. Forward the Shire of Wyndham East Kimberley's Strategic Community Plan 2012-2022 to the Department of Local Government for endorsement.***

Carried Unanimously 6/0

The Strategic Community Plan sets out the long term vision and aspirations of the East Kimberley community over the next 10 years. It is a strategic roadmap of where the community want to go and how we are going to get there. To reflect the community's changing aspirations, a minor review of the Strategic Community Plan is undertaken every two years and a major review every four years.

The Strategic Community Plan is intended to be a resource to help guide policies, strategies and actions that relate to the East Kimberley and the community.

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

The Shire's first Strategic Community Plan under the new Integrated Planning Legislation was adopted by an absolute majority of Council on 19 February 2013, with a desktop review being undertaken in 2015. Legislation requires the Strategic Community Plan to be reviewed regularly to ensure that it is relevant to the Community. At minimum, a desktop review is required every two years and a full review every four.

The Shire has initiated a full review following a six step process in developing the 10 year Strategic Community Plan 2017-2027. Attachment 1 - SCP Review Process 6 Step Summary provides an overview of the review process and community engagement.

Summary of development steps:

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

The Shire has completed steps 1, 2,3 and 4 and is now seeking council endorsement of the draft Strategic Community Plan 2017-2027 for step 5, community consultation for a period of between 2 and 3 months.

STATUTORY IMPLICATIONS

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

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

19C. Strategic community plans, requirements for (Act s. 5.56)

- 1) *A local government is to ensure that a strategic community 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 strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- 3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- 4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- 5) *In making or reviewing a strategic community plan, a local government is to have regard to —*
 - a) *the capacity of its current resources and the anticipated capacity of its future resources; and*

- b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
- c) *demographic trends.*
- 6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- 7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications. *Absolute majority required.*
- 8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- 9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- 10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

19D. Adoption of plan, public notice of to be given

- 1) *After the adoption of a strategic community plan, or modifications of a strategic community plan, under regulation 19C, the local government is to give local public notice in accordance with subregulation (2).*
- 2) *The local public notice is to contain —*
 - a) *notification that —*
 - i) *a strategic community plan for the district has been adopted by the council and is to apply to the district for the period specified in the plan; and*
 - ii) *details of where and when the plan may be inspected;*

or

 - b) *where a strategic community plan for the district has been modified —*
 - i) *notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for the period specified in the plan; and*
 - ii) *details of where and when the modified plan may be inspected.*

POLICY IMPLICATIONS

Council adopted a Community Engagement Policy - The draft Strategic Community Plan meets the objectives of this policy. It is likely that more policies will be developed as a result of implementing the strategies from this plan.

FINANCIAL IMPLICATIONS

The Strategic Community Plan sets the direction for the Long Term Financial Plan and the Corporate Business Plan which will require consideration in the development of the 2018/19 budget.

Council has previously approved CBP-54 *Review the Strategic Community Plan (SCP)* to the value of \$20,000 for the costs of developing and publishing the SCP.

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

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

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.

RISK IMPLICATIONS

In conducting this review the community must be notified and given opportunity to participate in the review and renewal process. Failure to ensure that the Strategic Community Plan represents the community's aspirations will result in the Plan being ineffective.

COMMUNITY ENGAGEMENT

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

- Facebook
- Consultation stalls at community events
- Open houses and community workshops
- Face to Face meetings
- Public advertising via website, administration and libraries

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

COMMENTS

In accordance with the Local Government Act 1995, all local governments are required to plan for the future of their district. The SCP is Council's principal strategy and planning document that links community aspirations and vision with the Council's long term strategy. The SCP forms the basis of the Integrated Planning and Reporting Framework and provides the foundation to develop other strategic documents.

The Plan is a document owned by the community and Council. The outcomes and strategies all stem from input gained from the community through community engagement activities

The Shire is the custodian of the Plan and as the communities representative ensures the Plan embodies the East Kimberley community.

Community engagement is central to the review of the SCP process. The purpose of a major strategic review is to re-engage with the community to determine the vision, outcomes and priorities for the following period. To ensure the community vision and aspirations are effectively captured, a comprehensive community engagement program is proposed.

In conducting this review the community must be notified and given opportunity to participate in the review and renewal process. A community engagement process is required to be documented as a core component of the Strategic Community Plan, with the engagement methods and extent of community engagement noted.

The community engagement process must also have regard for the current and future resource capacity of the local government, its demographic trends and contribute toward developing strategic performance measures.

The preparation of the Strategic Community Plan has been undertaken to achieve compliance with the *Local Government (Administration) Regulations 1996*, and has been influenced by the Department of Local Government's Framework and Guidelines for Integrated Planning and Reporting – September 2016.

If endorsed, this draft will be circulated for further community input with the public comment period closing between 1 February and 1 March 2018. The draft plan will be advertised on the SWEK website, in the Kimberley Echo and on the SWEK facebook page and other social media as available.

Summary of the Draft Plan

The Draft Strategic Community Plan 2017 to 2027 is based on four main focus areas. These are the big picture results which the Council will focus on achieving:

1. Healthy Vibrant Active Communities
2. Enhancing the Environment
3. Economic Prosperity
4. Civic Leadership

These focus areas are based on the feedback provided during workshopping with key community representatives that highlighted a need to focus on suitability and quality of life and representatives asked that the Shire apply a Triple Bottom Line approach. The triple bottom line approach consists of three elements: social equity, economic, and environmental (built and natural). This approach is designed to assist Council in monitoring its impact on the wellbeing and sustainability of the East Kimberley community. To enable the three elements to be achieved the Shire and other organisations must provide good governance. This is something that community has also voiced through the engagement process and has been captured in focus area 4 Civic Leadership.

Each focus area consists of a number of objectives, These are the outcomes that will be achieved. They focus on the end result, rather than on how to get there. Each objective is in turn supported by strategies. These guide the specific actions related to this Plan and define how to achieve the outcomes. The detailed actions which will be undertaken to help achieve the community vision are specified in the Corporate Business Plan and Service Delivery Plans.

The adoption of a new Strategic Community Plan will trigger a review of the Corporate Business Plan. A review of the Corporate Business Plan will identify the actions required to deliver the new Strategic Community Plan.

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

1. Healthy Vibrant Active Communities

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

Objectives:

- 1.1 Promote and celebrate our rich culture and heritage
- 1.2 Ensure all community members have access to a broad range of sporting, recreation and leisure opportunities
- 1.3 Promote quality education, health, childcare, aged care and youth services

2. Enhancing the Environment

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

Objectives:

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

3. Economic Prosperity

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

Objectives:

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

4. Civic Leadership

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

Objectives:

- 4.1 Advocacy of East Kimberley issues and opportunities at regional, state and national levels
- 4.2 Provide accountable and transparent leadership
- 4.3 Ensure a strong and progressive organisation

4.4 Sustainably maintain the Shire's long term financial viability

Each proposed objective has a number of strategies that will supports its achievement. These draft strategies are listed in the attached Draft Strategic Community Plan on pages 21 to 27 linked to the objectives and focus areas.

ATTACHMENTS

Attachment 1 - SCP Review Process 6 Step Summary

Attachment 2 - Draft Strategic Community Plan 2017 – 2027

12.3.3. CBP Quarterly Progress Report - July to September 2017

DATE:	29 November 2017
AUTHOR:	Senior Integrated Planning and Reporting Officer
RESPONSIBLE OFFICER:	Acting Director Community and Development
FILE NO:	CM.10.7
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council note the Corporate Business Plan 2017/18 - 2020/21 Quarterly Progress Report - July to September 2017

COUNCIL DECISION

Minute No: 28/11/2017-117838

Moved: Cr Pearce

Seconded: Cr Brook

That Council note the Corporate Business Plan 2017/18 - 2020/21 Quarterly Progress Report - July to September 2017

Carried 9/0

PURPOSE

For the Council to receive the July to September 2017 Quarterly Review of the Corporate Business Plan 2017/18 - 2020/21 and Progress Report.

The Corporate Business Plan is the 4-year service and project delivery program for the Shire of Wyndham East Kimberley. The Plan 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 September Quarter 2017/18 financial year in implementing Shire's Corporate Business Plan. To deliver the initiatives detailed in the Corporate Business Plan 2017/18 - 2020/21, 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 Year 2017/18 - 2020/21 was adopted by Council at the 18 July 2017 Ordinary Council Meeting. At this meeting Council resolved as follows:-

COUNCIL DECISION

Minute No: 18/07/2017-11721

Commissioner resolved:

That Council, pursuant to the provisions of section 5.56 of the Local Government Act 1995 and Regulation 19DA of the Local Government (Administration) Regulations 1996, adopt the Corporate Business Plan 2017/18 to 2020/21 as contained in Attachment 1, for the Shire of Wyndham East Kimberley which:

- 1. Incorporates Council's consideration of the community comments received;**
- 2. Reflects key programs and projects to be undertaken in 2017/18 in accordance with the 2017/18 Annual Budget.**

Carried 1/0

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

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 - 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

The Quarterly Progress Report – July to September 2017 is shown as Attachment 1 to this report. This is the first progress report for the 2017/18 year.

The highlights of the quarter include:

- Finalisation of Council elections process using postal voting. The shire engaged West Australian Electoral Commission (WAEC) To facilitate a postal election during September and October. Postal voting was selected by Council as a way to increase voter turnout compared to previous in person election.
- Record Keeping Plan 2017 has had a full review and has been submitted to the State Records Office WA for approval.
- Asset Management Strategy and Plan were completed and adopted by Council in August. An asset management plan for the Shire covers for the life cycle of all assets including maintenance and replacement.
- To ensure a good level of customer service is provided a Customer Service Charter has been developed and implemented during the quarter.
- Training for Occupational Safety and Health (OSH) Committee representatives has been undertaken providing each work area within the Shire access to an OSH Committee representative.
- Planned road reseal works for Kununurra and Wyndham were completed protecting road assets.
- Road Line marking works have been completed on Coolibah Drive, White Gum Street and Leichhardt Street and the parking around the IGA superstore during the September School holidays.
- Ron Hodnet Drive has been closed to motor traffic removing the community reported risk of traffic interaction.
- Council approved in September to upgrade Gym equipment for Kununurra Leisure Centre by purchasing equipment improving the service to the community and making membership more attractive.

ATTACHMENTS

Attachment 1 - CBP Quarterly Progress Report - July to September 2017

12.4. CORPORATE SERVICES

12.4.1. Review of Council Policy CP/FIN-3213 Corporate Credit Cards

DATE:	28 November 2017
AUTHOR:	Coordinator Financial Operations
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	CM.11.1
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Council adopt the reviewed Council Policy CP/FIN-3213 Corporate Credit Cards with no changes made.

COUNCIL DECISION

Minute No: 28/11/2017-117839

Moved: Cr Chafer

Seconded: Cr Lodge

That the Council adopt the reviewed Council Policy CP/FIN-3213 Corporate Credit Cards with no changes made.

Carried 9/0

PURPOSE

For the Council to review Council Policy CP/FIN-3213 Corporate Credit Cards.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At the 24 November 2015 Ordinary Council Meeting the Council resolved:

COUNCIL DECISION

Minute No. 11172

**Moved: Cr B Robinson
Seconded: Cr K Wright**

In relation to Item “7.8 - Review of Council Policy CP/FIN-3213 Corporate Credit Cards” that the Audit (Finance and Risk) Committee recommends to the Council that it:

- 1. Adopts the amended Council Policy CP/FIN-3213 Corporate Credit Cards to be effective from the day following the Ordinary Council Meeting; and**
- 2. Notes that the amended Council Policy CP/FIN-3213 Corporate Credit Cards will not be applied retrospectively; and**
- 3. Notes the new Organisational Directive OD/FIN-4202 Issue and Use of Credit Cards.**

Carried Unanimously 9/0

STATUTORY IMPLICATIONS

The use of corporate credit cards is not specifically mentioned in the *Local Government Act 1995*, however the impacts of the use and control of corporate credit cards are related to the following sections:-

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.*

6.5. Accounts and records

The CEO has a duty —

- (a) *to ensure that there are kept, in accordance with regulations, proper accounts and records of the transactions and affairs of the local government; and*
- (b) *to keep the accounts and records up to date and ready for inspection at any time by persons authorised to do so under this Act or another written law.*

Local Government (Financial Management) Regulations 1996

11. Payments, procedures for making etc.

- (1) *A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —*
- (a) *cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and*
 - (b) *petty cash systems.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no financial implications associated with the review of this Policy, however it will ensure that the Shire's financial management framework and internal controls are maintained appropriately.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.4: Business innovation, efficiency and improved services

Strategy 1.4.3 : Maintain Council's long term financial viability

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Policy CP/FIN-3213 Corporate Credit Cards has been reviewed in accordance with the policy review schedule. No amendments are recommended.

ATTACHMENTS

Attachment 1 - Policy CP/FIN-3213 Corporate Credit Cards

12.4.2. Review of Council Policy CP/FIN-3215 Self-Supporting Loans

DATE:	28 November 2017
AUTHOR:	Coordinator Financial Operations
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	CM.11.1
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Council adopt the reviewed Council Policy CP/FIN-3215 Self-Supporting Loans with no changes made.

COUNCIL DECISION

Minute No: 28/11/2017-117840

Moved: Cr Dear

Seconded: Cr Chafer

That the Council adopt the reviewed Council Policy CP/FIN-3215 Self-Supporting Loans with no changes made.

Carried 9/0

PURPOSE

For the Council to review Council Policy CP/FIN-3215 Self-Supporting Loans with no changes made.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At the 24 November 2015 Ordinary Council Meeting the Council resolved:

COUNCIL DECISION

Minute No. 11174

**Moved: Cr B Robinson
Seconded: Cr K Wright**

In relation to Item “7.10 - Review of Council Policy CP/FIN-3215 Self-Supporting Loans” that the Audit (Finance and Risk) Committee recommends to the Council that it adopts the revised Council Policy CP/FIN-3218 Self-Supporting Loans.

Carried Unanimously 9/0

STATUTORY IMPLICATIONS

6.20. Power to borrow

- (1) *Subject to this Act, a local government may —*
- (a) *borrow or re borrow money; or*
 - (b) *obtain credit; or*
 - (c) *arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit,*

to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.

- (2) *Where, in any financial year, a local government proposes to exercise a power under subsection (1) (power to borrow) and details of that proposal have not been included in the annual budget for that financial year —*
- (a) *unless the proposal is of a prescribed kind, the local government must give one month’s local public notice of the proposal; and*
 - (b) *the resolution to exercise that power is to be by absolute majority.*
- (3) *Where a local government has exercised a power to borrow and —*
- (a) *it does not wish to proceed with the performance of the function or the exercise of the power for which the power to borrow was exercised; or*
 - (b) *after having completed the performance of the function or the exercise of the power for which the power to borrow was exercised, any part of the money borrowed, credit obtained or financial accommodation arranged has not been expended or utilized,*

the local government may resolve to expend the money or utilize the credit or financial accommodation for another purpose if one month’s local public notice is given of the proposed change of purpose.*

** Absolute majority required.*

- (4) *A local government is not required to give local public notice under subsection (3)*
-

- (a) *where the change of purpose has been disclosed in the annual budget of the local government for the relevant financial year; or*
 - (b) *in such other circumstances as are prescribed.*
- (5) *A change of purpose referred to in subsection (3) is to be disclosed in the annual financial report for the year in which the change occurs.*

6.21. Restrictions on borrowing

- (1) *Where, under section 6.20(1), a regional local government borrows money, obtains credit or arranges for financial accommodation to be extended to the regional local government that money, credit or financial accommodation is to be secured only —*
- (a) *by the regional local government giving security over the financial contributions of the participants to the regional local government's funds as set out or provided for in the establishment agreement for the regional local government; or*
 - (b) *by the regional local government giving security over Government grants which were not given to the regional local government for a specific purpose; or*
 - (c) *by a participant giving security over its general funds to the extent agreed by the participant.*
- (1a) *Despite subsection (1)(a) and (c), security cannot be given over —*
- (a) *the financial contributions of a particular participant to the regional local government's funds; or*
 - (b) *the general funds of a particular participant, if the participant is not a party to the activity or transaction for which the money is to be borrowed by, the credit is to be obtained for, or the financial accommodation is to be extended to, the regional local government.*
- (2) *Where, under section 6.20(1), a local government borrows money, obtains credit or arranges for financial accommodation to be extended to the local government that money, credit or financial accommodation is only to be secured by giving security over the general funds of the local government.*
- (3) *The Treasurer or a person authorised in that behalf by the Treasurer may give a direction in writing to a local government with respect to the exercise of its power under section 6.20(1) either generally or in relation to a particular proposed borrowing and the local government is to give effect to any such direction.*
- (4) *In this section and in section 6.23 —*
- general funds** *means the revenue or income from —*
- (a) *general rates; and*
 - (b) *Government grants which were not given to the local government for a specific purpose; and*
 - (c) *such other sources as are prescribed.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no financial implications associated with the review of this Policy, however it will ensure that the Shire's financial management framework and internal controls are maintained appropriately.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.4: Business innovation, efficiency and improved services

Strategy 1.4.3 : Maintain Council's long term financial viability

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Policy CP/FIN-3215 Self-Supporting Loans has been reviewed in accordance with the policy review schedule. No amendments are recommended.

ATTACHMENTS

Attachment 1 - Policy CP/FIN-3215 Self-Supporting Loans

12.4.3. Review of Council Policy CP/FIN-3203 Investments

DATE:	28 November 2017
AUTHOR:	Coordinator Financial Operations
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	CM.11.1
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Council adopt the reviewed Council Policy CP/FIN-3203 Investments with no changes made.

COUNCIL DECISION

Minute No: 28/11/2017-117841

Moved: Cr Pearce

Seconded: Cr Farquhar

That the Council adopt the reviewed Council Policy CP/FIN-3203 Investments with no changes made.

Carried 9/0

PURPOSE

For the Council to review Council Policy CP/FIN-3203 Investments.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At the 24 November 2015 Ordinary Council Meeting the Council resolved:

COUNCIL DECISION

Minute No. 11173

**Moved: Cr B Robinson
Seconded: Cr K Wright**

In relation to Item “7.9 - Review of Council Policy CP/FIN-3203 Investments” that the Audit (Finance and Risk) Committee recommends to the Council that it adopts the revised Council Policy CP/FIN-3203 Investments.

Carried Unanimously 9/0

STATUTORY IMPLICATIONS

Local Government Act 1995

6.14. Power to invest

- (1) *Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the Trustees Act 1962 Part III.*
- (2A) *A local government is to comply with the regulations when investing money referred to in subsection (1).*
- (2) *Regulations in relation to investments by local governments may —*
- (a) make provision in respect of the investment of money referred to in subsection (1); and*
 - [(b) deleted]*
 - (c) prescribe circumstances in which a local government is required to invest money held by it; and*
 - (d) provide for the application of investment earnings; and*
 - (e) generally provide for the management of those investments.*

Local Government (Financial Management) Regulations 1996

8. Separate bank etc. accounts required for some moneys

- (1) *A local government is to maintain a separate account with a bank or other financial institution for each of the following purposes —*
- (a) money required to be held in the municipal fund (other than money for which an account is to be established under paragraph (c)); and*
 - (b) money required to be held in the trust fund; and*
 - (c) money required to be held in reserve accounts.*
- (2) *Money related to a purpose set forth in sub regulation (1) is to be banked in the account maintained for that purpose.*

(3) Money from different accounts may be placed in a common investment authorised by the Act.

19. Investments, control procedures for

(1) A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.

- (2) The control procedures are to enable the identification of —
- (a) the nature and location of all investments; and
 - (b) the transactions related to each investment.

19C. Investment of money, restrictions on (Act s. 6.14(2)(a))

(1) In this regulation —

authorised institution means —

- (a) an authorised deposit-taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or
- (b) the Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986; foreign currency means a currency except the currency of Australia.

foreign currency means a currency except the currency of Australia.

- (2) When investing money under section 6.14(1), a local government may not do any of the following —
- (a) deposit with an institution except an authorised institution;
 - (b) deposit for a fixed term of more than 12 months;
 - (c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
 - (d) invest in bonds with a term to maturity of more than 3 years;
 - (e) invest in a foreign currency.

28. Investment information required in notes

The notes to the annual budget are to include, in relation to money invested by the local government, an estimate of —

- (a) the amount to be earned from the investment of money held in reserve; and
- (b) the amount to be earned from the investment of other money; and
- (c) the total earnings from investments.

49. Invested money, information about in annual financial report

The annual financial report is to include, in relation to money invested, details of —

- (a) the amount earned from the investment of money held in reserve; and
- (b) the amount earned from the investment of other money; and
- (c) the total earnings from investments.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no financial implications associated with the review of this Policy, however it will ensure that the Shire's internal control procedures and restrictions over investments continue to be maintained and adhered to, and meet all statutory requirements, and therefore forms a key element of the Shire's financial management framework.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.4: Business innovation, efficiency and improved services

Strategy 1.4.3 : Maintain Council's long term financial viability

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Council Policy CP/FIN-3203 Investments has been reviewed in accordance with the policy review schedule. No amendments are recommended.

ATTACHMENTS

Attachment 1 - Council Policy CP/FIN-3203 Investments

12.4.4. Review of Council Policy CP/FIN-3212 Rates and Charges Debt Collection

DATE:	28 November 2017
AUTHOR:	Coordinator Financial Operations
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	CM.11.1
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

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

COUNCIL DECISION

Minute No: 28/11/2017-117842

Moved: Cr Farquhar

Seconded: Cr Dear

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

Carried 9/0

PURPOSE

For the Council to review the amendments to Council Policy CP/FIN-3212 Rates and Charges Debt Collection.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At the 24 November 2015 Ordinary Council Meeting the Council resolved:

COUNCIL DECISION

Minute No. 11169

Moved: Cr B Robinson

Seconded: Cr N Perry

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

Carried Unanimously 8/0

STATUTORY IMPLICATIONS

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

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

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

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

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this matter.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.4: Business innovation, efficiency and improved services

Strategy 1.4.3 : Maintain Council’s long term financial viability

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Policy CP/FIN-3212 Rates and Charges Debt Collection has been reviewed in accordance with the policy review schedule. Particular amendments have been incorporated into the revised policy to reflect current debt collection procedures and legislative requirements.

ATTACHMENTS

Attachment 1 - Revised Policy CP/FIN-3212 Rates and Charges Debt Collection - Track Changes.

Attachment 2 - Revised Policy CP/FIN-3212 Rates and Charges Debt Collection - Draft.

12.4.5. Review of Council Policy CP/FIN-3208 Rates Exemptions for Charitable Organisations (Non-Rateable Land)

DATE:	28 November 2017
AUTHOR:	Coordinator Financial Operations
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	CM.11.1
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Council adopt the Reviewed Council Policy CP/FIN-3208 Rates Exemptions for Charitable Organisations (Non-Rateable Land) with no changes made.

COUNCIL DECISION

Minute Number: 28/11/2017-117843

**Move Cr Chafer
Seconded: Cr Brook**

That the Council adopt the Reviewed Council Policy CP/FIN-3208 Rates Exemptions for Charitable Organisations (Non-Rateable Land) with no changes made.

Carried 9/0

PURPOSE

For the Council to review Council Policy CP/FIN-3208 Rates Exemptions for Charitable Organisations (Non-Rateable Land).

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At the 24 November 2015 Ordinary Council Meeting the Council resolved:

COUNCIL DECISION

Minute No. 11170

Moved: Cr B Robinson
Seconded: Cr S Cooke

In relation to Item “7.6 - Review of Council Policy CP/FIN-3208 Rates Exemptions for Charitable Organisations (Non-Rateable Land)” that the Audit (Finance and Risk) Committee recommends to the Council that it adopts the amended Policy CP/FIN-3208 Rates Exemptions for Charitable Organisations (Non-Rateable Land).

Carried Unanimously 8/0

STATUTORY IMPLICATIONS

Local Government Act 1995 - Part 6, Division 6 - Rates and service charges

6.26. Rateable land

- (1) *Except as provided in this section all land within a district is rateable land.*
- (2) *The following land is not rateable land —*
 - (a) *land which is the property of the Crown and —*
 - (i) *is being used or held for a public purpose; or*
 - (ii) *is unoccupied, except —*
 - (I) *where any person is, under paragraph (e) of the definition of **owner** in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or*
 - (II) *where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of **owner** in section 1.4 occupies or makes use of the land;*
 - and*
 - (b) *land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and*
 - (c) *land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and*
 - (d) *land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a*

- minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and*
- (e) *land used exclusively by a religious body as a school for the religious instruction of children; and*
 - (f) *land used exclusively as a non-government school within the meaning of the School Education Act 1999; and*
 - (g) **land used exclusively for charitable purposes; and**
 - (h) *land vested in trustees for agricultural or horticultural show purposes;*

and

- (i) *land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and*
 - (j) *land which is exempt from rates under any other written law; and*
 - (k) *land which is declared by the Minister to be exempt from rates.*
- (3) *If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that co-operative or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.*
 - (4) *The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.*
 - (5) *Notice of any declaration made under subsection (4) is to be published in the Gazette.*
 - (6) *Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.*
- [Section 6.26 amended by No. 36 of 1999 s. 247; No. 77 of 2006 Sch. 1 cl. 102; No. 24 of 2009 s. 506 (correction to reprint in Gazette 7 Sep 2012 p. 4329).]

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no financial implications associated with the review of this Policy

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.4: Business innovation, efficiency and improved services

Strategy 1.4.3 : Maintain Council's long term financial viability

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Council Policy CP/FIN-3208 Rates Exemptions for Charitable Organisations (Non-Rateable Land) has been reviewed in accordance with the policy review schedule. No amendments are recommended at this time however it should be noted that as part of the review of the Local Government Act 1995 this particular section and provision is scheduled for review and may therefore change in the future.

WALGA State Council, as part of the review of the Local Government Act 1995, have a position and recommendation to State Council for the December 2017 meeting as follows;

That State Council:

(a) Amend current WALGA Policy position 'Rating Exemptions – Charitable Purposes:

Section 6.26(2)(g)' by adding Item 3:

- 1. Amend the Local Government Act to clarify that Independent Living Units should only be exempt from rates where they qualify under the Commonwealth Aged Care Act 1997;*
- 2. Either:*
 - a. amend the charitable organisations section of the Local Government Act 1995 to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations; or*
 - b. establish a compensatory fund for Local Governments, similar to the pensioner discount provisions, if the State Government believes charitable organisations remain exempt from payment of Local Government rates; and*
- 3. Request that a broad review be conducted into the justification and fairness of all rating exemption categories currently prescribed under Section 6.26 of the Local Government Act.*

ATTACHMENTS

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

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

DATE:	28 November 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 130280 - 130506 (05 Oct -26 Oct 2017)	\$ 4,660,631.87
Municipal cheques 51649 - 51662 (05 Oct - 26 Oct 2017)	\$ 121,325.98
Trust cheques 1085 - 1092 (12 Oct - 20 Oct 2017)	\$ 2,889.30
Trust EFT 501470 - 501487 (04 Oct – 31 Oct 2017)	\$ 11,080.05
Payroll (11 Oct - 26 Oct 2017)	\$ 499,376.58
Direct bank debits (02 Oct - 23 Oct 2017)	\$ 107,146.85
TOTAL	\$ 5,402,450.63

COUNCIL DECISION

Minute Number: 28/11/2017-117844

Moved: Cr Lodge

Seconded: Cr Farquhar

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

Municipal EFT 130280 - 130506 (05 Oct -26 Oct 2017)	\$ 4,660,631.87
Municipal cheques 51649 - 51662 (05 Oct - 26 Oct 2017)	\$ 121,325.98
Trust cheques 1085 - 1092 (12 Oct - 20 Oct 2017)	\$ 2,889.30
Trust EFT 501470 - 501487 (04 Oct – 31 Oct 2017)	\$ 11,080.05
Payroll (11 Oct - 26 Oct 2017)	\$ 499,376.58
Direct bank debits (02 Oct - 23 Oct 2017)	\$ 107,146.85
TOTAL	\$ 5,402,450.63

Carried 9/0

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 October 2017

12.4.7. Work, Health and Safety Policy

DATE:	28 November 2017
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Chief Executive Officer
FILE NO:	PL.17.38
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the Work, Health and Safety Policy as set out in Attachment 1 to this report.

COUNCIL DECISION

Minute No: 28/11/2017-117845

Moved: Cr Chafer

Seconded: Cr Dear

That Council adopt the Work, Health and Safety Policy as set out in Attachment 1 to this report.

Carried 9/0

PURPOSE

This policy commits the Shire of Wyndham-East Kimberley to managing Occupational Safety and Health including the development and implementation of an Occupational Safety and Health Management System that complies with or exceeds legislative requirements including the Act, Regulations, Codes of Practice, Guidance Notes and Australian Standards.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Council adopted the Policy CP GOV-3108 Risk Management at the July 2017 Ordinary Council Meeting:

COUNCIL DECISION

Minute No: 18/07/2017-11719

Commissioner resolved:

That Council adopt the amended Council Policy CP/GOV 3101 Risk Management as detailed in Attachment 1.

Carried 1/0

This decision was made following the recommendations from the Review of Risk Management, Legislative Compliance and Internal Controls delivered in December 2016 by Moore Stephens, the Council's appointed auditors, who were able to provide the service via their independent "Advisory Services" team.

The next policy step the Shire has taken to improve the risk management framework is to put forward a Work Health and Safety Policy. This was also recommended by Moore Stephens. The report states that the Shire should as a goal establish a *"policy to evidence Council's commitment to occupational, health and safety and its importance to the organisation."* and *"currently, no policy on occupational safety and health has been adopted by Council."* They recommended that an improvement would be an "Occupational Safety and Health Policy formulated and adopted to formalise Council's commitment to occupational safety and health." The Shire Officers have formulated a policy that meets these requirements and is titled "Work, Health and Safety".

STATUTORY IMPLICATIONS

Occupational Safety and Health Act, 1984

Part III — General provisions relating to occupational safety and health

Division 2 — General workplace duties

19. Duties of employers

(1) An employer shall, so far as is practicable, provide and maintain a working environment in which the employees of the employer (the employees) are not exposed to hazards and in particular, but without limiting the generality of the foregoing, an employer shall —

- (a) provide and maintain workplaces, plant, and systems of work such that, so far as is practicable, the employees are not exposed to hazards; and
- (b) provide such information, instruction, and training to, and supervision of, the employees as is necessary to enable them to perform their work in such a manner that they are not exposed to hazards; and

- (c) consult and cooperate with safety and health representatives, if any, and other employees at the workplace, regarding occupational safety and health at the workplace; and
- (d) where it is not practicable to avoid the presence of hazards at the workplace, provide the employees with, or otherwise provide for the employees to have, such adequate personal protective clothing and equipment as is practicable to protect them against those hazards, without any cost to the employees; and
- (e) make arrangements for ensuring, so far as is practicable, that —
 - (i) the use, cleaning, maintenance, transportation and disposal of plant; and
 - (ii) the use, handling, processing, storage, transportation and disposal of substances, at the workplace is carried out in a manner such that the employees are not exposed to hazards.

(2) In determining the training required to be provided in accordance with subsection (1)(b) regard shall be had to the functions performed by employees and the capacities in which they are employed.

22. Duties of persons who have control of workplaces

(1) A person that has, to any extent, control of —

- (a) a workplace where persons who are not employees of that person work or are likely to be in the course of their work; or
- (b) the means of access to and egress from a workplace,

shall take such measures as are practicable to ensure that the workplace, or the means of access to or egress from the workplace, as the case may be, are such that persons who are at the workplace or use the means of access to and egress from the workplace are not exposed to hazards.

(2) Where a person has, by virtue of a contract or lease, an obligation of any extent in relation to the maintenance or repair of a workplace or the means of access to and egress from the workplace, the person shall be treated for the purposes of subsection (1) as being a person that has control of that workplace or that means of access or egress.

(3) A reference in this section to a person having control of any workplace or means of access to or egress from a workplace is a reference to a person having control of that workplace or that means of access or egress in connection with the carrying on by that person of a trade, business or undertaking (whether for profit or not).

POLICY IMPLICATIONS

The implication of this report is that a new Governance Council Policy - “Work, Health and Safety” will come into existence if adopted by Council.

FINANCIAL IMPLICATIONS

The budget impact is the acquisition of an OHS software solution which costs \$4,259 and which has been provided for in the 2017/18 Budget.

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 1.4.5 : Attract and maintain a skilled, motivated and professional workforce.

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.
Take from Interplan Risk Register

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The Work, Health and Safety Policy sets out the occupational health and safety objectives of the Shire, how the Shire intends to achieve them, the responsibilities of Shire workers and the commitment to continually improve the process. The Policy was formulated in line with the Australian Standard AS/NZS 4801:2001, the legislation (*Occupational Health and Safety Act 1984*) and the regulations (*Occupational Health and Safety Regulations 1996*).

With the implementation of this Policy the Shire will be collecting data on hazards, accidents and incidents in the workplace. These will be reported up to the Executive Management Team to ensure that corrective action is implemented. It is envisaged that the Audit Finance and Risk Committee will receive a report at each meeting once the reporting process has been established.

As this matter relates to risk all reporting to Council will be through the Audit Finance and Risk Committee and the review of the Policy on a bi-annual basis will be by the Committee for recommendation to the Council.

ATTACHMENTS

Attachment 1 - Work, Health and Safety Policy

12.4.8. Monthly Statement of Financial Activity for the Period Ended 31 October 2017

DATE:	28 November 2017
AUTHOR:	Coordinator Financial Management
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM.09.5
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the monthly financial report as at 31 October 2017.

COUNCIL DECISION

Minute No: 28/11/2017-117846

Moved: Cr Lodge

Seconded: Cr Pearce

That Council receives the monthly financial report as at 31 October 2017.

Carried 9/0

PURPOSE

For Council to receive the monthly financial report for the period ended 31 October 2017.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

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

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

COUNCIL DECISION

Minute No: 11491

Moved: Cr B Robinson

Seconded: Cr N Perry

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

Carried 9/0

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

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 6.4.

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

POLICY IMPLICATIONS

No policy implications apply in the preparation of the report.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.4: Business innovation, efficiency and improved services

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

RISK IMPLICATIONS

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

COMMUNITY ENGAGEMENT

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

No community engagement is required.

COMMENTS

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

ATTACHMENTS

Attachment 1 - Monthly Financial Report for the period to 31 October 2017.

12.5. INFRASTRUCTURE

12.5.1. Schedule of Fees and Charges, proposed amendment - Tip Fees

DATE:	28 November 2017
AUTHOR:	Manager Operations
RESPONSIBLE OFFICER:	David Klye, Director Infrastructure
FILE NO:	WM.09.1
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council;

1. Change the fee in the published Schedule of Fees and Charges 2017/18 for Green Waste (compact/chipped) from \$55.00 per m3 to No Charge, effective from 11 December 2017,
2. Include a new fee in the published Schedule of Fees and Charges of \$10.00 for unsecured loads presented for disposal at the Shire Landfill sites effective from 11 December 2017, and
3. Approves the publication of the above changes to the Schedule of Fees and Charges in accordance with the *Local Government Act 2009*, Section 6.19 by way of local public notice.

COUNCIL DECISION

Minute No: 28/11/2017- 117847

Moved: Cr Chafer

Seconded: Cr Farquhar

That Council move an amendment to the end of part 2 of the officer's recommendation to include the words "with an education campaign to take effect with 1 April 2018"

Carried 7/2

Cr Lodge requested the Presiding Member to split the officer's recommendation into two parts, so that each section may be voted on separately;

Officers Recommendation 1 to read

1. Change the fee in the published Schedule of Fees and Charges 2017/18 for Green Waste (compact/chipped) from \$55.00 per m3 to No Charge, effective from 11 December 2017, and
2. Approves the publication of the above changes to the Schedule of Fees and Charges in accordance with the *Local Government Act 2009*, Section 6.19 by way of local public notice.

Recommendation 2 to read

1. Include a new fee in the published Schedule of Fees and Charges of \$10.00 for unsecured loads presented for disposal at the Shire Landfill sites effective from 11 December 2017, and
2. Approves the publication of the above changes to the Schedule of Fees and Charges in accordance with the *Local Government Act 2009*, Section 6.19 by way of local public notice.

Cr Pearce seconded the request.

COUNCIL DECISION

Minute No: 28/11/2017-117848

Moved: Cr Lodge

Seconded: Cr Pearce

That Council;

1. **Change the fee in the published Schedule of Fees and Charges 2017/18 for Green Waste (compact/chipped) from \$55.00 per m3 to No Charge, effective from 11 December 2017, and**
2. **Approves the publication of the above changes to the Schedule of Fees and Charges in accordance with the *Local Government Act 2009*, Section 6.19 by way of local public notice.**

Carried 9/0

COUNCIL DECISION

Minute No: 28/11/2017-117849

Moved: Cr Lodge

Seconded: Cr Pearce

That Council;

1. Include a new fee in the published Schedule of Fees and Charges of \$10.00 for unsecured loads presented for disposal at the Shire Landfill sites effective from 11 December 2017 with an education period effective to the 1 April 2018, and
2. Approves the publication of the above changes to the Schedule of Fees and Charges in accordance with the *Local Government Act 2995*, Section 6.19 by way of local public notice.

Lost 1/8

PURPOSE

For Council to consider allowing chipped or mulched Green waste to be disposed of free of charge at the Kununurra and Wyndham landfill sites for later use as suitable cover material for both daily cover and capping rehabilitation material, and to consider the introduction of a charge for the presentation of unsecured loads of waste at the landfill sites.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Provider - provide physical infrastructure and essential services

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Council considers and sets its fees including waste fees on an annual basis prior to setting the Shire budget.

STATUTORY IMPLICATIONS

The *Local Government Act 1995* provides for setting and amending of fees and charges for services under *section 6.16 Imposition of fees and charges*

Section 6.16 (3) Fees and charges are to be imposed when adopting the annual budget but may be —

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

An Absolute Majority is required in accordance with this section of the LGA.

6.19. Local government to give notice of fees and charges

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

(a) its intention to do so; and

(b) the date from which it is proposed the fees or charges will be imposed.

POLICY IMPLICATIONS

The officer's recommendation does not raise any policy implications for Council.

FINANCIAL IMPLICATIONS

In the 2016/17 financial year, The Shire received approximately 4000m³ of Green Waste, with an income value of \$51,479.66.

In the same financial year, The Shire spent approximately \$87,000 in Kununurra, and \$66,000 in Wyndham, carting cover material to the landfill sites.

The change in the green waste fee has a potential financial benefit to the Shire of up to \$100,000 per annum.

It is estimated that the Shire spends in excess of \$15,000 per year picking up litter in Kununurra and Wyndham that has fallen from loads of refuse destined for the landfill sites. The proposed unsecured load charge will reduce the amount of waste falling from loads of refuse and will generate income to offset the cost of litter removal from road sides.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 3.2: Sustainable waste management and protection of the environment

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

Strategy 3.2.2 : Ensure energy efficiency and low carbon options are used to reduce the Shire's energy costs and carbon footprint.

RISK IMPLICATIONS

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

Control: Implementation of new of fees & charges to increase the Shire's ability to meet service levels.

COMMUNITY ENGAGEMENT

No community engagement is required other than the statutory advertising in accordance with the *Local Government Act 2009*, Section 6.19.

In relation to the introduction of the unsecured load proposal the Shire will undertake an education campaign prior to the charge becoming effective.

COMMENTS

Green Waste Charge

The Shire holds a Landfill Operating Licence (Licence L7315/1998/8) issued by the Department of Water and Environment Regulations (DWER) in accordance with the *Environmental Protection Act 1986*.

Section 1.3.4 of the Licensee stipulates the Shire shall ensure that cover is applied and maintained on landfilled wastes in accordance with table 1.3.3 and that sufficient stockpiles of cover material are maintained on site at all times.

The Shire is required to cover all landfill waste with 150mm of suitable cover material at the end each working day. The Shire has purchased, and uses landfill lids for this purpose on a daily basis. However, cover material is required weekly to bury landfill, this reduces odour and prevents wind borne waste escaping the facility. The Shire has developed a weekly procedure that requires the use of 23m³ of cover material to be compliant with licence requirements.

The Shire currently excavates clean cover material from local borrow pits, for use at the landfill sites. The Shire also purchases clean cover material when required due to inaccessibility of the borrow pits during the wet season. This practice is expensive for the Shire.

The Shire currently burns unchipped green waste disposed of at the landfill sites, this proposal is expected to encourage landfill users to chip at least some of the green waste prior to disposal. Chipped or mulched Greenwaste could be utilised for cover material at a significantly reduced cost to the Shire. Using this commodity would also prevent unnecessary carbon gases being discharged into the air.

It is therefore recommended that the current charge of \$55 per m³ for disposal of chipped or mulched Greenwaste be amended to No Charge, effective from 11 December 2017.

Unsecured Load Charge

It is estimated that the Shire spends in excess of \$15,000 per year picking up litter in kununurra and Wyndham that has illegally fallen from loads of refuse destined for the landfill sites. The proposed charge is expected to encourage and educate residents to cover their loads of waste preventing waste being blown onto the roadway, significantly reducing the cost to the Shire for litter removal from road sides.

An unsecured load is a load that has not been fastened in or attached to the vehicle with tarps, rope, straps, netting, or chains, so as to prevent any part of the load or the covering from becoming loose, detached, or leaving the vehicle while the vehicle is moving. A load is secure when nothing can slide, shift, fall, or sift onto the roadway, or become airborne.

Some residents do not to cover their loads of waste. The proposed charge will encourage those residents to reconsider their choice and will generate some income to the Shire to offset some of the cost to the Shire for roadside litter cleanups.

The Shire will undertake an education campaign prior to the charge becoming effective.

Main Roads Western Australia takes the issue of unsecured loads seriously with an on the spot fine of \$200 and fines of up to \$5,000 for individuals in the case of a severe breach of the legislation. The Shire does not have jurisdiction over moving vehicles on public roads but it can add its weight to the issue at the point of delivery in the form of a charge for an unsecured load.

It is therefore recommended that a charge of \$10 be levied for each unsecured load presented for disposal at the Shire Landfill sites effective from 11 December 2017.

ATTACHMENTS

Attachment 1- Main Roads Western Australia - What is an unsecured load.

12.5.2. Stormwater Management for Developments Policy

Cr David Menzel declared an impartiality interest as Chairman of Ord Irrigation

Cr Mat Dear declared an impartiality interest as Manager at Ord Irrigation

DATE:	28 November 2017
AUTHOR:	Director Infrastructure
RESPONSIBLE OFFICER:	David Klye, Director Infrastructure
FILE NO:	CM.11.2
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Absolute majority

OFFICER'S RECOMMENDATION

That Council;

1. **Adopt the draft Stormwater Management for Developments Policy attached in *Appendix 1*, and**
2. **Adopt delegation 58 Stormwater Management for Developments attached in *Appendix 2*.**

COUNCIL DECISION

Minute No: 28/11/2017-117850

Moved: Cr Dear

Seconded: Cr Farquhar

That Council;

1. **Adopt the draft Stormwater Management for Developments Policy attached in *Appendix 1*, and**
2. **Adopt delegation 58 Stormwater Management for Developments attached in *Appendix 2*.**

Carried 5/4

PURPOSE

For Council to consider adoption of a Stormwater Management for Developments Policy, and to consider a new delegation # 58 *Stormwater Management for Developments* to the Chief Executive Officer in relation to the proposed Stormwater Management for Developments Policy.

NATURE OF COUNCIL'S ROLE IN THE MATTER

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

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Council delegations to the CEO for 2017/18 were reviewed and adopted by Council at its Ordinary Council Meeting on 26 September 2017.

COUNCIL DECISION

Minute No: 26/09/2017-11790

Commissioner resolved:

That Council adopt the revised Delegations Register for the 2017/2018 financial year with amendments made to Section 5 and 8.

Carried 1/0

Subsequent to this Council adopted at its Ordinary Council Meeting on 19 October 2017 revised delegation 30 *Temporary Road Closures* for the 2017/2018 financial year.

COUNCIL DECISION

Minute No: 19/10/2017-117823

Commissioner resolved:

That Council adopt the revised delegation 30 Temporary Road Closures attached in Appendix 1, for the 2017/2018 financial year.

Carried 1/0 therefore by Absolute Majority

STATUTORY IMPLICATIONS

Section 5.42 of the *Local Government Act 1995* provides for Council to delegate to the Chief Executive Officer exercise of certain powers or the discharge of any of its duties under the Act.

There are no statutory implications arising from this report.

POLICY IMPLICATIONS

The recommendations of this report seeks to formalise the Shire's stormwater management by adopting a Stormwater Management for Developments Policy.

FINANCIAL IMPLICATIONS

There are no financial implications to the Shire resulting from the proposed policy or the proposed delegation.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.4: Business innovation, efficiency and improved service

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

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

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

No community engagement is required.

COMMENTS

Stormwater Management for Developments Policy.

The Shire currently does not have a formal policy on stormwater management for developments. Shire practice to date has been *ad hoc* with different requirements placed on developments depending on the type and scale of the development and on staff managing the particular development at the time.

Common practice for larger developments in the Shire has followed the practice of many local governments by requiring the retention and disposal of on site runoff from a specified storm (the 0.2 Annual Exceedance Probability storm). Given the nature of the Shire's unique climate and weather patterns the Shire administration is of the view that this requirement imposes an unreasonable cost burden on developers and does not provide the best stormwater management outcome for the Shire.

The existing drainage system was designed several decades ago for different public expectations and a different development extent and density. Even with over capacity margins built into the system, there are increasing pressures on the Shire's drainage system and its ability to effectively drain developed areas during storm events.

Within the Shire there are many areas where there is a high water table, or soils that are largely clay in nature, where onsite disposal is problematic. The proposed Policy seeks to provide a more cost effective alternative to on site disposal for developers while improving the overall performance of stormwater management within the Shire, by increasing the detention storage in the upper catchment. The effect of this will be to reduce the volume of storm flows lower in the catchment where significant under capacity exists.

Delegation in support of the policy.

It is difficult to word a policy to cover all contingencies and as a consequence it is sometimes necessary to provide the administration some latitude to apply common sense to unusual or extreme circumstances. The draft policy presented as part of this report contains a reference to a delegated authority that provides some latitude to the administration in the application of the policy.

Specifically, It is considered that the requirements of the policy should not be applied strictly to smaller residential developments. The distinction between these developments and commercial developments is difficult to specify in a policy document. The proposed delegation, in combination with the proposed policy, seeks to provide a workable administrative framework.

It is proposed that, in general, the delegation be used to exempt residential lots less than 600 m² in size from the policy.

Section 5.42 of the *Local Government Act 1995* provides for Council to delegate to the Chief Executive Officer exercise of certain powers or the discharge of any of its duties under the Act.

The proposed delegation, if adopted, will be included in the Delegations Register which is required to be reviewed annually.

It is recommended that Council adopt the draft Stormwater Management for Developments Policy and the delegation 58 Stormwater Management for Developments in support of the policy.

ATTACHMENTS

Attachment 1 - Proposed Policy Stormwater Management for Developments

Attachment 2 - Proposed Delegation 58 Stormwater Management for Developments

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13.1. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

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

16. MATTERS BEHIND CLOSED DOORS

COUNCIL DECISION

Minute No: 28/11/2017-117851

Moved: Cr Petherick

Seconded: Cr Brook

Council resolved:

That Council move into camera with relevant staff to remain.

Carried 9/0

Council moved into camera at 5:59pm

16.1. RFT 07 17/18 PROVISION OF SURVEY SERVICES

DATE:	28 November 2017
AUTHOR:	Manager Engineering Services
RESPONSIBLE OFFICER:	David Klye, Director Infrastructure
FILE NO:	CM.16.257
DISCLOSURE OF INTERESTS:	Nil

COUNCIL DECISION

Minute No: 28/11/2017-117852

Moved: Cr Dear

Seconded: Cr Pearce

That Council;

- **Accept the tender submitted by McMullen Nolan Group Pty Ltd of Level 1, 2 Sabre Crescent, Jandakot WA 6164 , for Tender T07-17/18 - Provision of Survey Services, in accordance with the tender documentation and for the submitted schedule of rates;**
- **Enter into a Contract with McMullen Nolan Group Pty Ltd of Level 1, 2 Sabre Crescent, Jandakot WA 6164, for Tender T07-17/18 - Provision of Survey Services in accordance with the tender documentation and for the submitted schedule of rates.**

Carried 9/0

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

5.23 . Meetings generally open to public

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

(a) all council meetings; and

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

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

(a) a matter affecting an employee or employees; and

(b) the personal affairs of any person; and

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and

- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and
 - (g) information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

VOTING REQUIREMENT

Simple Majority

PURPOSE

To consider the Tenders received for T07-17/18: Provision of Survey Services and make recommendations for the award of Tender.

COUNCIL DECISION

Minute No: 28/11/2017-117853

Moved: Cr Chafer

Seconded: Cr McKittrick

Council resolved:

That Council move out of camera.

Carried 9/0

Council came out of camera at 6:06pm

17. CLOSURE

The Shire President declared the meeting closed at 6:08pm