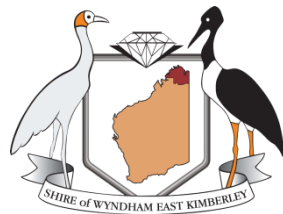


I hereby certify that the Minutes of the Ordinary Council Meeting held are a true and accurate record of the proceedings contained therein.

\_\_\_\_\_  
Shire President

\_\_\_\_\_  
Date



SHIRE OF WYNDHAM | EAST KIMBERLEY

# MINUTES ORDINARY COUNCIL MEETING

29 MAY 2018

## **DISCLAIMER**

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

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

Signed on behalf of Council



**CARL ASKEW**

**CHIEF EXECUTIVE OFFICER**

### **NOTES**

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

## CONTENTS

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS .....	4
2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED) .....	4
3. DECLARATION OF INTEREST .....	5
4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....	5
5. PUBLIC QUESTION TIME .....	6
6. APPLICATIONS FOR LEAVE OF ABSENCE .....	8
7. PETITIONS .....	8
8. CONFIRMATION OF MINUTES .....	8
9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION .....	9
10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED .....	9
11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS .....	9
12. REPORTS .....	10
12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL .....	10
12.1.1. Consideration of Recommendations Contained within the Minutes of the Audit (Finance and Risk) Committee of 14 May 2018 .....	10
12.2. CHIEF EXECUTIVE OFFICER .....	17
12.2.1. July Ordinary Council Meeting .....	17
12.2.2. Standing Item - Outstanding Actions from Previous Council Resolutions .....	21
12.2.3. Standing Item - Use of the Common Seal .....	23
12.3. COMMUNITY DEVELOPMENT .....	26
12.3.1. CBP Quarterly Progress Report - January to March 2018 .....	26
12.3.2. Temporary Approval for Caravan on Private Property - Lot 203 Poinciana Street, Kununurra .....	30
12.3.3. Temporary Approval for Caravan on Private Property - Lot 250 Jabiru Road, Kununurra .....	34
12.3.4. Development Approval Application - Lot 250 Jabiru Road, Kununurra - Transient Accommodation .....	38
12.3.5. Reallocation of funds from Wyndham Swimming Pool .....	51
12.4. CORPORATE SERVICES .....	54
12.4.1. List Of Accounts Paid From Municipal Fund and Trust Fund .....	54
12.4.2. 2018/19 Budget - Differential General Rates & Minimum Payments and Consideration of Public Submissions .....	57
12.4.3. Monthly Statement of Financial Activity for the Period Ended 30 April 2018 .....	68
12.5. INFRASTRUCTURE .....	71
12.5.1. Application for Funeral Directors Licence - Affordable Funerals Katherine .....	71
12.5.2. Policy Review - Occupational Safety and Health Policy .....	74
12.5.3. Waive EKRA Fees for Outback Air Race .....	78
13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....	81
14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN .....	81
15. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION .....	81
16. MATTERS BEHIND CLOSED DOORS .....	81
17. CLOSURE .....	81

**SHIRE OF WYNDHAM EAST KIMBERLEY  
ORDINARY COUNCIL MEETING MINUTES  
WYNDHAM COUNCIL CHAMBERS  
TO BE HELD ON 29 MAY 2018 AT 5:00PM**

---

**1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

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

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

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

The Shire President declared the meeting open at 5.05pm.

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

ATTENDANCE

Cr D Menzel	Shire President
Cr T Chafer	Deputy Shire President
Cr N Brook	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
N Kearns	Director Planning and Community Development
V Lawrence	Director Corporate Services
K Williams	Executive Assistant (Minute Taker)
N Lennon	Communications and Marketing Officer
P De Krujif	Kimberley Echo
S Rushby	Resident
M Northover	Resident
D Aladin	Resident
P Aladin	Resident
M McLachlan	Resident

APOLOGIES

S Dyson	Director Infrastructure
---------	-------------------------

### 3. DECLARATION OF INTEREST

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

### 4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

#### Question 2 Simone Rushby Resident:

*“Is Council aware that I (nor anyone from my address) was not in attendance at either the 2018 SWEK Electors meeting, or the ensuing OCM in Wyndham and can the CEO therefore advise the intent of putting my address next to that of resident Donna Aladdin's question (I have an email here from Mrs Aladdin outlining that she at no point gave her address as mine and in fact did not sign into the meeting)”.*

The Shire President provided the following response

The Shire of Wyndham East Kimberley recognises the error, it was an administrative error and the Shire will correct the address administratively.

#### Question 5 Simone Rushby Resident:

*“Can the Shire president confirm if this matter has been addressed with the CEO personally and if he has been advised to cease any further targeted attacks on myself, my home and my business? If not, why not”.*

The Shire President provided the following response

The Shire of Wyndham East Kimberley does not recognise the Chief Executive Officer as having made any personal “attack” on yourself, your home or your business and therefore cannot cease any further action.

#### Question 6 Simone Rushby Resident:

*“Will the President demand a public apology from the CEO, the removal of my address from the minutes and hold a discussion to put forward a Shire policy at an open Council meeting regarding that every individual within this Shire should be treated equally, fairly and without malice and harassment”..*

The Shire President provided the following response

As outlined above the Shire of Wyndham East Kimberley acknowledges the administrative error and will strike out the address from the Minutes. The Shire adheres to the Shire of Wyndham East Kimberley Customer Service Policy CP/CS 3281. All complaints are dealt

with within the framework set out within the Complaints Management Policy CP/CS-3280. Both policies are designed to ensure transparent, fair and accessible treatment of the community. The Shire is also governed by Local, State and Federal legislation which ensures the fair treatment of all individuals.

## **5. PUBLIC QUESTION TIME**

### **Question 1 Donna Aladin Resident**

*I've been told the court costs are around \$6,000 (for over the past year) so I would like to know how much the shires lawyer have charged..... And ratepayers will end up paying for the Shire to take me to court?*

The Shire President provided the following response

The total cost from the Shire's lawyers was \$10,007.55. The fine and court costs of \$1204.50 will offset the overall net cost to the Shire. There are no additional court costs.

### **Question 2 Donna Aladin, Resident**

*If a Shire resident has proof a Shire Employee had started a fake Facebook account and was harassing people would you look at that seriously and follow through on disciplinary action?*

The Shire President provided the following response

Whilst there is always a divide between private and work life, and without knowing any details, if evidence was provided to support the behaviour you have outlined then the matter would be taken seriously, raised with the staff member and appropriate action taken.

### **Question 3 Donna Aladin, Resident**

*What steps have been made regarding a curfew and what meetings have been held and with whom?*

The Shire President provided the following response

The Shire is working in partnership with agencies that comprise the East Kimberley District Leadership Group (DLG) to identify and implement appropriate community based and Aboriginal led responses to youth issues currently impacting upon Kununurra. This has included service mapping and identification of service 'gaps'; identification of sources of funding, and the development of collaborative models specifically focussed on reducing the prevalence of street present children. The Children and Young People Working Group, which is a subset of the DLG, is also trialling improved case management and engagement with young people and their families and has identified the need to provide supported pathways for children, specifically those aged between 6 and 10. A 'youth curfew' will be reviewed as a potential initiative, however, will be subject to support from key stakeholders (WA Police, Youth Justice, and Aboriginal Corporations) and the community.

A report is proposed to be presented to Council in June to outline the Shire's involvement in developing and supporting a collaborate model to reduce the prevalence of anti-social behaviour from street present children in Kununurra. In addition, and as recently announced by Hon. Melissa Price MP, Member for Durack, the Shire has been successful with a grant

application for the installation of CCTV equipment in both the Wyndham and Kununurra Townsites.

The Director of Planning and Community Development then provided the following additional response

The Shire is building upon this collaborative approach with government service providers through the DLG to work closely with the Kununurra Waringarri Aboriginal Corporation (KWAC), Save the Children, WA Police, Youth Justice and the East Kimberley Chamber of Commerce and Industry to develop and implement an integrated model to address youth issues in Kununurra and in particular street presence. This integrated model will provide opportunity to better link and harness the efforts of those agencies working in this space to map and document available resources, share information and knowledge, agree on timeframes and methods to success, as well as to enhance activities already underway such as the 'back to country' program and other associated support programs.

#### **Question 4 Chris McLachlan, Resident**

*What damage was caused to the Wyndham Pool in the recent vandalism attack and what repairs will be carried out as a consequence?*

The Director Planning and Community Development provided the following response

The Wyndham Swimming Pool was broken into between 10pm and 4am on 30 April and 1 May 2018. The pool suffered damage to approximately 20 metres of return grating and (edge) pool lining and tiling. Since then, the Shire has authorised repairs to replace the return grates, liner and tiles and also to pump out the balance tank to restore the water quality. In addition, the Shire has repaired fencing panels that had been damaged to gain entry to the facility and replaced a lock to the storage building. These repairs are expected to be completed by Friday 8 June and the pool is scheduled to reopen on 20 June.

#### **Question 5 Chris McLachlan, Resident**

*The Quarterly Report for update for the Wyndham Reticulation System (ID 419) shows it is due to be installed in Quarter 4, 2018, but the wastewater reuse treatment facility (recycled grey water) that it is supposed to connect to, has been postponed from 16/17 to 17/18 and now 18/19. How will it be retrofitted to the waste water facility in 18/19?*

The Chief Executive Officer provided the following response

The Wyndham reticulation upgrades are continuing, with quotes requested from suppliers to provide the upgraded hardware for the new system. The system was originally planned to incorporate recycled waste water, however this part of the project has been postponed. Therefore the new reticulation plan has been designed to utilise water from the existing bore, to irrigate both the oval and the town road verges, reducing the Shire's reliance on scheme water.

The bore water shall be pumped into a holding tank during daytime hours, for use during night-time hours. The system is designed to be fully automated with a cloud based system of controllers and solenoid valves. Should the recycled waste water project recommence, the recycled water would be treated and pumped from into the holding tank, instead of bore water, and used to irrigate the town.

## 6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

## 7. PETITIONS

Nil

## 8. CONFIRMATION OF MINUTES

*It has been identified that the minutes of the Special Council Meeting on Sunday 22 October 2017 were not confirmed at the following Ordinary Council Meeting held 22 November 2017. This was an oversight by the Administration on the understanding that no decisions of Council were made at that Special Meeting. The purpose of the meeting was for Elected Members to make their declaration of office and to determine the election of the Shire President and Deputy. However for good governance it is recommend that council confirm the minutes of the Special Council meeting on 22 October 2017.*

### **OFFICERS RECOMMENDATION**

**That Council confirms the Minutes of the Special Council Meeting held on 22 October 2017**

### **COUNCIL DECISION**

**Minute Number: 29/05/2018-117952**

**Moved: Cr T Chafer  
Seconded: Cr M Dear**

**That Council confirms the Minutes of the Special Council Meeting held on 22 October 2017**

**Carried 9/0**

Note: The Minutes of the Special Council Meeting held on 22 October 2017 are provided under separate cover via [www.swek.wa.gov.au](http://www.swek.wa.gov.au)



## **OFFICER'S RECOMMENDATION**

**That Council confirms the Minutes of the Ordinary Council Meeting held on 24 April 2018**

### **COUNCIL DECISION**

**Minute Number: 29/05/2018-117953**

**Moved: Cr N Brook**

**Seconded: Cr M Dear**

**That Council confirms the Minutes of the Ordinary Council Meeting held on 24 April 2018**

**Carried 9/0**

Note: The Minutes of the Ordinary Council Meeting held on 24 April 2018 are provided under separate cover via [www.swek.wa.gov.au](http://www.swek.wa.gov.au)

## **9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

This month saw another very successful Ord Valley Muster and I would like to commend Cr Brook on her efforts in organising the event along with the Ord Valley Events Board. It is a great 10 day event that is invaluable to the community.

Cr Pearce represented Council at the MG Corporation Repatriation Ceremony Tuesday 22 May 2018. The Shire was privileged to be able to donate the burial site and help facilitate the burial process. The event was well attended and a positive step towards building a better relationship between agencies and individuals, and a significant cultural milestone.

The Shire has been successful with a grant from the Department of Industry; Innovation; and Science as part of their Safer Communities Programme to install CCTV and lighting infrastructure in Kununurra and Wyndham. The project will focus on the installation of CCTV, lighting and crime prevention through environmental design (CPTED) strategies into the Kununurra and Wyndham town centres to increase community safety and discourage anti-social behaviour. The funding is a great step forward in making the Shire a safer place to visit, live, work and undertake business. The Shire will continue to work with all members of our community and the relevant State and Federal Government Agencies to investigate solutions to further make our community safe for all.

The Shire President acknowledged and congratulated Leslie King on her retirement after 21 years' service with the Shire Depot.

## **10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil

## **11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

Nil

## 12. REPORTS

### 12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

#### 12.1.1. Consideration of Recommendations Contained within the Minutes of the Audit (Finance and Risk) Committee of 14 May 2018

<b>DATE:</b>	29 May 2018
<b>AUTHOR:</b>	Director Corporate Services
<b>RESPONSIBLE OFFICER:</b>	Carl Askew, Chief Executive Officer
<b>ASSESSMENT NO:</b>	Various - As Detailed in the Minutes of the 14 May 2018 Audit (Finance and Risk) Committee meeting
<b>FILE NO:</b>	Various - As Detailed in the Minutes of the 14 May 2018 Audit (Finance and Risk) Committee meeting
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### VOTING REQUIREMENT

Simple Majority

*Councillor G Lodge moved and Councillor McKittrick Seconded that all recommendations from the Audit (Finance and Risk) Committee Meeting be moved “en block”.*

#### COMMITTEE RECOMMENDATION 1

**That Council, with reference to Item 7.1 “*Standing Item - Rates Debtors*” as detailed in the 14 May 2018 Audit (Finance and Risk) Committee Minutes, accept the report that the actions being undertaken by the administration in regard to rates debtors, including rates debts in legal process are sufficient and appropriate.**

#### COUNCIL DECISION

**Minute Number: 29/05/2018-117954**

**Moved: Cr G Lodge**

**Seconded: Cr M McKittrick**

**That Council, with reference to Item 7.1 “*Standing Item - Rates Debtors*” as detailed in the 14 May 2018 Audit (Finance and Risk) Committee Minutes, accept the report that the actions being undertaken by the administration in regard to rates debtors, including rates debts in legal process are sufficient and appropriate.**

Carried 9/0

**VOTING REQUIREMENT**

Simple Majority

**COMMITTEE RECOMMENDATION 2**

That Council, with reference to Item 7.2 “*Standing Item - Sundry Debtors*” as detailed in the 14 May 2018 Audit (Finance and Risk) Committee Minutes, accept that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.

**COUNCIL DECISION**

Minute Number: 29/05/2018-117955

Moved: Cr G Lodge

Seconded: Cr M McKittrick

That Council, with reference to Item 7.2 “*Standing Item - Sundry Debtors*” as detailed in the 14 May 2018 Audit (Finance and Risk) Committee Minutes, accept that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.

Carried 9/0

**VOTING REQUIREMENT**

Simple Majority

**COMMITTEE RECOMMENDATION 3**

That Council, with reference to Item 7.3 “*Standing Item - Leases*” as detailed in the 14 May 2018 Audit (Finance and Risk) Committee Minutes, note the Confidential Lease Schedule and the New and Renewal Lease Schedule attached to the Agenda of the 14 May 2018 Audit (Finance and Risk) Committee Meeting.

**COUNCIL DECISION**

Minute Number: 29/05/2018-117956

Moved: Cr G Lodge  
Seconded: Cr M McKittrick

That Council, with reference to Item 7.3 *“Standing Item - Leases”* as detailed in the 14 May 2018 Audit (Finance and Risk) Committee Minutes, note the Confidential Lease Schedule and the New and Renewal Lease Schedule attached to the Agenda of the 14 May 2018 Audit (Finance and Risk) Committee Meeting.

Carried 9/0

**VOTING REQUIREMENT**

Simple Majority

**COMMITTEE RECOMMENDATION 4**

That Council, with reference to Item 7.4 *“Regulation 17 Status Report”* as detailed in the 14 May 2018 Audit (Finance and Risk) Committee Minutes:

1. Notes the quarterly reporting for Regulation 17 actions; and
2. Endorse the quarterly reporting for Regulation 17 actions attached to the Agenda of the 14 May 2018 Audit (Finance and Risk) Committee Meeting.

**COUNCIL DECISION**

Minute Number: 29/05/2018-117957

Moved: Cr G Lodge  
Seconded: Cr M McKittrick

That Council, with reference to Item 7.4 *“Regulation 17 Status Report”* as detailed in the 14 May 2018 Audit (Finance and Risk) Committee Minutes:

1. Notes the quarterly reporting for Regulation 17 actions; and
2. Endorse the quarterly reporting for Regulation 17 actions attached to the Agenda of the 14 May 2018 Audit (Finance and Risk) Committee Meeting.

Carried 9/0

**VOTING REQUIREMENT**

Simple Majority

## **COMMITTEE RECOMMENDATION 5**

That Council, with reference to Item 7.5 *“Insurance Strategy”* as detailed in the 14 May 2018 Audit (Finance and Risk) Committee Minutes note that the Audit (Finance and Risk) Committee received the report and endorsed the Corporate Insurance Strategy as a strategy of Council.

### **COUNCIL DECISION**

Minute Number: 29/05/2018-117958

Moved: Cr G Lodge

Seconded: Cr M McKittrick

That Council, with reference to Item 7.5 *“Insurance Strategy”* as detailed in the 14 May 2018 Audit (Finance and Risk) Committee Minutes note that the Audit (Finance and Risk) Committee received the report and endorsed the Corporate Insurance Strategy as a strategy of Council.

Carried 9/0

## **VOTING REQUIREMENT**

Simple Majority

## **COMMITTEE RECOMMENDATION 6**

That Council, with reference to Matters Behind Closed Doors Item 8.1 *“Update on the Recovery of Outstanding Rates - Assessment A2574”* as detailed in the 14 May 2018 Audit (Finance and Risk) Committee Minutes, notes that negotiations are continuing with the relevant administrators and ratepayer representatives of assessment A2574 and a further updated report will be included in the next Audit (Finance and Risk) Committee Agenda.

### **COUNCIL DECISION**

Minute Number: 29/05/2018- 117959

Moved: Cr G Lodge

Seconded: Cr M McKittrick

That Council, with reference to Matters Behind Closed Doors Item 8.1 *“Update on the Recovery of Outstanding Rates - Assessment A2574”* as detailed in the 14

**May 2018 Audit (Finance and Risk) Committee Minutes, notes that negotiations are continuing with the relevant administrators and ratepayer representatives of assessment A2574 and a further updated report will be included in the next Audit (Finance and Risk) Committee Agenda.**

**Carried 9/0**

### **VOTING REQUIREMENT**

Simple Majority

### **COMMITTEE RECOMMENDATION 7**

**That Council, with reference to Matters Behind Closed Doors Item 8.2 “Update on the Recovery of Outstanding Rates - Assessment A2569” as detailed in the 14 May 2018 Audit (Finance and Risk) Committee Minutes, notes that negotiations are continuing with the relevant administrators and ratepayer representatives of assessment A2569 and a further updated report will be included in the next Audit (Finance and Risk) Committee Agenda.**

### **COUNCIL DECISION**

**Minute Number: 29/05/2018-117960**

**Moved: Cr G Lodge**

**Seconded: Cr M McKittrick**

**That Council, with reference to Matters Behind Closed Doors Item 8.2 “Update on the Recovery of Outstanding Rates - Assessment A2569” as detailed in the 14 May 2018 Audit (Finance and Risk) Committee Minutes, notes that negotiations are continuing with the relevant administrators and ratepayer representatives of assessment A2569 and a further updated report will be included in the next Audit (Finance and Risk) Committee Agenda.**

**Carried 9/0**

### **VOTING REQUIREMENT**

Simple Majority

## **COMMITTEE RECOMMENDATION 8**

That Council, with reference to Matters Behind Closed Doors Item 8.3 “Update on the Recovery of Outstanding Rates - Assessment A411” as detailed in the 14 May 2018 Audit (Finance and Risk) Committee Minutes, notes that Officers have commenced the process required to sell the property of a deregistered company for assessment A411 and a further updated report will be included in the next Audit (Finance and Risk) Committee Agenda.

### **COUNCIL DECISION**

Minute Number: 29/05/2018-117961

Moved: Cr G Lodge

Seconded: Cr M McKittrick

That Council, with reference to Matters Behind Closed Doors Item 8.3 “Update on the Recovery of Outstanding Rates - Assessment A411” as detailed in the 14 May 2018 Audit (Finance and Risk) Committee Minutes, notes that Officers have commenced the process required to sell the property of a deregistered company for assessment A411 and a further updated report will be included in the next Audit (Finance and Risk) Committee Agenda.

Carried 9/0

### **PURPOSE**

To consider the recommendations from the Audit (Finance and Risk) Committee made at its meeting held on 14 May 2018.

### **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 background and details supporting the recommendations are contained in the Audit (Finance and Risk) Committee meeting minutes of 12 February 2018.

### **STATUTORY IMPLICATIONS**

Various - detailed within the Minutes of the 14 May 2018 Audit (Finance and Risk) Committee meeting.

## **POLICY IMPLICATIONS**

Various - detailed within the Minutes of the 14 May 2018 Audit (Finance and Risk) Committee meeting.

## **FINANCIAL IMPLICATIONS**

Various - detailed within the Minutes of the 14 May 2018 Audit (Finance and Risk) Committee meeting.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

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**

Various - detailed within the Minutes of the 14 May 2018 Audit (Finance and Risk) Committee meeting.

## **COMMUNITY ENGAGEMENT**

Various - detailed within the Minutes of the 14 May 2018 Audit (Finance and Risk) Committee meeting.

## **COMMENTS**

Various - detailed within the Minutes of the 14 May 2018 Audit (Finance and Risk) Committee meeting.

## **ATTACHMENTS**

Nil



## 12.2. CHIEF EXECUTIVE OFFICER

### 12.2.1. July Ordinary Council Meeting

<b>DATE:</b>	29 May 2018
<b>AUTHOR:</b>	Governance Officer
<b>RESPONSIBLE OFFICER:</b>	Carl Askew, Chief Executive Officer
<b>FILE NO:</b>	N/A

#### VOTING REQUIREMENT

Simple Majority

#### OFFICER'S RECOMMENDATION

**That Council reschedule the Ordinary Council Meeting approved for 31 July 2018 to the 24 July 2018 and that the Chief Executive Officer advertise the change in accordance with the *Local Government Act 1995*.**

#### COUNCIL DECISION

**Minute Number: 29/05/2018-117562**

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

**That Council reschedule the Ordinary Council Meeting approved for 31 July 2018 to the 24 July 2018 and that the Chief Executive Officer advertise the change in accordance with the *Local Government Act 1995*.**

**Carried 9/0**

#### PURPOSE

For Council to consider moving the July Ordinary Council Meeting to allow for Shire representation at the Kimberley Zone 30 July to 31 July 2018 and the 2018 WALGA AGM, Local Government Convention and Trade Exhibition Wednesday 1 August to Friday, 3 August 2018.

#### 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

Leader - plan and provide direction through policy and practices

**BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

At the Ordinary Council Meeting held 28 November 2017 Council resolved (Minute Number 117831) to accept the following dates, times and locations for Ordinary Council Meetings:

<b><u>COUNCIL DECISION</u></b>		
<b>Minute Number: 28/11/2017 – 117831</b>		
<b>Moved: CR Chafer</b>		
<b>Seconded: CR Lodge</b>		
That Council adopt the proposed meeting dates/times and locations for 2018:		
<b>Month</b>	<b>Ordinary Council Meeting</b>	<b>Location of OCM</b>
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**

The Shire of Wyndham east Kimberley received an official invitation to attend both the Kimberley Zone Meeting and Western Australian Local Government Association AGM, Convention and Trade Exhibition. The dates for the conference coincide with the 31 July Ordinary Council meeting date.

### **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.*
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).*

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Minor expenditure will be incurred to ensure the appropriate statutory advertising occurs.

There will also be travel/accommodation/registration expenditure for any Shire representative but these have been factored into the 2017/18 Annual Budget allocation for Kimberley Regional Group Meetings and other Conferences.

## **STRATEGIC IMPLICATIONS**

Strategic Community Plan 2017-2027

### *Focus Area 4: Civic Leadership*

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

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

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

Strategy 4.1.3: Identify and contribute to collaborative and partnership initiatives that benefit the community

## **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 amended Ordinary Council Meeting date in accordance with legislative requirements.

## **COMMENTS**

The current scheduled date for the July Ordinary Council Meeting is 31 July 2018. There are five Tuesdays in July and by moving the Ordinary Council Meeting forward a week to 24 July 2018 will provide the Shire President, Deputy Shire President and CEO to attend the Kimberley Regional Group (KRG) meeting/ Kimberley Zone and the Western Australian Local Government Association Convention which are scheduled from 30 July 2018 to 3 August 2018.

## **ATTACHMENTS**

Attachment 1 –WALGA Convention brochure

## 12.2.2. Standing Item - Outstanding Actions from Previous Council Resolutions

<b>DATE:</b>	29 May 2018
<b>AUTHOR:</b>	Governance Officer
<b>RESPONSIBLE OFFICER:</b>	Carl Askew, Chief Executive Officer
<b>DISCLOSURE OF INTERESTS:</b>	Nil

### VOTING REQUIREMENT

Simple Majority

### OFFICER'S RECOMMENDATION

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

### COUNCIL DECISION

**Minute Number: 29/05/2018- 117563**

**Moved: Cr N Brook  
Seconded: Cr M Dear**

**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

Focus Area 4: Civic Leadership

Strategy 4.2.2: Ensure community input informs planning and decision making

## **RISK IMPLICATIONS**

Nil

## **COMMUNITY ENGAGEMENT**

No community engagement is required.

## **COMMENTS**

This report includes actions from the April 2018 Council resolutions (Attachment 1).

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

## **ATTACHMENTS**

Attachment 1 - Council Action Register Current

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

### 12.2.3. Standing Item - Use of the Common Seal

<b>DATE:</b>	29 May 2018
<b>AUTHOR:</b>	Executive Assistant
<b>RESPONSIBLE OFFICER:</b>	Carl Askew, Chief Executive Officer
<b>DISCLOSURE OF INTERESTS:</b>	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 24 April 2018 to 22 May 2018**

#### **COUNCIL DECISION**

**Minute Number: 29/05/2018-117564**

**Moved: Cr T Chafer  
Seconded: Cr J Farquhar**

**That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 24 April 2018 to 22 May 2018**

**Carried 9/0**

#### **PURPOSE**

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 24 April 2018 to 22 May 2018.

#### **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Regulator - enforce state legislation and local laws

#### **STATUTORY IMPLICATIONS**

*Local Government Act 1995*

#### **9.49A. Execution of documents**

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

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 4: Civic Leadership

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

### **RISK IMPLICATIONS**

Nil

### **COMMUNITY ENGAGEMENT**



No community engagement is required.

**COMMENTS**

There was one document for the time period of 24 April 2018 to 22 May 2018 with the Shire of Wyndham East Kimberley Common Seal applied.

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

<b>Date of Use</b>	<b>Document</b>
11/05/2018	Department of Transport Licensing Agreement

**ATTACHMENTS**

Nil

## 12.3. COMMUNITY DEVELOPMENT

### 12.3.1. CBP Quarterly Progress Report - January to March 2018

<b>DATE:</b>	29 May 2018
<b>AUTHOR:</b>	Senior Integrated Planning and Reporting Officer
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>FILE NO:</b>	CM.10.7

#### VOTING REQUIREMENT

Simple Majority

#### OFFICER'S RECOMMENDATION

**That Council notes the Corporate Business Plan 2017/18 - 2020/21 Quarterly Progress Report - January to March 2018**

#### COUNCIL DECISION

**Minute Number: 29/05/2018- 117565**

**Moved: Cr G Lodge  
Seconded: Cr M Dear**

**That Council notes the Corporate Business Plan 2017/18 - 2020/21 Quarterly Progress Report - January to March 2018**

**Carried 9/0**

#### PURPOSE

For the Council to receive the January to March 2018 Quarterly Review of the Corporate Business Plan 2017/18 - 2020/21 and Progress Report.

#### NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

## **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL**

The Corporate Business Plan (CBP) is the 4-year service and project delivery program for the Shire. It is aligned to the strategic direction and priorities set within the 10-year Strategic Community Plan.

The purpose of the CBP is to demonstrate the operational capacity of the Shire to achieve its aspirational outcomes and objectives over the medium-term and is reviewed annually to ensure priorities are achievable and effectively timed.

The Corporate Business Plan Year 2017/18 - 2020/21 was adopted by Council at the 18 July 2017 Ordinary Council Meeting (Minute No: 11721).

The Quarterly Progress Report is generated from the Shire's integrated planning process. The report reflects the progress of individual actions of the Corporate Business Plan which are linked to the Strategic Community Plan. This ensures each staff member is working towards achieving the strategic direction of the Shire.

The staff member responsible for an action or task in the Corporate Business Plan is required to provide an update each quarter, giving an indication of how the action is progressing. This information is collated to provide an overview of how the organisation is performing to CEO, Directors and Council to ensure that performance is monitored and managed.

## **STATUTORY IMPLICATIONS**

The *Local Government Act 1995* provides a framework for the operations of Local Governments in Western Australia. Section 1.3 (2) states:

This Act is intended to result in:

- a) Better decision making by local governments;
- b) Greater community participation in the decisions and affairs of local governments;
- c) Greater accountability of local governments to their communities; and
- d) More efficient and effective government.

The Integrated Planning and Reporting Framework requires the development of quarterly reports against annual actions, tasks, projects and priorities which are presented to Council on a quarterly basis.

The Shire's Corporate Business Plan and quarterly progress reports are in line with the Western Australian Government's Integrated Planning Framework which requires planning and reporting on local government activities.

## **FINANCIAL IMPLICATIONS**

Financial progress is reported monthly by the Monthly Financial Statements. The attached report provides a quarterly financial summary.

## **STRATEGIC IMPLICATIONS**

The Corporate Business Plan Quarterly Progress Report serves to monitor the implementation of operational priorities and activities and report on the achievement of the Strategic Community Plan goals.

### *Strategic Community Plan 2017-2027*

#### Focus Area 1: Civic Leadership

##### Goal 4.2 Good decision making through engagement with the community

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

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

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

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

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

## **RISK IMPLICATIONS**

Risk	Action/Strategy
The Shire fails to carry out the actions set out in the corporate Business Plan.	Regular reporting of progress to CEO, Directors and Council to ensure that performance is monitored and managed.
Community unaware of Shire activities and progress and become disengaged	Provide quarterly and Annual reports to community on the Shires activities and progress

## **COMMUNITY ENGAGEMENT**

The Corporate Business Plan Quarterly Progress Report is made available to the community via the Shire's web page.

## **COMMENTS**

The Quarterly Progress Report – January to March 2018 is shown as Attachment 1 to this report. This is the third progress report for the 2017/18 year. The Report details the progress up to the end of the March Quarter in delivering defined priorities by directorate. This progress is further reviewed by the Shire's Executive Management Team to ensure that performance is monitored and managed.

Summary of progress by quarter is provided in the following table:

Action status by Quarter	Q1	Q2	Q3	Q4
Percentage on target	77%	84%	73%	
Complete	10	21	28	
Not started	37	32	21	

Progress against the (previous) Strategic Community Plan Goals is summarised below and detailed in the attached report.

Strategic Community Plan 2012-2022 Goal	Percentage of actions completed	Percentage of actions on target
1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational sustainability	21%	96%
2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure	14%	65%
3: Protection and enhancement of lifestyle values, community facilities and the environment to provide safe and inviting communities	16%	64%

The highlights of the quarter included:

- Installation of new gym equipment at the Kununurra Leisure Centre
- Environmental Health Emergency Management Support Plan submitted to LEMC
- A post cyclone free waste weekend was successfully held during the Quarter to provide residents with an opportunity to clean up at the end of the wet season
- Improvements to the Shire's animal management facility
- The timely approval of a new bakery in Wyndham
- Stage 2 of the Lake Argyle Road upgrade was completed during the Quarter
- Failed drainage pipes were replaced in Kununurra including the removal of asbestos piping from Spinifex Street.
- Council approved the use of an SMS notification system to improve the sharing of information with the community including road closures and bushfire warnings
- Establishment of a youth services partnership with the Wyndham Youth Aboriginal Corporation.
- A microwave communications link was established to the East Kimberley Regional Airport to improve electronic communications at the airport and provide improved customer service
- Shire buildings were connected to the NBN improving efficiency and availability of current and future online services.

## **ATTACHMENTS**

Attachment 1 - Corporate Business Plan Quarterly Progress Report – January to March 2018

**12.3.2. Temporary Approval for Caravan on Private Property - Lot 203  
Poinciana Street, Kununurra**

<b>DATE:</b>	29 May 2018
<b>AUTHOR:</b>	Environmental Health Officer
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>ASSESSMENT NO:</b>	A6784
<b>FILE NO:</b>	PH.12.5
<b>DISCLOSURE OF INTERESTS:</b>	Nil

**VOTING REQUIREMENT**

Simple Majority

**OFFICER'S RECOMMENDATION**

**That Council supports Ms Virginia Bolger staying in a caravan on Lot 203 Poinciana Street, Kununurra also referred to as 'Poinciana Lodge' subject to the following conditions as approved by the Minister for Local Government:**

- (a) The approval only applies to Ms Virginia Bolger, the owner and operator of 'Poinciana Lodge', and is not transferable to any other person.**
- (b) Only one caravan may be occupied on the premises at any given point of time.**
- (c) The owner of the premises must obtain a development approval and building permit by 31 August 2018 for a permanent caretaker's residence to replace the caravan. If a building permit is obtained, Ms Bolger may apply for a further exemption from Council to stay in the caravan for up to a year while the permit applies to the premises.**
- (d) The approval from the Minister for Local Government will expire on 31 August 2018 or when cancelled by the Minister or if the premises are sold, whichever occurs first.**

## **COUNCIL DECISION**

**Minute Number: 29/05/2018-115766**

**Moved: Cr A Petherick**

**Seconded: Cr T Chafer**

**That Council supports Ms Virginia Bolger staying in a caravan on Lot 203 Poinciana Street, Kununurra also referred to as 'Poinciana Lodge' subject to the following conditions as approved by the Minister for Local Government:**

- (a) The approval only applies to Ms Virginia Bolger, the owner and operator of 'Poinciana Lodge', and is not transferable to any other person.**
- (b) Only one caravan may be occupied on the premises at any given point of time.**
- (c) The owner of the premises must obtain a development approval and building permit by 31 August 2018 for a permanent caretaker's residence to replace the caravan. If a building permit is obtained, Ms Bolger may apply for a further exemption from Council to stay in the caravan for up to a year while the permit applies to the premises.**
- (d) The approval from the Minister for Local Government will expire on 31 August 2018 or when cancelled by the Minister or if the premises are sold, whichever occurs first.**

**Carried 9/0**

## **PURPOSE**

For Council to consider a request from Ms Virginia Bolger to stay in a caravan on Lot 203 Poinciana Street, Kununurra.

## **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

On 5 February 2018, Ms Virginia Bolger applied to the Minister for Local Government seeking permission to stay in a caravan on Lot 203 Poinciana Street, Kununurra for up to 12 months. The Minister granted approval for Ms Bolger to stay in a caravan on the site for a period of 6 months, and this approval expires on 31 August 2018. A copy of the approval is at Attachment 1. The Ministers' approval is conditional to:

- a) The Shire approving Ms Bolger to reside in the caravan
- b) Ensuring that the use of the caravan would not cause health or safety concerns
- c) The caravan being solely reserved for Ms Bolger's use.

The caravan, used as a manager's residence, is located near the entrance of the property as shown in Attachment 2. The applicant has stated that the location of the caravan allows for privacy for the occupant, as well as security of the facility. The occupant has access to kitchen, laundry, ablution, fire safety and waste disposal facilities provided as part of the lodging house

services located in close proximity of the caravan. The caravan is also in a condition that readily permits its removal.

## **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Regulator - enforce state legislation and local laws

## **STATUTORY IMPLICATIONS**

### *Caravan Parks and Camping Grounds Regulations 1997 (the Regulations)*

#### *Regulation 11 Camping other than at Caravan Park or camping ground*

##### *(1) A person may camp —*

- (a) for up to 3 nights in any period of 28 consecutive days on land which he or she owns or has a legal right to occupy, and may camp for longer than 3 nights on such land if he or she has written approval under subregulation (2) and is complying with that approval;*

##### *(2) Written approval may be given for a person to camp on land referred to in subregulation for a period specified in the approval which is longer than 3 nights —*

- (a) by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;*
- (b) by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or*
- (c) despite paragraph (b), by the local government of the district where the land is situated —*
  - (i) if such approval will not result in the land being camped on for longer than 12 consecutive months; and*
  - (ii) if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a permit has effect in relation to the land.*

## **POLICY IMPLICATIONS**

There are no policy implications associated with this item.

## **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this item.

## **STRATEGIC IMPLICATIONS**

### *Strategic Community Plan 2017-2027*

#### *Focus Area 2: Enhancing the Environment*

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



Strategy 2.3.5: Enforce effective public health and safety

*Focus Area 4: Civic Leadership*

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

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

### **RISK IMPLICATIONS**

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

### **COMMUNITY ENGAGEMENT**

No community engagement is required.

### **COMMENTS**

The use of the caravan raises no health or safety concerns and would only be for Ms Bolger's use. The use, however, cannot be maintained on an ongoing basis and it will need to be replaced by a permanent structure, with associated development and building approval first being obtained, as reflected in the conditions recommended.

Once a building permit has been obtained, the Shire will have the ability to approve Ms Bolger to remain in the caravan for up to twelve months while the caretakers dwelling is being constructed.

The application is recommended for approval.

### **ATTACHMENTS**

Attachment 1 - Approval Letter from the Minister for Local Government - Caravan on Lot 203 Poinciana Street, Kununurra

Attachment 2 - Site Plan - Lot 203 Poinciana Street, Kununurra - Caravan on private property

### 12.3.3. Temporary Approval for Caravan on Private Property - Lot 250 Jabiru Road, Kununurra

<b>DATE:</b>	29 May 2018
<b>AUTHOR:</b>	Environmental Health Officer
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>ASSESSMENT NO:</b>	A7913
<b>FILE NO:</b>	PH.12.5
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

**That Council approves a caravan on private property Lot 250 Jabiru Road, Kununurra to be used for the period of three months from 30 May 2018 to 30 August 2018 subject to the following conditions:**

- (a) All wastewater (including sullage water) is to be discharged into an approved wastewater collection point.**
- (b) A 240L sealed bin is to be provided and all rubbish transported to the Kununurra landfill for disposal.**
- (c) A supply of 300L of potable water per day is to be provided.**
- (d) Caravan to be maintained in a roadworthy condition and able to be moved within 24 hours' notice.**

#### **COUNCIL DECISION**

**Minute Number: 29/05/2018-115767**

**Moved: Cr D Pearce**

**Seconded: Cr J Farquhar**

**That Council supports Ms Virginia Bolger staying in a caravan on Lot 203 Poinciana Street, Kununurra also referred to as 'Poinciana Lodge' subject to the following conditions as approved by the Minister for Local Government:**

- (a) The approval only applies to Ms Virginia Bolger, the owner and operator of 'Poinciana Lodge', and is not transferable to any other person.**

- (b) Only one caravan may be occupied on the premises at any given point of time.
- (c) The owner of the premises must obtain a development approval and building permit by 31 August 2018 for a permanent caretaker's residence to replace the caravan. If a building permit is obtained, Ms Bolger may apply for a further exemption from Council to stay in the caravan for up to a year while the permit applies to the premises.
- (d) The approval from the Minister for Local Government will expire on 31 August 2018 or when cancelled by the Minister or if the premises are sold, whichever occurs first.

Carried 9/0

## **PURPOSE**

For Council to consider an application to allow visitors to stay in a caravan on land at Lot 250 Jabiru Road from 30 May 2018 to 30 August 2018.

## **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

An application has been received to enable a caravan on land at Lot 250 Jabiru Road, Kununurra to be used for temporary accommodation. The caravan would be occupied between 30 May 2018 and 30 August 2018 and would accommodate visitors to the property.

The caravan is self-contained and includes a kitchen, laundry, bathroom facilities, a composting toilet and a wastewater tank. Domestic waste will be disposed of through the property owner's regular weekly garbage collection and any additional waste will be disposed of at the Kununurra Landfill site. The caravan has solar panels and does not need any additional power. Potable water will be available for use from the main residential dwelling on the property. The caravan is in a condition that readily permits its removal.

## **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Regulator - enforce state legislation and local laws

## **STATUTORY IMPLICATIONS**

*Caravan Parks and Camping Grounds Regulations 1997 (the Regulations)*

*Regulation 11 Camping other than at caravan park or camping ground*

*(1) A person may camp —*

*(a) for up to 3 nights in any period of 28 consecutive days on land which he or she owns or has a legal right to occupy, and may camp for longer than 3 nights on such land if he or she has written approval under subregulation (2) and is complying with that approval;*

*(2) Written approval may be given for a person to camp on land referred to in subregulation*

*(1)(a) for a period specified in the approval which is longer than 3 nights —*

*(a) by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;*

In considering applications for temporary approvals for camping, health and safety issues must be adequately addressed and a justification to camp outside of an existing approved facility must be provided.

### **POLICY IMPLICATIONS**

There are no policy implications associated with this item.

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this item.

### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

*Focus Area 2: Enhancing the Environment*

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

Strategy 2.3.5: Enforce effective public health and safety

*Focus Area 4: Civic Leadership*

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

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

### **RISK IMPLICATIONS**

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

### **COMMUNITY ENGAGEMENT**

No community engagement is required.

### **COMMENTS**

The request that is being put forward to Council for approval meets health and safety standards and will not have any adverse impact on the environment. The applicant has demonstrated the need for short term accommodation consistent with the *Caravan Parks and Camping Regulations 1997* which allows Council to grant temporary approval for a period of

three months subject to standard conditions that include adequate waste removal, wastewater disposal and access to potable water.

The application is recommended for approval.

### **ATTACHMENTS**

Attachment 1 - Site Plan - Lot 250 Jabiru Road, Kununurra - Caravan on private property

#### 12.3.4. Development Approval Application - Lot 250 Jabiru Road, Kununurra - Transient Accommodation

<b>DATE:</b>	29 May 2018
<b>AUTHOR:</b>	Planning Officer
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>ASSESSMENT NO:</b>	A7913P
<b>FILE NO:</b>	PH.12.5
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### VOTING REQUIREMENT

Simple Majority

#### OFFICER'S RECOMMENDATION

**That Council grants consent for the development of Transient Accommodation at Lot 250 Jabiru Road, Kununurra subject to the following conditions:**

- 1. Development shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.**
- 2. The transient accommodation shall not be separately leased or rented and shall only be used to accommodate seasonal workers directly employed in the agricultural sector. The occupation of the transient accommodation by any person is limited to a maximum of six (6) months in any twelve (12) month period. Any change of use will require consent from the local government.**
- 3. The transient accommodation unit shall not house more than 4 people at any one time.**
- 4. The approved management plan must be implemented in accordance with the processes set out and information specified.**
- 5. Prior to the use commencing (by way of initial occupation by any workers) relevant local government Officers shall inspect procedures to ensure that all workers are made aware of the biosecurity issues and preventative measures.**
- 6. The use shall not detrimentally affect the amenity of the area, through the:**
  - a. Appearance of any building, works or materials;**
  - b. Emission of noise, smell, dust, wastewater.**

7. No development shall occur that will cause additional runoff of stormwater to adjacent properties. Stormwater runoff from roof and any sealed areas shall be directed onsite to garden areas, sumps or rainwater tanks, or directed into the local government's stormwater system in accordance with the local governments specifications. Stormwater will not be permitted to pond on the site or against any building or structure.
8. The proposed development shall be finished in materials and colours to be compatible with existing development on site.
9. Adequate lighting must be provided to allow for pedestrian and vehicular safety and security throughout the development.
10. A minimum of 2 car parking spaces shall be made available at all times to people occupying the accommodation.
11. Landscaping shall be provided around the transient accommodation building to provide amenity for occupants and screening to adjoining properties shall be maintained at all times.
12. An uncovered outdoor activity area and adequate open space shall be available for occupants at all times.
13. A ventilated and adequately lit kitchen/cooking facility (including storage for food) and eating area shall be provided to occupants of the transient accommodation and be maintained in a clean state at all times to be free from vermin, dust/dirt and other potential contaminants.
14. Secure storage space shall be provided for the belongings of occupants of the transient accommodation.

**ADVICE TO APPLICANTS:**

1. If the applicant and/or owner are aggrieved by this decision, as a result of a condition of approval or by a determination of refusal, you may have a right of review through the State Administrative Tribunal in accordance with Clause 76 of the *Planning and Development (Local Planning Schemes) Regulations Act 2015 (WA)*.
2. An owner of land may, in respect of which development approval has been granted by the local government, make an application to the local government requesting the local government to amend or cancel an approval in accordance with Clause 77 of the *Planning and Development (Local Planning Schemes) Regulations Act 2015 (WA)*.
3. This approval is valid for a period of two (2) years. A new application will be required to be submitted if development has not been substantially commenced within this time.
4. A building permit is required prior to the commencement of development.

5. This approval is not a building permit or an approval under any law other than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
6. It is the responsibility of the applicant to ensure building setbacks, including waste disposal facilities if appropriate, correspond with the legal description of the land. It is the responsibility of the applicant to search the title of the property to ascertain the presence of any easements that in any case must not be built upon. The local government will not accept any responsibility for incorrectly located buildings.
7. All wastewater must be disposed of to the existing approved septic tank and leach drains in accordance with the requirements of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

#### **COUNCIL DECISION**

Minute Number: 29/05/2018-117568

Moved: Cr D Pearce

Seconded: Cr G Lodge

That Council grants consent for the development of Transient Accommodation at Lot 250 Jabiru Road, Kununurra subject to the following conditions:

1. Development shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
2. The transient accommodation shall not be separately leased or rented and shall only be used to accommodate seasonal workers directly employed in the agricultural sector. The occupation of the transient accommodation by any person is limited to a maximum of six (6) months in any twelve (12) month period. Any change of use will require consent from the local government.
3. The transient accommodation unit shall not house more than 4 people at any one time.
4. The approved management plan must be implemented in accordance with the processes set out and information specified.
5. Prior to the use commencing (by way of initial occupation by any workers) relevant local government Officers shall inspect procedures to ensure that all workers are made aware of the biosecurity issues and preventative measures.



6. The use shall not detrimentally affect the amenity of the area, through the:
  - a. Appearance of any building, works or materials;
  - b. Emission of noise, smell, dust, wastewater.
7. No development shall occur that will cause additional runoff of stormwater to adjacent properties. Stormwater runoff from roof and any sealed areas shall be directed onsite to garden areas, sumps or rainwater tanks, or directed into the local government's stormwater system in accordance with the local governments specifications. Stormwater will not be permitted to pond on the site or against any building or structure.
8. The proposed development shall be finished in materials and colours to be compatible with existing development on site.
9. Adequate lighting must be provided to allow for pedestrian and vehicular safety and security throughout the development.
10. A minimum of 2 car parking spaces shall be made available at all times to people occupying the accommodation.
11. Landscaping shall be provided around the transient accommodation building to provide amenity for occupants and screening to adjoining properties shall be maintained at all times.
12. An uncovered outdoor activity area and adequate open space shall be available for occupants at all times.
13. A ventilated and adequately lit kitchen/cooking facility (including storage for food) and eating area shall be provided to occupants of the transient accommodation and be maintained in a clean state at all times to be free from vermin, dust/dirt and other potential contaminants.
14. Secure storage space shall be provided for the belongings of occupants of the transient accommodation.

**ADVICE TO APPLICANTS:**

1. If the applicant and/or owner are aggrieved by this decision, as a result of a condition of approval or by a determination of refusal, you may have a right of review through the State Administrative Tribunal in accordance with Clause 76 of the *Planning and Development (Local Planning Schemes) Regulations Act 2015 (WA)*.
2. An owner of land may, in respect of which development approval has been granted by the local government, make an application to the local government requesting the local government to amend or cancel an approval in accordance with Clause 77 of the *Planning and Development (Local Planning Schemes) Regulations Act 2015 (WA)*.
3. This approval is valid for a period of two (2) years. A new application will be required to be submitted if development has not been substantially commenced

within this time.

4. A building permit is required prior to the commencement of development.
5. This approval is not a building permit or an approval under any law other than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
6. It is the responsibility of the applicant to ensure building setbacks, including waste disposal facilities if appropriate, correspond with the legal description of the land. It is the responsibility of the applicant to search the title of the property to ascertain the presence of any easements that in any case must not be built upon. The local government will not accept any responsibility for incorrectly located buildings.
7. All wastewater must be disposed of to the existing approved septic tank and leach drains in accordance with the requirements of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

Carried 9/0

## **PURPOSE**

For Council to approve an application for development approval for Transient Accommodation at Lot 250 Jabiru Road, Kununurra.

## **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Regulator - enforce state legislation and local laws

## **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

The land is located on the eastern side of Jabiru Road (which is accessed via Packsaddle Road) and on the western side of Lake Kununurra. The property has an approximate area of 14.5 hectares and is zoned Rural Agriculture 2 under *Local Planning Scheme No. 7 - Kununurra and Environs*.



Locality Plan: Lot 250 Jabiru Road, Kununurra

The land is generally flat and is being used to farm mangoes and grow turf (turf farm) and includes a dwelling and ancillary buildings. Recently, development approval was granted for a machinery/farm shed and the Shire is currently also considering a development application for the change of use of a shed to a caretaker's dwelling. A building permit application is also being considered for an inground swimming pool. In addition to this, the Shire's Environmental Health team are considering an application for approval of a temporary caravan for a period of three months at the property.

The land to the north is unallocated Crown Land. Properties to the south are used for a mixture of farming/agricultural pursuits and residential purposes, and the property to the west of Jabiru Road is used for farming/agricultural purposes.

*Proposal:*

Key details of the proposal can be summarised as follows:

- Owners of property operate Red Dirt Agriculture Pty Ltd and Red Rust Contracting Pty Ltd which employs seasonal and transient workers to undertake rural and remote fencing and construction contracts and on-site farm hand duties.
- The accommodation is intended to provide transient and seasonal workers short term accommodation.
- Farmhand and transient work generally occurs seasonally (generally March to November) and stays are expected to be overnight or short durations between contracts and/or during mango harvest and processing times.

- Workers staying in the accommodation will be required to adhere to site requirements, particularly in regard to biosecurity, and 'house rules' which have been prepared to outline terms and conditions of accommodation.
- Employees/workers will have access to company vehicles as transport to and from contracts.
- The building will be located approximately 35 metres from the southern property boundary and be located to the rear of an existing shed.
- The proposed accommodation building will be capable of accommodating a maximum of four persons, consisting of two single rooms and one double room.

Development Plans are at Attachment 1 and supporting documents are at Attachment 2.

## **STATUTORY IMPLICATIONS**

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

The subject land is zoned 'Rural Agriculture 2' with the objectives being:

- To ensure the adequate supply of land for intensive agricultural and horticultural holdings in localities of adequate water supply and suitable soil types;*
- To promote the use of these lots for the production of horticultural crops and associated uses.*

Under the provisions of LPS No. 7 'Transient Accommodation' is an AA land use, meaning the local government may, at its discretion, permit the use.

Clause 5.20.3 "Transient Accommodation" in LPS No. 7 states that the local government may permit the construction and occupation of a Transient Accommodation in the Rural Agriculture 1 and 2 zones and General Rural zones providing:

- *That any occupant is directly employed in the agricultural sector;*
- *That such occupation is of a seasonal nature only relative to the agricultural use of the land and shall not be used for either permanent or short stay residential use;*
- *That such accommodation does not consist of caravans, mobile homes, or transportable buildings unless such transportable buildings are permanently affixed to the site by footings as required by local government;*
- *Such accommodation consists of principally bedrooms and communal ablutions and activity areas;*
- *The applicant submit a management plan addressing how potential conflicts, impacts and compatibility with existing and potential agricultural land uses - both internal and external to the site - are to be managed as per the requirements of SPP2.5, and including but not limited to the following.*
  - *Prior to construction of any units, the applicant shall submit a management plan developed in consultation with the Department of Agriculture and Food Western Australia and other relevant agencies or stakeholders, detailing measures to manage the following impacts:*
    - *Dust and noise;*
    - *Visual amenity; and*
    - *Biosecurity*
  - *Prior to the construction, all promotional information intended to be displayed shall be submitted to the local government for approval;*

- *Prior to the occupation, relevant officers shall inspect accommodation to ensure biosecurity information is displayed in a prominent place; and*
- *Prior to the occupation, relevant officers shall inspect procedures to ensure that all workers are made aware of the biosecurity issues and preventative measures prior to taking up residence with the accommodation.*

The applicant has indicated that occupants would be directly employed within the agricultural sector (either through remote contract work or work on the property) and that the occupation is of a seasonal nature, generally between March and November. The accommodation will be a building permanently affixed to the site by footings to the requirements and specifications of the local government. The accommodation building includes three bedrooms each with bathroom and a communal kitchen and communal bathroom/laundry is proposed. An undercover deck area is proposed to the front of the proposed building. A management plan has been provided by the applicant detailing the use of the Transient Accommodation, including dust, noise, biosecurity, who can reside within the accommodation, length of stay permitted, visual amenity and site safety.

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

Under draft LPS No. 9, the land is proposed to be zoned 'Local Horticulture' with the objectives being:

- (a) To identify land of local significance for intensive agricultural and food production purposes.*
- (b) To provide for a diversity of sustainable intensive agricultural development.*
- (c) To retain priority agricultural land for intensive agricultural purposes.*
- (d) To limit the introduction of sensitive land uses which may compromise existing, future and potential intensive agricultural production.*

Under the provisions of draft LPS No. 9 'Transient Accommodation' is not listed in the zoning table, and under the provisions of 3.3.4 the local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the table -

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

### **Key planning considerations**

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

The current Scheme allows consideration of Transient Accommodation in the Rural Agriculture 2 zone, however draft Local Planning Scheme No. 9 (LPS No. 9) does not include a definition for Transient Accommodation and it is not listed in the table of uses. As it is not listed in the table, the Shire may determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions prior to making a decision.

Draft LPS No. 9 and has been approved by the Minister for Planning subject to modifications, which are currently being updated. Given the imminent finalisation of the new Scheme, it is considered the Council should be aware of the proposal in light of the use not being listed in the zoning table of the draft Scheme.

## **POLICY IMPLICATIONS**

### **State Planning Policy 2.5 “Rural Planning” (SPP 2.5)**

The purpose of State Planning Policy 2.5 “Rural Planning” (SPP 2.5) is to protect and preserve Western Australia’s rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. The policy applies to State and local government decision-making for development proposals on rural zoned land and for rural land uses on land zoned for another purpose in accordance with region and local scheme requirements.

### **Local Planning Policy No. 11 “Transient Accommodation” (LPP No. 11)**

Local Planning Policy No. 11 “Transient Accommodation” (LPP No. 11) at Attachment 3 acknowledges that Transient Accommodation may be required in certain circumstances due to remoteness of a workplace from existing townsites; the limited seasonal or temporary nature of the employment generating activity, and a severe shortage of land and housing supply. Applications should be considered on individual merit, having regard to the Local Planning Scheme, this policy and other relevant policies. The policy also notes that the general nature of changing circumstances, in terms of employment sectors generating a need for transient workforces and the resultant type, scale and locations of accommodation sought may apply discretion and flexibility in allowing this type of development.

There are specific policy provisions to be applied in the assessment of applications, in addition to the Local Planning Scheme and other requirements, which will be assessed further in this report.

The objectives of LPP No. 11 include:

- *Uphold the general policy position of Council;*
- *Facilitate Transient Accommodation development in appropriate locations;*
- *Minimise land-use conflict;*
- *Provide a reasonable level of amenity, and ensure the health and safety of transient workers residing in Transient Accommodation;*
- *Provide a functional living environment for transient workers residing within Transient Accommodation;*

- *Ensure the amenity and desired character of the site and surrounding areas is maintained and protected;*
- *Provide guidance on the use of transient accommodation as seasonal temporary short-term accommodation for transient workers;*
- *Recognise that a Transient Accommodation proposal will take varying forms depending on site specific and case-by-case circumstances;*
- *Ensure compatibility with the predominant land use;*
- *Apply reasonable and relevant policy provisions to maintain a standard for Transient Accommodation; and*
- *Provide a level of clarity, guidance, certainty and consistency to applicants, the Shire and the community.*

The following table provides assessment against the specific policy provisions of LPP No. 11.

<b>Policy Provision</b>	<b>Response</b>
Location	<p>The building complies with the relevant setbacks of the zone, being in excess of 20 metres from the front boundary and 35 metres from the side and rear boundaries. The building is within 100 metres of the main dwelling and in close proximity to an existing shed. The building will be adequately set away from the existing productive rural land which will avoid potential land use conflicts.</p> <p>The building will not be located on existing productive rural land. The building will be located within the existing area used for ancillary residential purposes. It is considered that the land uses on the property will not adversely affect the amenity, health and safety of transient workers and the accommodation will not adversely affect the continued use of the land for agriculture.</p> <p>The accommodation proposed will allow for privacy and amenity to occupants and can be altered to satisfy relevant Building Code of Australian or Health Regulation requirements.</p> <p>The property is not located within a mining buffer area and is not zoned for general industrial development.</p>
Need	<p>The applicant has provided a detailed response as to the need for the accommodation. The owner regularly employs seasonal and transient workers both at the property, at other properties owned/managed by the owners and at remote locations for contract work. The nature of the employment is that it is generally between March and November, and workers may require a place to stay overnight or for short periods of time between contracts or jobs.</p>
Environment	<p>The proposed development will be well away from Lake Kununurra and it is not expected there will be any adverse impacts on the environment. All wastewater will be directed into an existing septic tank system.</p>
Amenity	<p>The proposed development will be afforded a good level of amenity. The building will be set within a lawned area with established trees and there is adequate setback from the existing agricultural land uses.</p>

Fencing and Screening	The proposed building will be screened to the south by the existing shed and to the north, east and west by existing vegetation.
Landscaping	It is recommended that any approval granted will include a requirement for landscaping around the development to contribute to the amenity to be enjoyed by occupants.
Open Space	There is adequate area around the buildings and within the title boundaries for open space.
Buildings	It is proposed to affix the building to the site by permanent footings to the requirements and specifications of the local government. The building will have a tropical roof and a deck to the front. It is considered from the plans that the development will be of an appropriate standard.
Essential Facilities	The transient accommodation will include a bathroom with toilet to each room with a separate toilet, shower and washing machine to be located within the nearby existing shed directly to the south. A covered entry area will be provided to the front, with an undercover deck and there is adequate area for an uncovered outdoor activity area. It is proposed to install a kitchen within the nearby existing shed for use by occupants of the transient accommodation.
Storage	It is considered there is adequate space within each room for storage of occupants belongings. There will be adequate space for the storage of equipment and other materials required for the management, maintenance and upkeep of the transient accommodation development.
Lighting	Adequate lighting can be provided at the site to ensure safety and security.
Access and Transport	Adequately paved pathways can be provided between all buildings and there is a carport to be provided for parking for the occupants. The submitted documents state that occupants/employees will have access to company vehicles for transportation between jobs/worksites. There is adequate room for large vehicles to maneuver around the site and leave in a forward manner. Internal driveways are of adequate standard.
Occupants	The application documents detail that occupants of the Transient Accommodation would be employees of the business only.
Statutory Declarations	It could be included as a condition that the applicant be required to provide a statutory declaration acknowledging that the Transient Accommodation will only be occupied in accordance with the stated definitions in the Shire's policy. However, in this instance the recommended conditions will allow local government Officers to enforce compliance regarding whom may reside within the accommodation.



## **FINANCIAL IMPLICATIONS**

The relevant development approval application fee has been paid.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 4: Civic Leadership

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

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

## **RISK IMPLICATIONS**

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

## **COMMUNITY ENGAGEMENT**

Advertising was undertaken in accordance with Clause 64 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The advertising included letters to adjoining and surrounding properties in the vicinity of the site who local government Officers considered may be affected by the granting of development approval. In accordance with Clause 64, the advertising period took place over fourteen (14) days between 3 May and 21 May 2018. No submissions were received.

## **COMMENTS**

This application is being put forward for determination by Council to approve Transient Accommodation in the Rural Agriculture 2 zone as whilst the proposed land use use is a discretionary use in LPS No. 7, Transient Accommodation is not listed within the zoning table of draft LPS No. 9.

In light of the Transient Accommodation not being listed as a use in draft LPS No. 9, the application was advertised to adjoining and surrounding properties in accordance with clause 64 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and no submissions were received.

The applicant has identified the need for transient accommodation to provide short term and overnight accommodation to remote contract workers between contracts/jobs and on-site workers. This is consistent with the requirements and objectives of LPP No. 11 which allow the consideration of applications on their individual merit and allows discretion and flexibility in allowing this form of development.

It is recommended that a condition to protect the amenity of neighbouring properties is included to ensure there are no detrimental impacts associated with the use and development, in particular in relation to dust and noise. Conditions are also recommended specifically regarding occupants who may reside within the accommodation. The inclusion of these conditions will enable Officers to monitor compliance with LPP No. 11, ensure the Transient Accommodation is being used for the approved purpose and to ensure an adequate level of amenity is afforded to both the occupants of the Transient Accommodation and neighbouring properties.

Overall the development is of a good standard which meets the required setbacks of the zone and is screened to all boundaries. The specific policy provisions in LPP No. 11 'Transient Accommodation' and the development standards at clause 5.20.3 "Transient Accommodation" can be achieved as identified earlier in this report.

The application is recommended for approval.

### **ATTACHMENTS**

Attachment 1 - Development Plans

Attachment 2 - Application Documents

Attachment 3 - Local Planning Policy No. 11 "Transient Accommodation"

### 12.3.5. Reallocation of funds from Wyndham Swimming Pool

<b>DATE:</b>	29 May 2018
<b>AUTHOR:</b>	Coordinator Recreation Leisure
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>FILE NO:</b>	RC.09.4
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### VOTING REQUIREMENT

Absolute Majority

#### OFFICER'S RECOMMENDATION

That Council, pursuant to section 6.8 of the Local Government Act 1995:

1. Notes that the Wyndham Swimming Pool First Aid Room project is now complete and that the cost incurred is less than the allocated budget of \$70,000 by approximately \$60,000; and
2. Reallocates the balance of the budgeted funds of approximately \$60,000 from the Wyndham Pool First Aid Room project to the Wyndham Swimming Pool balance tank repair for the amount of \$25,000.
3. Relocates the remaining \$35,000 to maintenance and repair works at the Ted Birch Memorial Youth and Recreation Centre.

#### COUNCIL DECISION

Minute Number: 29/05/2018-115769

Moved: Cr J Farquhar

Seconded: Cr A Petherick

That Council, pursuant to section 6.8 of the Local Government Act 1995:

1. Notes that the Wyndham Swimming Pool First Aid Room project is now complete and that the cost incurred is less than the allocated budget of \$70,000 by approximately \$60,000; and
2. Reallocates the balance of the budgeted funds of approximately \$60,000 from the Wyndham Pool First Aid Room project to the Wyndham Swimming Pool balance tank repair for the amount of \$25,000.
3. Relocates the remaining \$35,000 to maintenance and repair works at the Ted Birch Memorial Youth and Recreation Centre.

Carried 9/0

## **PURPOSE**

To reallocate the balance of excess budgeted funds currently allocated to Wyndham Plant and Equipment - Construction of First Aid Room at Wyndham Swimming Pool.

## **BACKGROUND**

During the 2017/18 budget process, Council resolved to allocate \$70,000 towards the construction of a dedicated first aid room at the Wyndham Swimming Pool. This work has now been completed and the Shire is under budget by approximately \$60,000. Shire Officer's now propose to allocate \$25,000 of the unspent funds to repair the balance tank at the Wyndham Swimming Pool. This will involve installing a fiberglass skin into the current balance tank shell. The remaining unspent funds would then be allocated to building maintenance projects at the Ted Birch Memorial Youth and Recreation Centre in preparation for the Shire and Wyndham Youth Aboriginal Corporation partnership delivering youth programs and services from the Centre. This would include: the replacement of the main lights within the courts area; some passive lighting; repainting (internal and external) and security upgrades to camera's and for the installation of a duress alarm.

## **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Funder - provide funds or other resources

## **STATUTORY IMPLICATIONS**

### **6.8. Expenditure from municipal fund not included in annual budget**

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
  - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
  - (b) is authorised in advance by resolution\*; or
  - (c) is authorised in advance by the mayor or president in an emergency.

*\* Absolute majority required.*

- (1a) In subsection (1) — additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.
- (2) Where expenditure has been incurred by a local government —
  - (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
  - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

## **POLICY IMPLICATIONS**

Nil.

## **FINANCIAL IMPLICATIONS**

Council resolved to allocate \$70,000 in capital expenditure to construct a first aid room at Wyndham Swimming Pool during the 2017/18 budget process. The reallocation of \$25,000 towards Wyndham Swimming Pool balance tank project and the \$35,000 towards the Ted Birch Wyndham Youth and Recreation maintenance budget does not alter the current budget position.

### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

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

Strategy 1: Collaborate with a wide range of stakeholders to advocate and provide accessible facilities that support a range of sporting and recreational activities.

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

Strategy 1: Provide and maintain infrastructure that promotes sustainable growth and positively impacts the well-being and lifestyle of residents and users.

### **RISK IMPLICATIONS**

Nil.

### **COMMUNITY ENGAGEMENT**

No community engagement is required.

### **COMMENTS**

The reallocation of funds will enable much needed repair to the swimming pool balance tank to be brought forward and also to enhance the operation of the Ted Birch Memorial Youth and Recreation Centre for the purpose of delivering a range of initiatives of the Wyndham Youth Aboriginal Corporation in partnership with the Shire.

### **ATTACHMENTS**

Nil.

## 12.4. CORPORATE SERVICES

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

<b>DATE:</b>	29 May 2018
<b>AUTHOR:</b>	Creditors Officer
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Director Corporate Services
<b>FILE NO:</b>	FM.09.20
<b>DISCLOSURE OF INTERESTS:</b>	Nil

### VOTING REQUIREMENT

Simple Majority

### OFFICER'S RECOMMENDATION

<b>That Council receives the listing of accounts paid from the Municipal and Trust funds, being:</b>	
<b>Municipal EFT 131621 - 131800 (05 Apr 18 - 26 Apr 18 )</b>	<b>\$ 746,884.36</b>
<b>Municipal cheques 51741 - 51755 (13 Apr 18 - 26 Apr 18)</b>	<b>\$ 125,443.68</b>
<b>Trust EFT 501568 - 501584 (03 Apr 18 - 30 Apr 18)</b>	<b>\$ 5,711.60</b>
<b>Payroll (11 Apr 18 - 24 Apr 18)</b>	<b>\$ 494,747.68</b>
<b>Direct bank debits (03 Apr 18 - 26 Apr 18)</b>	<b>\$ 140,675.07</b>
<b>TOTAL</b>	<b>\$ 1,513,462.39</b>

### COUNCIL DECISION

**Minute Number: 29/05/2018-115770**

**Moved: Cr T Chafer**

**Seconded: Cr N Brook**

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

<b>Municipal EFT 131621 - 131800 (05 Apr 18 - 26 Apr 18 )</b>	<b>\$ 746,884.36</b>
<b>Municipal cheques 51741 - 51755 (13 Apr 18 - 26 Apr 18)</b>	<b>\$ 125,443.68</b>

<b>Trust EFT 501568 - 501584 (03 Apr 18 - 30 Apr 18)</b>	<b>\$ 5,711.60</b>
<b>Payroll (11 Apr 18 - 24 Apr 18)</b>	<b>\$ 494,747.68</b>
<b>Direct bank debits (03 Apr 18 - 26 Apr 18)</b>	<b>\$ 140,675.07</b>
<b>TOTAL</b>	<b>\$ 1,513,462.39</b>
	<b>Carried 9/0</b>

## **PURPOSE**

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

## **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Regulator - enforce state legislation and local laws.

## **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

In accordance with Council's Delegations Register 2017/18 which was adopted by the Council on the 22 August 2017, the Council has delegated to the CEO the exercise of its power under regulations 12 and 13 of the *Local Government (Financial Management) Regulations 1996* to make payments from Municipal Fund and Trust Fund.

## **STATUTORY IMPLICATIONS**

*Local Government Act 1995* – Section 5.42

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

## **POLICY IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

There are no financial implications arising out the preparation of this report. The financial implications arising from the payments made from the Municipal and Trust funds have been provided for in the 2017/18 Adopted Budget and any subsequent amendments thereto. This report provides for the ongoing management of the Shire's funds by providing the Council with sufficient information to monitor and review payments made.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027.*

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

## **RISK IMPLICATIONS**

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

**Controls:** Annual Financial Audit. Annual Compliance Return to Department of Local Government, Sport and Cultural Industries.

## **COMMUNITY ENGAGEMENT**

No community engagement is required.

## **COMMENTS**

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

## **ATTACHMENTS - Item 12.4.1**

Attachment 1 - List Of Accounts Paid April 2018



## 12.4.2. 2018/19 Budget - Differential General Rates & Minimum Payments and Consideration of Public Submissions

One submission regarding differential rating for 2018/19 was received after the meeting agenda had been published. This submission along with the officer's response was circulated to Councillors at the meeting for consideration. Refer attachments 2 and 3.

<b>DATE:</b>	29 May 2018
<b>AUTHOR:</b>	Vernon Lawrence, Director Corporate Services
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Director Corporate Services
<b>FILE NO:</b>	FM.05.14
<b>DISCLOSURE OF INTERESTS:</b>	Nil

### VOTING REQUIREMENT

Simple Majority

### OFFICER'S RECOMMENDATION

That Council:

1. Notes the submissions received in relation to the proposed Differential General Rates and Minimum Payments and Strategic Rating Policy, and thanks the community for their input;
2. Endorse the revised Council Policy *CP/FIN-3200 Strategic Rating* including the 2018/19 Rating Model as follows, with the intention of striking the rates as part of the 2018/19 Budget adoption, subject to receiving Ministerial approval where required by legislation;

Differential Rating Category	Total Properties	Total Rateable Value of Properties \$	Proposed Minimum Payment \$	Proposed Rate in the Dollar	% of Properties on Minimum Payments	Proposed Rates Revenue Budget 2018/19 \$
GRV - Residential	1699	32,454,010	1,112	0.1449	1.53%	4,710,494
GRV - Other Vacant	126	530,011	1,112	0.2247	77.78%	179,071
GRV - Commercial	186	12,906,041	1,112	0.1429	8.06%	1,849,909

GRV - Industrial	177	7,481,770	1,112	0.1389	5.08%	1,045,021
UV - Rural Residential	185	45,908,000	1,112	0.0110	0.00%	504,988
UV - Pastoral	23	5,903,151	1,112	0.0570	4.35%	336,596
UV - Commercial/Industrial	62	12,219,960	1,112	0.0077	32.26%	113,868
UV - Rural Agriculture 1	82	61,162,309	1,112	0.0116	1.22%	710,479
UV - Rural Agriculture 2	109	34,018,000	1,112	0.0101	0.00%	343,582
UV - Mining	70	1,786,504	1,112	0.2740	47.14%	511,809
UV - Mining Exploration and Prospecting	46	413,256	310	0.1369	47.83%	59,704
UV - Other	3	8,525,000	1,112	0.0065	0.00%	55,413
<b>TOTALS</b>	<b>2,768</b>	<b>223,308,012</b>				<b>10,420,934</b>

**3. Request the CEO, or their delegate to seek approval from the Minister for Local Government, Sport and Cultural Industries to approve the Shire of Wyndham East Kimberley applications to:**

- a. **Impose minimum payments for vacant land which will result in more than 50% of the properties in the GRV Other Vacant rating category subject to minimum payments in accordance with section 6.35(5) of the *Local Government Act 1995*; and**
- b. **Impose a rate in the dollar which will result in it being more than twice the lowest differential general rate imposed for UV Mining, UV Mining Exploration and Prospecting and UV Pastoral rating categories, in accordance with section 6.33(3) of the *Local Government Act 1995*.**

## COUNCIL DECISION

Minute Number 29/05/2018- 117971

Moved: Cr T Chafer

Seconded: Cr J Farquhar

That Council:

1. Notes the submissions received in relation to the proposed Differential General Rates and Minimum Payments and Strategic Rating Policy, and thanks the community for their input;
2. Endorse the revised Council Policy *CP/FIN-3200 Strategic Rating* including the 2018/19 Rating Model as follows, with the intention of striking the rates as part of the 2018/19 Budget adoption, subject to receiving Ministerial approval where required by legislation;

Differential Rating Category	Total Properties	Total Rateable Value of Properties \$	Proposed Minimum Payment \$	Proposed Rate in the Dollar	% of Properties on Minimum Payments	Proposed Rates Revenue Budget 2018/19 \$
GRV - Residential	1699	32,454,010	1,112	0.1449	1.53%	4,710,494
GRV - Other Vacant	126	530,011	1,112	0.2247	77.78%	179,071
GRV - Commercial	186	12,906,041	1,112	0.1429	8.06%	1,849,909
GRV - Industrial	177	7,481,770	1,112	0.1389	5.08%	1,045,021
UV - Rural Residential	185	45,908,000	1,112	0.0110	0.00%	504,988
UV - Pastoral	23	5,903,151	1,112	0.0570	4.35%	336,596
UV - Commercial/Industrial	62	12,219,960	1,112	0.0077	32.26%	113,868
UV - Rural Agriculture 1	82	61,162,309	1,112	0.0116	1.22%	710,479
UV - Rural Agriculture 2	109	34,018,000	1,112	0.0101	0.00%	343,582
UV - Mining	70	1,786,504	1,112	0.2740	47.14%	511,809

UV - Mining Exploration and Prospecting	46	413,256	310	0.1369	47.83%	59,704
UV - Other	3	8,525,000	1,112	0.0065	0.00%	55,413
<b>TOTALS</b>	<b>2,768</b>	<b>223,308,012</b>				<b>10,420,934</b>

3. Request the CEO, or their delegate to seek approval from the Minister for Local Government, Sport and Cultural Industries to approve the Shire of Wyndham East Kimberley applications to:

- a. Impose minimum payments for vacant land which will result in more than 50% of the properties in the GRV Other Vacant rating category subject to minimum payments in accordance with section 6.35(5) of the *Local Government Act 1995*; and
- b. Impose a rate in the dollar which will result in it being more than twice the lowest differential general rate imposed for UV Mining, UV Mining Exploration and Prospecting and UV Pastoral rating categories, in accordance with section 6.33(3) of the *Local Government Act 1995*.

Carried 9/0

## **PURPOSE**

For the Council to consider the public submissions received in relation to the proposed rates in the dollar and minimum payments in accordance with section 6.36(4) of the *Local Government Act 1995* and subsequently adopt the differential general rates in the dollar and minimum payments for purposes of the finalisation of the 2018/19 Budget.

## **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Regulator - enforce state legislation and local laws

## **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

At the Ordinary Council Meeting on 24 April 2018 the following resolution was passed:

## **COUNCIL DECISION**

Minute Number: 24/4/2018- 117944

Moved: Cr A Petherick  
Seconded: Cr D Pearce

That Council:

1. Endorse the revised Council Policy *CP/FIN-3200 Strategic Rating*;

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

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

3. That Council endorses for advertising for a minimum of twenty-one (21) days and seeks public submissions on:
- a. Council Policy *CP/FIN-3200 Strategic Rating* (Attachment 1) that outlines the principles which underpin the proposed 2018/19 rating model, including the Object of and Reasons for Differential Rates;
  - b. The Draft 2018/19 Rating Model (Attachment 2) which incorporates the Object of and Reasons for Differential Rates, along with the proposed differential rates and minimum payments to be applied from 1 July 2018 for the 2018/19 financial year in accordance with section 6.36 of the *Local Government Act 1995*.

Carried 6/1

## **STATUTORY IMPLICATIONS**

### **Local Government Act 1995**

#### **Part 5**

#### **Division 6 – Disclosure of financial interests**

##### **5.63. Some interests need not be disclosed**

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

### **Local Government Act 1995**

#### **Part 6**

#### **Division 6 – Rates and service charges**

##### **6.33. Differential general rates**

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —
- (a) the purpose for which the land is zoned under a local planning scheme in force under the *Planning and Development Act 2005*;
  - (b) the predominant purpose for which the land is held or used as determined by the local government;
  - (c) whether or not the land is vacant land; or
  - (d) any other characteristic or combination of characteristics prescribed.
- (2) Regulations may —
- (a) specify the characteristics under subsection (1) which a local government is to use; or
  - (b) limit the characteristics under subsection (1) which a local government is permitted to use.
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

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

### 6.35. Minimum payment

- (1) *Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*
- (2) *A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.*
- (3) *In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than -*  
*(a) 50% of the total number of separately rated properties in the district; or*  
*(b) 50% of the number of properties in each category referred to in subsection (6),*  
*on which a minimum payment is imposed.*
- (4) *A minimum payment is not to be imposed on more than the prescribed percentage of -*  
*(a) the number of separately rated properties in the district; or*  
*(b) the number of properties in each category referred to in subsection (6),*  
*unless the general minimum does not exceed the prescribed amount.*
- (5) *If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.*
- (6) *For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories -*  
*(a) to land rated on gross rental value;*  
*(b) to land rated on unimproved value; and*  
*(c) to each differential rating category where a differential general rate is imposed.*

### 6.36. Local government to give notice of certain rates

- (1) *Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.*
- (2) *A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).*
- (3) *A notice referred to in subsection (1)*  
*(a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;*  
*(b) is to contain -*

- (i) details of each rate or minimum payment the local government intends to impose;
  - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and
  - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed; and
- (c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.

(4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.

(5) Where a local government -

- (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or
- (b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),

*it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.*

## **Local Government (Financial Management) Regulations 1996**

### 52A. Differential general rates — s. 6.33(1)(d)

6.33 (1)(d) For the purposes of section 6.33(1)(d), the following are prescribed characteristics —

- (a) whether or not the land is situated in a townsite as defined in the Land Administration Act 1997 section 3(1);
- (c) whether or not the land is situated in a particular part of the district of the local government.
- (d)

## **POLICY IMPLICATIONS**

The proposed increase of 0% in the rate yield is consistent with Council's revised Policy CP/FIN-3200 *Strategic Rating*. The rating model has considered the current Town Planning Scheme No. 7 Kununurra and Environs (TPS7) and the current Town Planning Scheme No. 6 Wyndham Townsite (TPS6) in terms of land use, as well as the Proposed Town Planning Scheme No. 9 that is in the process of superseding the existing Schemes. The implications of the new Scheme on the rating policy and ultimately the rate yield will be minor and cosmetic.

It should be noted that Council's Policy CP/FIN-3200 *Strategic Rating* Policy incorporates references to Council Policy CP FIN-3208 *Rates Exemptions for Charitable Organisations (Non-Rateable Land)* but there are no further policy implications in this regard.



## **FINANCIAL IMPLICATIONS**

The advertised differential general rates and minimum payments were expected to yield total net rate revenue of \$10,421,120.

After consideration of the public submissions Shire officers have determined that the proposed differential general rates and minimum payments are now expected to yield total net rate revenue of \$10,420,934 – a decrease of \$186 from what was advertised. This is mainly as a result of difference between applying the assumptions in developing the advertised model and the actual change in valuations that have been received from the Valuer-General. The differences in valuations have necessitated changes in the rate in the dollar in order to ensure that the average yield per category has remained at 0%.

The impact of having this 0% rate yield has required Shire Officers, as part of the budget process, to critically evaluate the expenditure estimates for possible savings. To this end the budgeted expenditure from operations has been reduced to ensure that there is no compromise to the service levels currently provided by the Shire. The process of identifying efficiency gains is an on-going one and Shire staff aim to continue to seek to provide better value for money for the rates the community pay. The draft budget will reflect these efficiency gains once finalised.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027.*

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

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

## **RISK IMPLICATIONS**

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

Control: Current budget and service levels.

## **COMMUNITY ENGAGEMENT**

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

- Briefings with Council on 10 April 2018 and 22 May 2018;
- Local public notice in the Kimberley Echo on 3rd May 2018;
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2018/19 was placed on the Coles noticeboard and the IGA noticeboard on 3 May 2018;
- The Shire's Facebook page and website on 3rd May 2018;
- Media Release on 3rd May 2018;

- Letters to the individual property owners in the category UV Pastoral as required by the Department of Local government and Communities Rating Policy on Differential Rates; and
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2018/19, including Council Policy *CP/FIN-3200 Strategic Rating* placed on the Shire's website, public notice boards at the Civic Centres and Libraries in both Kununurra and Wyndham on 3rd May 2018.

## **COMMENTS**

The advertised model for the rate in the dollar used the assumption that the GRV Residential properties reduced uniformly on average by 50% and the GRV Commercial and Industrial by 30%. The Shire has now received the actual revaluation data and it differs from the assumptions. The average reduction for the GRV Residential valuations were 34.08%, GRV Other Vacant 36.79%, GRV Commercial 13.05% and GRV Industrial 17.85%. In order to preserve the yield this has necessitated a reduction in the rates in the dollar advertised to ensure an approximate yield per category of 0%. As can be seen from the Table 3 in Attachment 1 there are small differences in the rate yields from the advertised yields. The total yield difference is \$186.

It is important to understand that a 0% yield does not mean that all individual properties will pay the same rates as the 2017/18 financial year. As there has been a GRV revaluation the changes in the amounts individual ratepayers will pay is reflective of the changes in individual values and their value relative to other properties in the categories. Since the changes are not uniform the proportion of the rate yield each property in the category bears will change. There will be ratepayers who will pay more rates and those who will pay less rates. The rates modelling data demonstrating this is set out in two tables in Attachment 1. Table 1 shows the impact of the changes in property values on rates by detailing the increase or decrease in bands. Table 2 shows the impact of the valuation change in each of the rating categories.

The rates modelling in Table 1 shows that with a rate yield of 0% only 538 properties have the same rates as 2017/18. There are 107 properties whose rates have either increased or decreased by more than \$1,000. Of these 50 increased by an average of \$3,934 and 57 decreased by an average of \$2,452. The highest increment was \$20,974 and largest reduction was \$10,790. The data also shows that 1884 properties were affected by rate changes between \$0 and \$300. As stated above these changes are reflective of the changes in property value and are not a reflection of Council increasing the rate yield.

Table 2 shows that with the changes in value there are 806 properties in the GRV Residential category that have increased and 893 that have decreased. Unfortunately when there is a change in property values that are not uniform across the category, there will be "winners and losers" in the process. The average reduction in value across this category was 34.08%. Those properties whose value declined by more than the average will receive a reduction in rates and those whose have declined by less than the average will experience an increase.

With reference to the UV rated properties, there has been no significant change to the rates in the dollar or yields for the UV rated properties. Small adjustments to the rate in the dollar have been made to three of the rate categories compared to the 2017/18 rate in the dollar to ensure that the yield remains the same.

By adopting a 0% rate yield Shire Officers believe that there will be an expectation in the community that all ratepayers will pay the same amount of rates as in the 2017/18 financial

year. The Shire anticipates that there will be a number of questions from the community once they receive rates notices as to why their rates have in fact increased and in some instances increased significantly when their property values have reduced. Part of the advice to ratepayers will be that if they have concerns over their valuation they should contact the Valuer General's Office. If a ratepayer wishes to lodge a formal objection to their valuation this must be done within 60 days from the issue of the rates notice. This process presents a risk to the Shire in that should the values be revised lower than the yield the Shire is anticipating will be reduced. This fact will be recognised and planned for in the budgeting process.

At the time of drafting this report the Shire had not received any submissions from the community. Should any submissions be received between the time the agenda for the Ordinary Council Meeting is published and the date of the meeting a document dealing with the submissions will be circulated to Council at the meeting for consideration.

No comment on rating is complete without comparing our Shire with the other Kimberley Shires. Broome have advertised a proposed rate in the dollar increase of 1.78%. The Shire of Halls Creek has resolved to have a 2% rate increase except for mining properties. At the time of writing this report there has been no media coverage of proposed changes to rates from the Shire of Derby West Kimberley.

## **ATTACHMENTS**

Attachment 1 - Rates Modelling Table1, Table 2 and Table 3.

Attachment 2 – Rates Submission

Attachment 3 – Response to Rates Submission

### 12.4.3. Monthly Statement of Financial Activity for the Period Ended 30 April 2018

<b>DATE:</b>	29 May 2018
<b>AUTHOR:</b>	Coordinator Financial Management
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Director Corporate Services
<b>FILE NO:</b>	FM.09.5
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

**That Council receives the monthly financial report as at 30 April 2018.**

#### **COUNCIL DECISION**

**Minute Number: 29/05/2018-115772**

**Moved: Cr T Chafer**

**Seconded: Cr N Brook**

**That Council receives the monthly financial report as at 30 April 2018.**

**Carried 9/0**

#### **PURPOSE**

For Council to receive the monthly financial report for the period ended 30 April 2018.

#### **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Regulator - enforce state legislation and local laws

#### **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

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

At the 18 July 2017 Ordinary Council Meeting, the Council resolved the following:

## **COUNCIL DECISION**

**Minute No: 18/07/2017-11742**

**Commissioner resolved:**

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

**Carried 1/0**

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

## **STATUTORY IMPLICATIONS**

*Local Government Act 1995, Section 6.4.*

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

## **POLICY IMPLICATIONS**

*CP FIN-3201 Significant Accounting Policies* has been applied in the preparation of the report.

## **FINANCIAL IMPLICATIONS**

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

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

## **RISK IMPLICATIONS**

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

## **COMMUNITY ENGAGEMENT**

The Shire of Wyndham East 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 30 April 2018.

## 12.5. INFRASTRUCTURE

### 12.5.1. Application for Funeral Directors Licence - Affordable Funerals Katherine

<b>DATE:</b>	29 May 2018
<b>AUTHOR:</b>	Infrastructure Support Officer
<b>RESPONSIBLE OFFICER:</b>	Stuart Dyson, Director Infrastructure
<b>FILE NO:</b>	PH.12.11
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

**That Council approves the issuing of a Funeral Director's licence to Affordable Funerals Katherine for a period of one year from 1 July 2018 to 30 June 2019 in accordance with the Cemeteries Act 1986.**

#### **COUNCIL DECISION**

**Minute Number: 29/05/2018-115773**

**Moved: Cr J Farquhar  
Seconded: Cr A Petherick**

**That Council approves the issuing of a Funeral Director's licence to Affordable Funerals Katherine for a period of one year from 1 July 2018 to 30 June 2019 in accordance with the Cemeteries Act 1986.**

**Carried 9/0**

#### **PURPOSE**

To consider Affordable Funerals Katherine's application for a funeral director's licence

#### **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Provider - provide physical infrastructure and essential services

#### **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

Timothy McClintock and Susanne Davis are the Directors of Affordable Funerals Katherine, Susanne has operated Tennant Creek Funeral Service since 1998. In December 2017, they purchased property and established their head office in Katherine NT and now service Katherine, the Barkley region and remote communities.

They have established working relationships with relevant services including the Kununurra Morgue and have sufficient vehicles such as hearses, bush hearses and a refrigerated van to provide full funeral services to the Katherine and Barkley region and remote communities including deceased person transport Australia wide.

## **STATUTORY IMPLICATIONS**

### *Cemeteries Act 1986.*

#### *Division 3 - Licensing of funeral directors.*

#### 16. *Licences*

*A funeral director's licence:*

- (a) is valid for the conduct of funerals at the cemetery or cemeteries specified in the licence;*
- (b) is valid for such period not exceeding one year from the day on which the licence is issued as the Board determines, unless the licence is sooner suspended or cancelled; and*
- (c) is not transferable.*

#### 17. *Applications for licences*

- (1) An application for a funeral director's licence in respect of a cemetery shall be made to the Board responsible for the care, control and management of the cemetery in the manner required by the Board and shall be lodged with the Board together with the appropriate fee.*
- (2) An applicant who satisfies the Board that the applicant:*
  - (a) is of good repute and is fit to hold a funeral director's licence; and*
  - (b) has suitable facilities and equipment for handling and storing dead bodies and conducting funerals, shall be entitled to be issued with a funeral director's licence.*

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

The Undertakers (Funeral Directors) Annual Licence Fee is \$350.00 from 1 July 2018

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2012-2022*



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

Objective 3.4: Enhancement of community facilities

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

### **COMMUNITY ENGAGEMENT**

No community engagement is required.

### **COMMENTS**

Affordable Funerals Katherine wish to gain the appropriate Funeral Directors Licence from the Shire so they can service the Kimberley in addition to Katherine, the Barkley region and remote communities.

Through their current business operations, they have established working relationships with relevant parties such as the Kununurra Morgue to provide a complete service.

Broome and Derby Funeral Services are the only other listed service providers for the Kimberley.

An application for Funeral Director's Licence has been received and the Shire has been provided with copies the relevant insurances.

### **ATTACHMENTS**

Nil

## 12.5.2. Policy Review - Occupational Safety and Health Policy

<b>DATE:</b>	29 May 2018
<b>AUTHOR:</b>	Director Infrastructure
<b>RESPONSIBLE OFFICER:</b>	Stuart Dyson, Director Infrastructure
<b>FILE NO:</b>	PL.17.38
<b>DISCLOSURE OF INTERESTS:</b>	Nil

### VOTING REQUIREMENT

Simple Majority

### OFFICER'S RECOMMENDATION

**That Council adopt the reviewed CP/GOV-3110 Occupational Safety and Health Policy as set out in attachment 1 of this report**

### COUNCIL DECISION

**Minute Number: 29/05/2018-115774**

**Moved: Cr M Dear  
Seconded: Cr M McKittrick**

**That Council adopt the reviewed CP/GOV-3110 Occupational Safety and Health Policy as set out in attachment 1 of this report**

**Carried 9/0**

### PURPOSE

This policy commits the Shire of Wyndham East Kimberley to managing its 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 Occupational Safety and Health 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-3110 on 28 November 2017

### **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**

### **STATUTORY IMPLICATIONS**

*OCCUPATIONAL SAFETY AND HEALTH ACT 1984 - SECT 19*

#### **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**

No further implications are made by this policy

### **FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2022*

Focus Area 4: Civic Leadership

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

Strategy 4.3.3: Build internal capacity by attracting, developing and retaining the best people

### **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 Occupational Safety and Health 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 - DRAFT CP/GOV-3110 Occupational Safety and Health Policy

### 12.5.3. Waive EKRA Fees for Outback Air Race

<b>DATE:</b>	29 May 2018
<b>AUTHOR:</b>	Manager East Kimberley Regional Airport
<b>RESPONSIBLE OFFICER:</b>	Director Infrastructure
<b>ASSESSMENT NO:</b>	N/A
<b>FILE NO:</b>	20.12.19
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### VOTING REQUIREMENT

Simple Majority

#### OFFICER'S RECOMMENDATION

**That Council in recognising the community benefits from the Outback Air Race 2018, waive aircraft landing and parking fees for participants at East Kimberley Regional Airport.**

#### COUNCIL DECISION

**Minute Number: 29/05/2018-115775**

**Moved: Cr G Lodge**

**Seconded: Cr M McKittrick**

**That Council in recognising the community benefits from the Outback Air Race 2018, waive aircraft landing and parking fees for participants at East Kimberley Regional Airport.**

**Carried 9/0**

#### PURPOSE

The purpose of this report is to present to Council a request from the organisers of the 'Outback Air Race 2018' (OAR) to waive aircraft landing and parking fees for participants while visiting East Kimberley Regional Airport from 28 - 30 August 2018.

#### NATURE OF COUNCIL'S ROLE IN THE MATTER

Provider - provide physical infrastructure and essential services.

#### BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

While being based on differing routes the OAR has previously passed through the Shire and it is understood that fees have been waived.

### **STATUTORY IMPLICATIONS**

The aircraft landing and parking fees are non-statutory and imposed through the annual fees and charges as a means to obtain user pay contributions towards the cost of maintaining assets.

### **POLICY IMPLICATIONS**

There are no policy implications other than the potential of providing a precedent for the waiving of these fees.

### **FINANCIAL IMPLICATIONS**

The cost of waiving the fees is estimated at approximately \$3,000. Delegation 11 *Waive, Grant Concessions or Write off Debts* currently limits the CE Oto debts not exceeding \$500, hence the requirement for a report and decision of Council.

### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 1: Healthy vibrant active communities

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

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

### **RISK IMPLICATIONS**

There are no major risk implications recognising the only issue relates to the waiving of fees, other than the potential to create a precedent. The character of the event is unique in that it involves a community air event raising funds for a recognised regional Australian organisation.

### **COMMUNITY ENGAGEMENT**

No community engagement is required.

### **COMMENTS**

The Shire has been contacted on behalf of the Outback Air Race (OAR) Committee (initial correspondence comprises Attachment 1) that holds the event every three years with its sole purpose being to raise funds for Royal Flying Doctor Service (RFDS). The 2018 event will be

the 10<sup>th</sup>. This year it will commence on east coast at Archerfield (Brisbane) on 19 August 2018. Aircraft will be leaving Katherine on 28 August for two days in Kununurra before departing for the final destination of Broome on 30 August 2018.

It is submitted that this year's event has achieved commitments to date of over \$100,000 to RFDS (and total of \$585,000 in 2015 – the most recent race).

A request has been submitted for the Shire to waive aircraft landing and parking fees during the two days participants will be staying in Kununurra. It is anticipated that about forty (40) aircraft and one hundred (100) people will be present.

Advice has been provided that for the 2015 OAR all but one of the visited airports waived fees to support the RFDS fundraising. At this stage it has been confirmed that Archerfield, Bundaberg, Longreach and Kalumburu Airports have waived fees for the 2018 event (and no Airport has declined).

The costs to the Shire in waiving the fees would be approximately \$3,000 comprising the following:

- Landings: 40 Aircraft @ \$20.20 = \$808.00
- Parking: 40 Aircraft x 2 nights @ \$25.60 = \$2048.00

It is expected that the presence of the participants will result in economic benefits to Kununurra and wider region.

## **ATTACHMENT**

Attachment 1 - Correspondence on behalf of Outback Air Race 2018 Committee.



**13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**  
**13.1. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Nil

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

Nil

**16. MATTERS BEHIND CLOSED DOORS**

Nil

**17. CLOSURE**

The Shire President declared the meeting closed at 6.00pm