

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

Shire President

Date



SHIRE OF WYNDHAM | EAST KIMBERLEY

MINUTES ORDINARY COUNCIL MEETING

28 August 2018

DISCLAIMER

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

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

Signed on behalf of Council



CARL ASKEW

CHIEF EXECUTIVE OFFICER

NOTES

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

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**SHIRE OF WYNDHAM EAST KIMBERLEY
ORDINARY COUNCIL MEETING AGENDA
WYNDHAM COUNCIL CHAMBERS
TO BE HELD ON 28 AUGUST 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 5.09pm

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

ATTENDENCE

Cr D Menzel	Shire President
Cr T Chafer	Deputy Shire President
Cr N Brook	Councillor
Cr M Dear	Councillor
Cr J Farquhar	Councillor
Cr M McKittrick	Councillor
Cr G Lodge	Councillor
Cr A Petherick	Councillor
C Askew	Chief Executive Officer
S Dyson	Director Infrastructure
N Kearns	Director Planning and Community Development
V Lawrence	Director Corporate Services
F Hamilton	Minute Taker
M Northover	Resident
S Rushby	Resident
B Nadge	Reporter ABC News
S Tomlin	Chief of Staff ABC News

APOLOGIES

Cr D Pearce	Councillor
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3. DECLARATION OF INTEREST

- Financial Interest

Councillor	Item	Title	Description of interest
Cr J Farquhar	12.4.1	Changing Method of Valuation of Land	Owner of land to have value changed

- Impartiality Interest

Councillor	Item	Title	Description of interest
C Askew CEO	12.2.3	Council Delegations Register	As the delegate for the majority of the delegations within the Delegations Register 2018/19.
Cr J Farquhar	12.3.4	Ongoing Support for Kununurra Visitor Centre	Member of Committee
Cr N Brook	12.3.4	Ongoing Support for Kununurra Visitor Centre	I am a member of the Kununurra Visitor Centre
Cr G Lodge	12.3.4	Ongoing Support for Kununurra Visitor Centre	My Company Triple J Tours is a member of the KVC

- Proximity Interest

Councillor	Item	Title	Description of interest
C Askew CEO	12.3.3	Development Approval Application - Lot 506 Chestnut Avenue, Kununurra - Extension to Child Care Centre	I am the occupant of lot 44 (7) Bella Lane, Kununurra

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS

Nil

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

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

COUNCIL DECISION

Minute Number: 28/08/2018 - 115824

Moved: Cr J Farquhar

Seconded: Cr M Dear

That Council confirms the Minutes of the Ordinary Council Meeting held on 24 July 2018.

Decision:8/0

Note: The Minutes of the Ordinary Council Meeting held on 24 July 2018 are provided under separate cover via www.swek.wa.gov.au

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

The Shire President referred to the recent visit to Kununurra and Wyndham by the Honourable Kim Beazley AC Governor of Western Australia. The Shire had the pleasure of hosting the Governor for an evening reception for our community volunteers on 13 August. The Governor has a significant interest in our region and understands WA and the importance of water and food and the role that it will play in the future. The Governor also recognised the value that the region can offer for alternative purposes such as mineral mining and military.

The Shire President also referred to the Council tour of the Airbus facility at Wyndham Airport earlier in the day. A large amount of progress has been made in a short period of time. Although there is still a way to go the progress so far has been impressive and there is an expectation of the Launch and Recovery site being operational by October.

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 Meeting of 13 August 2018

DATE:	28 August 2018
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
ASSESSMENT NO:	Various - As Detailed in the Minutes of the 13 August 2018 Audit (Finance and Risk) Committee meeting
FILE NO:	Various - As Detailed in the Minutes of the 13 August 2018 Audit (Finance and Risk) Committee meeting
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 1

That Council, with reference to Item 7.1 “Financial Management Review - May 2018” as detailed in the 13 August 2018 Audit (Finance and Risk) Committee Agenda/Minutes:

- 1. Receives the report titled Financial Management Review May 2018; and**
- 2. Notes the management comments in relation to the items noted within the report.**

Cr Chafer moved and Cr Lodge seconded that all 12 recommendation from the Audit (Finance and Risk) Committee Meeting be moved “en bloc”.

COUNCIL DECISION

Minute Number: 28/08/2018 - 115825

Moved: Cr T Chafer

Seconded: Cr G Lodge

That Council, with reference to Item 7.1 *“Financial Management Review - May 2018”* as detailed in the 13 August 2018 Audit (Finance and Risk) Committee

Agenda/Minutes:

1. Receives the report titled Financial Management Review May 2018; and
2. Notes the management comments in relation to the items noted within the report.

Decision:8/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 2

That Council, with reference to Item 7.2 *“Insurance Claims Report”* as detailed in the 13 August 2018 Audit (Finance and Risk) Committee Agenda/Minutes, notes the Insurance Claims Report and associated attachments.

COUNCIL DECISION

Minute Number: 28/08/2018 - 115826

Moved: Cr T Chafer

Seconded: Cr G Lodge

That Council, with reference to Item 7.2 *“Insurance Claims Report”* as detailed in the 13 August 2018 Audit (Finance and Risk) Committee Agenda/Minutes, notes the Insurance Claims Report and associated attachments.

Decision:8/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 3

That Council, with reference to Item 7.3 *“Standing Item - Rates Debtors”* as detailed in the 13 August 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: 28/08/2018 - 115827

Moved: Cr T Chafer

Seconded: Cr G Lodge

That Council, with reference to Item 7.3 *“Standing Item - Rates Debtors”* as detailed in the 13 August 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.

Decision: 8/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 4

That Council, with reference to Item 7.4 *“Waiver, Grant Concession or Write off of Debts Report”* as detailed in the 13 August 2018 Audit (Finance and Risk) Committee Minutes notes the Waiver, Grant concession or Write off of Debts for the period 14 May 2018 to 6 August 2018.

COUNCIL DECISION

Minute number: 28/08/2018 - 115828

Moved: Cr T Chafer

Seconded: Cr G Lodge

That Council, with reference to Item 7.4 *“Waiver, Grant Concession or Write off of Debts Report”* as detailed in the 13 August 2018 Audit (Finance and Risk) Committee Minutes notes the Waiver, Grant concession or Write off of Debts for the period 14 May 2018 to 6 August 2018.

Decision: 8/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 5

That Council, with reference to Item 7.5 “*Audit Strategy for the Financial Year Ended 30 June 2018*” as detailed in the 13 August 2018 Audit (Finance and Risk) Committee Agenda/Minutes:

- 1. Notes the contents of this report and the confidential attachment Audit Strategy Memorandum 30 June 2018; and**
- 2. Endorses the changes to *CP FIN 3201 Significant Accounting Policies*.**

COUNCIL DECISION

Minute Number: 28/08/2018 - 115829

Moved: Cr T Chafer

Seconded: Cr G Lodge

That Council, with reference to Item 7.5 “*Audit Strategy for the Financial Year Ended 30 June 2018*” as detailed in the 13 August 2018 Audit (Finance and Risk) Committee Agenda/Minutes:

- 1. Notes the contents of this report and the confidential attachment Audit Strategy Memorandum 30 June 2018; and**
- 2. Endorses the changes to *CP FIN 3201 Significant Accounting Policies*.**

Decision: 8/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 6

That Council, with reference to Item 7.6 “*Audit (Finance and Risk) Committee Terms of Reference Review*” as detailed in the 13 August 2018 Audit (Finance and Risk) Committee Agenda/Minutes adopt the revised Terms of Reference.

COUNCIL DECISION

Minute Number: 28/08/2018 - 115830

Moved: Cr T Chafer

Seconded: Cr G Lodge

That Council, with reference to Item 7.6 “*Audit (Finance and Risk) Committee Terms of Reference Review*” as detailed in the 13 August 2018 Audit (Finance and Risk) Committee Agenda/Minutes adopt the revised Terms of Reference.

Decision:8/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 7

That Council, with reference to Item 7.7 “*Standing Item - Sundry Debtors*” as detailed in the 13 August 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: 28/08/2018 - 115831

Moved: Cr T Chafer

Seconded: Cr G Lodge

That Council, with reference to Item 7.7 “*Standing Item - Sundry Debtors*” as detailed in the 13 August 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.

Decision:8/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 8

That Council, with reference to Item 7.8 “Regulation 17 Status Report” as detailed in the 13 August 2018 Audit (Finance and Risk) Committee Agenda/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 13 August 2018 Audit (Finance and Risk) Committee Meeting.**

COUNCIL DECISION

Minute Number: 28/08/2018 - 115832

Moved: Cr T Chafer

Seconded: Cr G Lodge

That Council, with reference to Item 7.8 “Regulation 17 Status Report” as detailed in the 13 August 2018 Audit (Finance and Risk) Committee Agenda/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 13 August 2018 Audit (Finance and Risk) Committee Meeting.**

Decision:8/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 9

That Council, with reference to Item 7.9 “Standing Item - Leases” as detailed in the 13 August 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 13 August 2018 Audit (Finance and Risk) Committee Meeting.

COUNCIL DECISION

Minute Number: 28/08/2018 - 115833

Moved: Cr T Chafer

Seconded: Cr G Lodge

That Council, with reference to Item 7.9 “*Standing Item - Leases*” as detailed in the 13 August 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 13 August 2018 Audit (Finance and Risk) Committee Meeting.

Decision:8/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 10

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 13 August 2018 Audit (Finance and Risk) Committee Minutes, note 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: 28/08/2018 - 115834

Moved: Cr T Chafer

Seconded: Cr G Lodge

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 13 August 2018 Audit (Finance and Risk) Committee Minutes, note 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.

Decision:8/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 11

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 13 August 2018 Audit (Finance and Risk) Committee Minutes, note 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: 28/08/2018 - 115835

Moved: Cr T Chafer

Seconded: Cr G Lodge

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 13 August 2018 Audit (Finance and Risk) Committee Minutes, note 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.

Decision:8/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 12

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 13 August 2018 Audit (Finance and Risk) Committee Minutes, note 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: 28/08/2018 - 115836

Moved: Cr T Chafer

Seconded: Cr G Lodge

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 13 August 2018 Audit (Finance and Risk) Committee Minutes, note 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.

Decision:8/0

PURPOSE

To consider the recommendations from the Audit (Finance and Risk) Committee made at its meeting held on 13 August 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 14 May 2018.

STATUTORY IMPLICATIONS

Various - detailed within the Minutes of the 13 August 2018 Audit (Finance and Risk) Committee meeting.

POLICY IMPLICATIONS

Various - detailed within the Minutes of the 13 August 2018 Audit (Finance and Risk) Committee meeting.

FINANCIAL IMPLICATIONS

Various - detailed within the Minutes of the 13 August 2018 Audit (Finance and Risk) Committee meeting.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.4: Business innovation, efficiency and improved services

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

Strategy 1.4.3 : Maintain Council's long term financial viability

RISK IMPLICATIONS

Various - detailed within the Minutes of the 13 August 2018 Audit (Finance and Risk) Committee meeting.

COMMUNITY ENGAGEMENT

Various - detailed within the Minutes of the 13 August 2018 Audit (Finance and Risk) Committee meeting.

COMMENTS

Various - detailed within the Minutes of the 13 August 2018 Audit (Finance and Risk) Committee meeting.

ATTACHMENTS

Nil

12.2. CHIEF EXECUTIVE OFFICER

12.2.1. Local Law Review

DATE:	28 August 2018
AUTHOR:	Governance Officer
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer `
FILE NO:	
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council;

1) Undertake a review of the following:

- a) Shire of Wyndham East Kimberley Dogs Local Law 2003
- b) Shire of Wyndham East Kimberley Parking and Parking Facilities Local Law 2003
- c) Shire of Wyndham East Kimberley Activities in Thoroughfares and Public Places and Trading Local Law 2005
- d) Local Government Property Local Law 2003

2) Give State-wide public notice of the proposal to review the above Local Laws.

COUNCIL DECISION

Minute Number: 28/08/2018 - 115837

Moved: Cr N Brook

Seconded: Cr M Dear

That Council

1) Undertake a review of the following:

- a) Shire of Wyndham East Kimberley Dogs Local Law 2003
- b) Shire of Wyndham East Kimberley Parking and Parking Facilities Local Law 2003
- c) Shire of Wyndham East Kimberley Activities in Thoroughfares and Public Places and Trading Local Law 2005
- d) Local Government Property Local Law 2003

2) Give State-wide public notice of the proposal to review the above Local Laws.

Decision:8/0

PURPOSE

To commence the review of the Shire of Wyndham East Kimberley Local laws which are due and give state-wide public notice to that effect.

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 Shire is required under the Local Government Act 1995 to review its local laws within an eight year period, with the purpose of the review to determine their currency and suitability.

10 of the 12 Shire of Wyndham East Kimberley Local Laws require review, with the majority of the local laws being overdue for review.

The Shire of Wyndham East Kimberley has the following gazetted Local Laws:

- Activities in Thoroughfares and Public Places and Trading Local Law 2005
- Local Government Property Local Law 2003
- Repeal Local Law 2003
- Parking & Parking Facilities Local Law 2003
- Meeting Procedures Local Law 2016
- Cemeteries Local Law 2003
- Bush Fire Brigade Local Law 2017
- Extractive Industries Local Law 2003
- Fencing Local Law 2017
- Dogs Local Law 2003
- Health Local Laws 2003
- Health Food Local Laws 2003

The Shire of Wyndham East Kimberley last resolved to undertake a review of its it Local Laws at the 26 April 2016 Ordinary Council Meeting.

COUNCIL DECISION

Minute No: 11324

Moved: Cr B Robinson

Seconded: Cr S Cooke

That Council undertake a review of all of its Local Laws in accordance with the *Local Government Act 1995 s.3.16* and give statewide and local public notice of its intent to undertake a review.

The intention was to review each Local Law during 2016/2017 commencing with the Standing Orders Local Law (Now Meeting Procedures Local Law 2016) and then working through the entire suite of Local Laws. Resourcing issues prevented the review of all of the local laws, with three local laws following the review process; Fencing Local Law, Meeting Procedures Local Law and Bush Fire Brigade Local Law.

The review and consultation process for amending local laws is time consuming and extensive. Therefore, a commitment to an initial four (4) Local Laws will be prioritised.

A minimum of six weeks state-wide public notice is required to be given of the proposal to review local laws. At the conclusion of this initial public consultation, feedback is collated and analysed and a further report is submitted to Council to consider whether changes to the Shire's Local Laws are required. If Council resolve to make changes to the Local Laws, further public consultation is then required.

STATUTORY IMPLICATIONS

Local Government Act 1995

3.16. Periodic review of local laws

(1) *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*

(2) *The local government is to give State-wide public notice stating that —*

(a) *the local government proposes to review the local law; and*

(b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*

(c) *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*

(2a) *A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.*

(3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*

(4) *When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.*

** Absolute majority required.*

[Section 3.16 amended by No. 64 of 1998 s. 7; No. 49 of 2004 s. 24.]

POLICY IMPLICATIONS

There are no policy implications associated with this report

FINANCIAL IMPLICATIONS

There will be some statutory advertising expenses which have been factored into the 2018/19 Annual Budget

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.2: Good decision making through engagement with the community

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

RISK IMPLICATIONS

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

COMMUNITY ENGAGEMENT

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

- Community Forums
- Public Notice
- Publicly available hard/soft copies
- Social media

COMMENTS

Up to date and relevant local laws are an important cornerstone of good governance. Local Government has a statutory and moral obligation to ensure that the regulation of local matters is conducted in a fair, efficient and reasonable manner. To comply with the provision of Section 3.12 of the Local Government Act 1995, when proposing to make a local law, the presiding person is required to give notice of the purpose and effect of the proposed local law at the Council meeting where the local law is being considered.

The initial review and consultation will likely increase public interest and inform policy issues surrounding the application of the Shire's Local Laws. The Shire has internally identified policy and legislative issues, and together with the considerations from the public, issues within the Local Laws will be prioritised and scheduled for drafting.

Each Local Law will be briefed with Council and when Council is satisfied with their reviewed (proposed) Local Law, an agenda item for that Local Law giving notice of the purpose and affect will be considered and, if accepted by an absolute majority, local and state-wide public notices will be posted. A period of 42 days is required for public submissions and a further

agenda item will be prepared for Council to consider any submissions. At this time Council will determine whether to repeal or amend the Local Law.

ATTACHMENTS

Nil

12.2.2. Information Statement 2018-19

DATE:	28 August 2018
AUTHOR:	Executive Assistant
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
FILE NO:	IM.06.8
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopts the Information Statement 2018-19 as presented in Attachment 1, noting that this supersedes the Information Statement 2016-17.

COUNCIL DECISION

Minute Number: 28/08/2018 - 115838

**Moved: Cr J Farquhar
Seconded: Cr G Lodge**

That Council adopts the Information Statement 2018-19 as presented in Attachment 1, noting that this supersedes the Information Statement 2016-17.

Decision:8/0

PURPOSE

To inform the Council that it is a requirement of the *Freedom of Information Act 1992* for the Shire to prepare and publish an annual Information Statement, and to consider the proposed Information Statement 2018-19 for adoption.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At the 22 November 2016 Ordinary Council Meeting, the following Decision was made:

Minute No: 22/11/16-11543

Commissioner resolved:

For Council to adopt the Information Statement 2016-17 as presented in Attachment 1, noting that this supersedes the Information Statement 2015-16.

STATUTORY IMPLICATIONS

Freedom of Information Act 1992

Part 5 - Publication of information about agencies

94. Term used: information statement

A reference in this Act to an information statement, in relation to an agency, is a reference to a statement that contains —

- (a) a statement of the structure and functions of the agency;*
- (b) a description of the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public;*
- (c) a description of any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the performance of the agency's functions;*
- (d) a description of the kinds of documents that are usually held by the agency including —*
 - (i) which kinds of documents can be inspected at the agency under a written law other than this Act (whether or not inspection is subject to a fee or charge); and*
 - (ii) which kinds of documents can be purchased; and (iii) which kinds of documents can be obtained free of charge;*
- (e) a description of the agency's arrangements for giving members of the public access to documents mentioned in paragraph (d)(i), (ii) or (iii) including details of library facilities of the agency that are available for use by members of the public;*
- (f) a description of the agency's procedures for giving members of the public access to the documents of the agency under Part 2 including —*
 - (i) the designation of the officer or officers to whom initial inquiries as to access to documents can be made; and*
 - (ii) the address or addresses at which access applications can be lodged;*
- (g) a description of the agency's procedures for amending personal information in the documents of the agency under Part 3 including —*
 - (i) the designation of the officer or officers to whom initial inquiries as to amendment of personal information can be made; and*
 - (ii) the address or addresses at which applications for amendment of personal information can be lodged.*

96. Information statement, each agency to publish annually

- (1) An agency (other than a Minister or an exempt agency) has to cause an up-to-date information statement about the agency to be published in a manner approved by the Minister administering this Act —
- (a) within 12 months after the commencement of this Act; and
 - (b) at subsequent intervals of not more than 12 months.
- (2) In giving approval under subsection (1) the Minister has to have regard, amongst other things, to the need to assist members of the public to exercise their rights under this Act effectively.
- (3) In the case of an agency that comes into existence after the commencement of this Act the reference in subsection (1)(a) to the commencement of this Act is to be read as a reference to the time when the agency commences its operations.
- (4) A subcontractor does not have to comply with subsection (1) if the relevant contractor has complied with that subsection on behalf of the subcontractor.

97. Information statement and internal manual, each agency to make available etc.

- (1) An agency (other than a Minister or an exempt agency) has to cause copies of —
- (a) its most up-to-date information statement; and
 - (b) each of its internal manuals,
- to be made available for inspection and purchase by members of the public but may delete any exempt matter from those copies.
- (2) An agency has to provide a copy of its information statement to the Commissioner as soon as is practicable after the statement is published under section 96.
- (3) A subcontractor does not have to comply with subsections (1) and (2) if the relevant contractor has complied with those subsections on behalf of the subcontractor.

Local Government Act 1995

Division 7 - Access to information

- Section 5.94 - Public can inspect certain local government information
- Section 5.95 - Limits on rights to inspect local government information
- Section 5.96 - Copies of information to be available

Local Government (Administration) Regulations 1996

Part 7 - Access to information

- Regulation 29 - Information to be available for public inspection (Act s.5.94)
- Regulation 29A - Limits on rights to inspect local government information (Act s.5.95)
- Regulation 29B - Copies of certain information not to be provided (Act s5.96)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.2: Good decision making through engagement with the community

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

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

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

- The proposed Information Statement 2018-19 will be available at both the Kununurra and Wyndham Administration Centres and Libraries in print format.
- Publication on the Shire's website
- Publication on the Shire's Facebook site.

It is a legislative requirement that the Information Statement is provided to the Information Commissioner as soon as is practicable after the statement is published under section 96.

As part of any Freedom of Information Application process, upon acknowledgement, a copy of the Information Statement is provided to the applicant to assist in outlining the process and how to source public information from the Shire.

COMMENTS

In accordance with statutory requirements, it is recommended that the Council adopt the proposed Information Statement for 2018-19 noting that it will supersede the 2015-16 version.

The proposed Information Statement 2018-19 has addressed all of the legislative requirements along with providing additional information in a concerted effort to assist, and to be transparent with the community in how they can obtain public information from the Shire.

ATTACHMENTS

Attachment 1 - Proposed Information Statement 2018-19.

12.2.3. Council Delegations Register

Carl Askew declares an impartiality interest in this item as the delegate for the majority of the delegations within the Delegations Register 2018/19.

DATE:	14 August 2018
AUTHOR:	Governance Officer
RESPONSIBLE OFFICER:	Chief Executive Officer, Carl Askew
FILE NO:	PL.02.1, CM.07.1
DISCLOSURE OF INTERESTS:	Carl Askew declares an impartiality interest in this item as he is the delegate for the majority of the delegations within the Delegations Register 2018/19.

VOTING REQUIREMENT

Absolute majority

OFFICER'S RECOMMENDATION

That Council adopt the revised Delegations Register for the 2018/2019 financial year

COUNCIL DECISION

Minute Number: 28/08/2018 - 115839

Moved: Cr T Chafer

Seconded: Cr M Dear

That Council adopt the revised Delegations Register for the 2018/2019 financial year

Decision:8/0

PURPOSE

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation.

A register of delegations is to be kept and reviewed at least once every financial year.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

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

The *Local Government Act 1995* further provides that the Chief Executive Officer may delegate any of their powers to another employee, this is to occur once the delegations to the CEO are adopted. These sub-delegations will be in writing and included in the final Delegations Register.

In accordance with other legislation, Council may not be able to delegate the responsibility for appointing authorised persons to the Chief Executive Officer. In these instances, appointment of authorised persons must be approved directly by Council. Although these authorisations do not have delegated authority, they are included in this Register for ease of reference and review.

The Delegations Register for 2017/18 was adopted by Council on 26 September 2017

COUNCIL DECISION

Minute No: 26/09/2017-11790

Commissioner resolved:

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

Carried 1/0

STATUTORY IMPLICATIONS

Local Government Act 1995

5.42. Delegation of some powers and duties to CEO

(1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —

- (a) this Act other than those referred to in section 5.43; or
- (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* Absolute majority required.

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

[Section 5.42 amended by No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties

—

- (a) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) *appointing an auditor;*
- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) *any power or duty that requires the approval of the Minister or the Governor;*
- (i) *such other powers or duties as may be prescribed.*

[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.]

5.44. CEO may delegate powers and duties to other employees

(1) *A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.*

(2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

(3) *This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —*

(a) *the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*

(b) *the exercise of that power or the discharge of that duty by the CEO's delegate,*

are subject to any conditions imposed by the local government on its delegation to the CEO.

(4) *Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*

(5) *In subsections (3) and (4) —*

conditions includes qualifications, limitations or exceptions.

[Section 5.44 amended by No. 1 of 1998 s. 14(1).]

5.45. Other matters relevant to delegations under this Division

(1) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*

(a) *a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and*

(b) *any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*

(2) *Nothing in this Division is to be read as preventing —*

(a) *a local government from performing any of its functions by acting through a person other than the CEO; or*

(b) *a CEO from performing any of his or her functions by acting through another person.*

5.46. Register of, and records relevant to, delegations to CEO and employees

(1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*

(2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*

(3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

POLICY IMPLICATIONS

The Delegations Register will link with and guide some Council Policies and Internal Directives. Reference to a relevant Council Policy for the delegation is listed where applicable in the sub-delegation register.

FINANCIAL IMPLICATIONS

Changes to the lower limit at which the Shire invites public tender has been reduced in delegation 8 Disposal of Property. This is to ensure greater accessibility to the public in the purchasing of second hand goods from the Shire.

Changes to the limits set out in Delegation 11 are provided for within the 18/19 budget and reported as part of its conditions to the Audit (Finance and Risk) Committee.

There are no other financial implications arising from this report.

STRATEGIC IMPLICATIONS

Focus Area 4: Civic Leadership

RISK IMPLICATIONS

Risk: Failure to comply with legislative requirements, may lead to damage of reputation and/or financial loss. Non-compliance is considered the most significant consequence with

potentially major impacts however they are considered unlikely with the development and review of statutory and operational policies and delegations as required. The overall risk rating is therefore considered to be moderate.

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

COMMUNITY ENGAGEMENT

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

No community engagement is required.

COMMENTS

Revisions to the Register represent changes which provide for consistency with relevant Acts and Legislation, amendments to assist in the day to day operations of the Shire and the fixing of grammatical errors.

Changes to Delegation 2 Authority to Sign and Certify Documents and Affix the Common Seal has been made to improve the efficiency of finalising key documents. The Shire has as well as this delegation, created a policy CP-GOV-3110 Common Seal Policy, all of which documents listed within, are included in this Delegation.

Changes to Delegation 8 are aimed to reduce the undervaluing of plant equipment by increasing the participation of the public in the disposal of goods through the tender process. The previous limit at which the tender process commenced in the disposal of goods was set at \$20,000 and has been reduced to \$10,000.

Changes to the upper pricing limit set for Delegation 11 the Waive, Grant Concession or Write off of Debts from \$500 to \$1000 represents the need to align more effectively with increases in the Shire's Fees and Charges over time. Most typically this delegation is discharged for the waiver of fees associated with the booking of Council Facilities for community group events. All waivers are to be reported to the Audit (Finance and Risk) Committee in the same quarter in which the delegation is discharged.

A new delegation has been added to the Register, Delegation 28 Particular things Local Governments can do on land even though it is Not Local Government Property. This delegation allows for works to be carried out in an emergency or nuisance situation under the delegation to the Chief Executive Officer. Occurrences where this delegation may occur are in situations such as flooding, removal of graffiti, temporary detours through property and the removal of damaged vegetation.

Changes to delegation 34 represent changes in legislation which supersedes the Local Planning Scheme No.6 and No.7 with the Planning and Development (local Planning

Scheme) Regulations 2015. Changes in wording within the delegation realign the delegation with the enforcing legislation.

Delegation 33 was removed from the Council to Chief Executive Officer Delegations. This is a delegation from Council to Committee and therefore has been placed in the Council to Committee Delegation section of the Register, Delegation 49.

ATTACHMENTS

Attachment 1- Delegations Register Draft 201819

12.2.4. Policy Repeal - CP/GOV-3104 Elected Member Appointment to External Committees

DATE:	14 August 2018
AUTHOR:	Governance Officer
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
FILE NO/REF:	CP/GOV-3404
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council repeals the Policy CP/GOV-3404 Elected Member Appointment to External Committees

COUNCIL DECISION

Minute Number: 28/08/2018 - 115840

Moved: Cr G Lodge

Seconded: Cr T Chafer

That Council repeals the Policy CP/GOV-3404 Elected Member Appointment to External Committees

Decision:8/0

PURPOSE

For Council to repeal the Policy CP/GOV-3404 Elected Member Appointment to External Committees.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Facilitator - bring stakeholders together

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The purpose of the policy was to provide guidance for a consistent approach, to ensure that Council appointed delegates to external committees do not compromise or commit Council on issues of mutual interest to both organisations where it is known Council has, or may in the future have, a formal position on a matter under consideration by the external committee. The intention was also to provide clarity on the reporting requirements of delegates to Council. On the 29 March 2016 Council voted to adopt the then newly developed policy.

COUNCIL DECISION

Minute No: 11312

Moved: Cr B Robinson

Seconded: Cr S Rushby

That Council adopt the new Policy titled Elected Member Representation on External Committees.

Carried 7/0

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 5.9

5.8. Establishment of committees

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

5.9. Committees, types of

(1) *In this section —*

other person means a person who is not a council member or an employee.

(2) *A committee is to comprise —*

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

5.10. Committee members, appointment of

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

- (a) *persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
- (b) *persons who are appointed to be members of the committee under subsection (4) or (5).*

** Absolute majority required.*

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

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

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

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

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

(b) that a representative of the CEO be a member of the committee,

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

5.11A. Deputy committee members

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

** Absolute majority required.*

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

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

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

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

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

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

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

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

5.11. Committee membership, tenure of

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

(a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or

(b) the person resigns from membership of the committee; or

(c) the committee is disbanded; or

(d) the next ordinary elections day,

whichever happens first.

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

(a) the term of the person's appointment as a committee member expires;
or

(b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or

(c) the committee is disbanded; or

(d) the next ordinary elections day,

whichever happens first.

POLICY IMPLICATIONS

The repealing of CP/GOV-3404 Elected Member Appointment to External Committees

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

STRATEGIC IMPLICATIONS

Focus Area 4: Civic Leadership

RISK IMPLICATIONS

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

COMMUNITY ENGAGEMENT

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

No community engagement is required.

COMMENTS

The Shire's Code of Conduct provides guidance for Council Members, Committee Members and Employees in the Shire of Wyndham East Kimberley on acceptable standards of

professional conduct. The Code of Conduct addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in the Shire of Wyndham East Kimberley.

The Code of Conduct also reinforces the Local Government Act and associated Regulations in addressing the role and responsibility of a Councillor, including the facilitation of communication between the community and Council and the participation of Council members in committee meetings.

The Shire of Wyndham East Kimberley has, since the adoption of this policy developed internal channels of communication, including the Councillor Communique in which the minutes of committee meetings will be circulated to all Council members for their information. Together with the code of conduct, the Shire has provided for a concise understanding of Council responsibility in their involvement and participation on external committees.

ATTACHMENTS

Attachment 1 - CP/GOV-3404 Elected Member Appointment to External Committees

12.2.5. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	28 August 2018
AUTHOR:	Executive Assistant
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

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

COUNCIL DECISION

Minute Number: 28/08/2018 - 115841

**Moved: Cr N Brook
Seconded: Cr T Chafer**

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

Decision:8/0

PURPOSE

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

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

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

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Focus Area 4: Civic Leadership

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 July 2018 Council resolutions (Attachment 1).

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

ATTACHMENTS

Attachment 1 - Council Action Register - July 2018

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

12.3. COMMUNITY DEVELOPMENT

12.3.1. CBP Quarterly Progress Report - April to June 2018

DATE:	28 August 2018
AUTHOR:	Senior Integrated Planning and Reporting Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	N/A
FILE NO:	CM.10.7
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council notes the Corporate Business Plan 2017/18 - 2020/21 Quarterly Progress Report - April 2018 to June 2018

COUNCIL DECISION

Minute Number: 28/08/2018 - 115842

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

That Council notes the Corporate Business Plan 2017/18 - 2020/21 Quarterly Progress Report - April 2018 to June 2018

Decision:8/0

PURPOSE

For the Council to receive the April 2018 to June 2018 Quarterly Review (quarter four) of the previous Corporate Business Plan 2017/18 - 2020/21.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Corporate Business Plan (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 previous Corporate Business Plan Year 2017/18 - 2020/21 was adopted by Council at the 18 July 2017 Ordinary Council Meeting (**Minute No: 11721**). The current Corporate Business Plan Year 2018/19 - 2021/22 was adopted by Council at the 26 June 2018 Ordinary Council Meeting (**Minute No: 115783**).

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 the CEO, Directors and Council to ensure that performance is being appropriately 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 Shire's Corporate Business Plan and quarterly progress reports are in line with the Western Australian Government's Integrated Planning and Reporting Framework which requires planning and reporting on local government activities.

POLICY IMPLICATIONS

There are no policy implications associated with this matter.

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 – April to June 2018 is shown as Attachment 1 to this report. This is the fourth and final progress report for the 2017/18 year, and the final progress report

that is relevant to the previous Strategic Community Plan. The Report details the progress up to the end of the June Quarter in delivering defined priorities by directorate and indicates which projects were carried over into the new financial period. 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%	73%
Complete	10	21	28	66
Not started	37	32	21	15

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	38%	73%
2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure	36%	66%
3: Protection and enhancement of lifestyle values, community facilities and the environment to provide safe and inviting communities	40%	64%

The highlights of the quarter included:

- Adoption of a new Strategic Community Plan 2017-2027
- Development and adoption of a new Corporate Business Plan in line with the new Strategic Community Plan
- Secured Federal Funding for community safety initiatives including CCTV
- Installation of cathodic protection to the Wyndham Community Jetty, extending its serviceable life and reducing future maintenance costs
- Completion of upgrades to the Kununurra animal management facility ensuring that animals are safe and comfortable during their stay
- Lease of the commercial space at Wyndham Airport creating jobs in Wyndham and Kununurra
- Connection of the Wyndham Airport to the National Broadband Network
- Renewal of the Swim Beach Playground
- Removal of the Wyndham Skate Park and plans for a BMX track initiated
- Completion of the National Broadband Network in Kununurra providing residents in the town with high speed internet

- Works were started on the replacement of the Weaber Plain Road Bridge 5116 ensuring capacity for Seafarms and future Ord Irrigation expansion

It is recommended that Council notes the attached quarterly report for the final quarter of the 2017/18 financial year.

ATTACHMENTS

Attachment 1 - Corporate Business Plan Quarterly Progress Report - Q4 - April 2018 to June 2018

12.3.2. CSRFF Small Grant Applications

DATE:	28 August 2018
AUTHOR:	Coordinator Recreation Leisure
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	N/a
FILE NO:	GS.05.1
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council endorses the Community Sport and Recreation Facilities Fund (CSRFF) application from the East Kimberley Cricket Association to construct a storage facility located at the Ord River Sports Club facilities adjacent to Kununurra Town Oval.

COUNCIL DECISION

Minute Number: 28/08/2018 - 115843

Moved: Cr J Farquhar

Seconded: Cr G Lodge

That Council endorses the Community Sport and Recreation Facilities Fund (CSRFF) application from the East Kimberley Cricket Association to construct a storage facility located at the Ord River Sports Club facilities adjacent to Kununurra Town Oval.

Decision:8/0

PURPOSE

For Council to consider a submission from the East Kimberley Cricket Association for the Department of Local Government, Sport and Cultural Industries Community Sport and Recreation Facilities Fund (CSRFF) Small Grants round. The submission is for the funding and provision of a multi sports storage shed to be located at the Ord River Sports Club facilities adjacent to Town Oval. Council should note that this was the only application received for this round of the CSRFF Funding.

NATURE OF COUNCIL'S ROLE IN THE MATTER

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

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The purpose of the CSRFF program is to provide financial assistance to community groups and local government authorities to develop infrastructure for sport and recreation to meet current and future community needs. The program also aims to increase participation in sport and recreation with an emphasis on physical activity through rational development of good quality, well designed and well utilised facilities. The program is administered by the Department of Local Government, Sports and Cultural Industries. Under the program's selection criteria, local government authorities are required to consider CSRFF applications and/or submit applications themselves, advise the Department of Local Government, Sport and Cultural Industries if Council supports the applications and, if supported, rank those applications in priority order.

There are three types of CSRFF grants: small grants for amounts up to \$66,666; annual grants for amounts up to \$166,666, and forward planning grants for amounts up to \$2,000,000. The closing date for the current small rounds grants to be submitted to the Department of Local Government, Sport and Cultural Industries is 31 August 2018. Submissions were therefore required by the Shire by COB 3 August 2018 for Council consideration.

One funding submission had been received from the East Kimberley Cricket Association, at Attachment 1, being for the construction of a multi sports storage shed to be located at Ord River Sports Club, adjacent to the Town Oval. The estimated cost is \$130,502, with the CSRFF component requested of \$65,251.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the proposal although Council at its last Ordinary Meeting allocated \$20,000 as an Annual Community Grant to the East Kimberley Cricket Association for the project. This funding is less than originally applied for as referenced within the funding/income distribution.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 1: Healthy vibrant active communities

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

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

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

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

RISK IMPLICATIONS

There are no risks associated with the Shire's involvement in this process. The proposed project at Ord River Sports Club is sited on lands under current lease. Building approvals will be required for the structure to be constructed on the site.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Officers have considered the project proposal and support the application. The East Kimberley Cricket Association has involved Shire Officers and the Department Local Government, Sports and Cultural Industry Officers throughout the application process and have also received partial funding from the Shire for the project. The project also benefits a number of other clubs that use the adjacent oval.

Officers have discussed the current shortfall in funding with the Department of Local Government, Sports and Cultural Industries and with the Association and it is suggested that other funding may be available either from the other clubs that would be using the building or by some other fund raising activity and for that reason the application should proceed.

It is recommended that Council endorses the application.

ATTACHMENTS

Attachment 1 - CSRFF EKCA Application

12.3.3. Development Approval Application - Lot 506 Chestnut Avenue, Kununurra - Extension to Child Care Centre

C Askew declared a proximity interest in this item as the occupant of lot 44 (7) Bella Lane, Kununurra

DATE:	28 August 2018
AUTHOR:	Senior Planning Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	A2529
FILE NO:	A2529P
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Authorises the Chief Executive Officer to sign the application form(s) for development and building approvals to extend the Ewin Early Learning Centre on Lot 506 Chestnut Avenue Kununurra.**
- 2. Agrees to waive the development approval application fee estimated at \$8,603 to the Ewin Early Learning Centre to be funded from the Shire's Annual Community Grants funding, and refer any shortfall in the Shire's contribution to Council's mid-year budget review process.**
- 3. Grants development approval consent for an Extension to the Child Care Centre at Lot 506 Chestnut Avenue, Kununurra, subject to the following conditions:**
 - a. All 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.**
 - b. Prior to applying for a Building Permit for the development, revised plans shall be submitted to and approved by the local government. The revised plan is to include:**
 - i. Provision of fully dimensioned site plan, floor plans and elevations; and**

- ii. A reduction of the length of the proposed fire wall along the western boundary abutting Lot 44 (7) Bella Lane to reduce the impact of the proposed development on the adjacent outdoor living area.
- c. A detailed schedule of external materials, finishes and colours to be used in the construction of the development shall be submitted to the Shire prior to lodgement of an application for a building permit to the satisfaction of the Shire.
- d. External lighting shall be designed, baffled and located to not have a detrimental effect adjoining residential land to the satisfaction of the local government.
- e. Vehicle parking areas, access ways and crossovers shall be designed in accordance with Australian Standard AS 2890.1:2004, Parking Facilities, Part 1: Off-street car parking and the Shire's standards and specifications, and constructed at the developers cost.
- f. Additional car parking bays to be provided in accordance with the approved parking plan with bays being within Lot 507 and Chestnut Avenue and Coolibah Drive road reserves.
- g. Any redundant existing vehicular crossing(s) shall be removed, the kerb reinstated and the verge remediated to the satisfaction of the local government.
- h. A detailed landscaping plan for the subject site and the road verge(s) shall be prepared and submitted for approval to the local government. The plan shall include:
 - i. The location, number and type of proposed trees and shrubs;
 - ii. Any lawns to be established;
 - iii. The areas to be reticulated or irrigated;
 - iv. Details of any verge treatmentsThe approved landscaping and reticulation plan shall be fully implemented within the first available planting season after the initial occupation of the development and thereafter maintained at all times to the satisfaction of the local government.
- i. A Deed of Agreement being prepared at the developer's cost to identify the Ewin Early Learning Centre as the party responsible for the maintenance of car parking and landscaping within the Coolibah Drive and Chestnut Avenue road reserve(s).
- j. A Traffic Impact Assessment is to be prepared and submitted to the local government within three (3) months of the occupation of the second stage of the development, detailing traffic to and from the site and car parking within the site. A revised Traffic Impact Assessment is to be undertaken after a further twelve (12) months of operation and submitted to the local government. The revised Traffic Impact Assessment shall include recommendations to address any car

parking deficiencies or other traffic issues which may have arisen during operation of the site.

- k. Footpath plans shall be submitted to the local government for approval prior to the commencement of construction. Footpaths shall connect to the existing footpath network, be constructed at the developer's cost to the specification and satisfaction of the local government.
- l. Prior to applying for a Building Permit, a stormwater management plan must be submitted to the local government for approval. The approved stormwater management plan is to be implemented during construction, in accordance with any conditions imposed, and thereafter maintained to the satisfaction of the local government.
- m. No development shall occur that will cause additional runoff of stormwater to adjacent properties. Stormwater works must be constructed and maintained on the site in accordance with the approved stormwater management plans. Stormwater shall not be permitted to pond on the site or against any building or structure.
- n. During the construction stage adjoining lots shall not be disturbed without the consent of the owner/s in writing.

ADVICE TO APPLICANTS:

- a. 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).
- b. An owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to amend or cancel an approval in accordance with clause 77 of the Planning and Development (Local Planning Schemes) Regulations Act 2015 (WA).
- c. 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.
- d. This approval is not a building permit or an approval under any other law than the Planning and Development Act 2005. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws).
- e. It is the responsibility of the applicant to ensure the building setbacks, including waste disposal facilities if appropriate, correspond with the legal description of the land. The local government will not accept responsibility for incorrectly located buildings.

- f. 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.
- g. It is noted that in addition to the additional car parking bays that are required to be provided in accordance with this approval, that additional bays for reciprocal use will also be provided as a condition of the approved development of a Community Purpose (Kununurra Neighbourhood House) on adjoining Lot 507 Chestnut Avenue, Kununurra.

COUNCIL DECISION

Minute Number: 28/08/2018 - 115844

Moved: Cr T Chafer

Seconded: Cr M Dear

That Council:

1. Authorises the Chief Executive Officer to sign the application form(s) for development and building approvals to extend the Ewin Early Learning Centre on Lot 506 Chestnut Avenue Kununurra.
2. Agrees to waive the development approval application fee estimated at \$8,603 to the Ewin Early Learning Centre to be funded from the Shire's Annual Community Grants funding, and refer any shortfall in the Shire's contribution to Council's mid-year budget review process.
3. Grants development approval consent for an Extension to the Child Care Centre at Lot 506 Chestnut Avenue, Kununurra, subject to the following conditions:

 - a. All 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.
 - b. Prior to applying for a Building Permit for the development, revised plans shall be submitted to and approved by the local government. The revised plan is to include:

 - i. Provision of fully dimensioned site plan, floor plans and elevations; and
 - ii. A reduction of the length of the proposed fire wall along the western boundary abutting Lot 44 (7) Bella Lane to reduce the impact of the proposed development on the adjacent outdoor living area.
 - c. A detailed schedule of external materials, finishes and colours to be

used in the construction of the development shall be submitted to the Shire prior to lodgement of an application for a building permit to the satisfaction of the Shire.

- d. External lighting shall be designed, baffled and located to not have a detrimental effect adjoining residential land to the satisfaction of the local government.
- e. Vehicle parking areas, access ways and crossovers shall be designed in accordance with Australian Standard AS 2890.1:2004, Parking Facilities, Part 1: Off-street car parking and the Shire's standards and specifications, and constructed at the developers cost.
- f. Additional car parking bays to be provided in accordance with the approved parking plan with bays being within Lot 507 and Chestnut Avenue and Coolibah Drive road reserves.
- g. Any redundant existing vehicular crossing(s) shall be removed, the kerb reinstated and the verge remediated to the satisfaction of the local government.
- h. A detailed landscaping plan for the subject site and the road verge(s) shall be prepared and submitted for approval to the local government. The plan shall include:
 - i. The location, number and type of proposed trees and shrubs;
 - ii. Any lawns to be established;
 - iii. The areas to be reticulated or irrigated;
 - iv. Details of any verge treatmentsThe approved landscaping and reticulation plan shall be fully implemented within the first available planting season after the initial occupation of the development and thereafter maintained at all times to the satisfaction of the local government.
- i. A Deed of Agreement being prepared at the developer's cost to identify the Ewin Early Learning Centre as the party responsible for the maintenance of car parking and landscaping within the Coolibah Drive and Chestnut Avenue road reserve(s).
- j. A Traffic Impact Assessment is to be prepared and submitted to the local government within three (3) months of the occupation of the second stage of the development, detailing traffic to and from the site and car parking within the site. A revised Traffic Impact Assessment is to be undertaken after a further twelve (12) months of operation and submitted to the local government. The revised Traffic Impact Assessment shall include recommendations to address any car parking deficiencies or other traffic issues which may have arisen during operation of the site.
- k. Footpath plans shall be submitted to the local government for approval prior to the commencement of construction. Footpaths shall connect to the existing footpath network, be constructed at the developer's

cost to the specification and satisfaction of the local government.

- l. Prior to applying for a Building Permit, a stormwater management plan must be submitted to the local government for approval. The approved stormwater management plan is to be implemented during constructed, in accordance with any conditions imposed, and thereafter maintained to the satisfaction of the local government.**
- m. No development shall occur that will cause additional runoff of stormwater to adjacent properties. Stormwater works must be constructed and maintained on the site in accordance with the approved stormwater management plans. Stormwater shall not be permitted to pond on the site or against any building or structure.**
- n. During the construction stage adjoining lots shall not be disturbed without the consent of the owner/s in writing.**

ADVICE TO APPLICANTS:

- a. 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).**
- b. An owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to amend or cancel an approval in accordance with clause 77 of the Planning and Development (Local Planning Schemes) Regulations Act 2015 (WA).**
- c. 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.**
- d. This approval is not a building permit or an approval under any other law than the Planning and Development Act 2005. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws).**
- e. It is the responsibility of the applicant to ensure the building setbacks, including waste disposal facilities if appropriate, correspond with the legal description of the land. The local government will not accept responsibility for incorrectly located buildings.**
- f. 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.**
- g. It is noted that in addition to the additional car parking bays that are**

required to be provided in accordance with this approval, that additional bays for reciprocal use will also be provided as a condition of the approved development of a Community Purpose (Kununurra Neighbourhood House) on adjoining Lot 507 Chestnut Avenue, Kununurra.

PURPOSE

For Council to consider a development approval application submitted by Mark Phillips Architect on behalf of the Ewin Early Learning Centre (Ewin Centre) for a proposed expansion of the child care centre at Lot 506 Chestnut Avenue, Kununurra as well as a request to waive development application fees.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Advocator - advocate and support initiatives on behalf of the community and the Kimberley Funder - provide funds or other resources

Provider - provide physical infrastructure and essential services

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At the Ordinary Council Meeting of 18 July 2017, the Commissioner considered a proposal from the Ewin Early Learning Centre (Ewin Centre) for in-principle support for a proposed expansion of the child care facility subject to additional car parking being constructed either in the Chestnut Drive and/or Coolibah Drive road reserves. The in-principle support was requested to enable the Ewin centre to invest in a concept design process with some confidence that it will be considered 'able to be approved' in a subsequent development application. A total of four concept plans were provided showing various options for access and parking layouts with two of the concept plans indicating portions of the road reserve being utilised for outdoor play space areas as an alternative option.

The Commissioner resolved to support the proposed expansion in-principle as follows:

COUNCIL DECISION

Minute No: 18/07/2017-11727

Commissioner resolved:

That Council supports, in principle, additional car parking being established within the Chestnut Drive and Coolibah Drive road reserves to facilitate the expansion of the Ewin Early Learning Centre subject to:

- 1. A traffic impact assessment being prepared to consider and address:**
 - a. The site characteristics and surrounding area;**
 - b. The proposal and its expected trip generation;**
 - c. Parking requirements, including the design of access and parking areas;**
 - d. Existing traffic conditions and any future changes expected to the traffic conditions, including a crash history in the locality;**

- e. **The expected impact of the proposed development on the existing and future traffic conditions; and**
 - f. **To recommend the most suitable location and design for access and parking areas to ensure minimal impact on the functionality and amenity of the area.**
- 2. A Deed of Agreement being prepared at the proponent's cost to identify the Ewin Early Learning Centre as the party responsible for the maintenance of car parking and landscaping within the road reserve(s).**

Carried 1/0

A copy of the Council Report (without attachments) is provided at Attachment 1.

An application for development approval for the proposed expansion has now been submitted, and the submission and plans are provided at Attachment 2.

The application is required to be considered by Council on the basis that the existing child care facility is a Shire asset that is leased to the Ewin Centre for the provision of Child Care Services, and therefore if the proposed development is supported, the Shire will be required to sign the development approval application form as the landowner.

Council will also need to consider the proposed access and layout for the provision of car parking within the adjoining road reserve, and any parking concessions sought, as well as the request from the Ewin Centre for the development application fee to be waived - a copy of which is at Attachment 3.

It is understood that funding obtained by the Ewin Centre to undertake the initial design/documentation will still contribute towards the plan development, however that once development approval has been obtained additional funding will need to be sought to prepare all required documentation and to fund construction.



Locality Plan: Lot 506 Chestnut Avenue, Kununurra

Proposal

The Ewin Early Learning Centre is currently licensed for 84 children per day and is at approximately 90% occupancy. The existing building is 738 square metres and the proposed building extension will double the floor area to allow for a total of 132 licensed child care places. The applicant indicates this will require approximately 36 staff at the centre to operate at full capacity.

To provide for the 48 additional child care places, the development of the site requires the expansion of indoor and outdoor play spaces as well as the ancillary areas such as offices, ablutions and kitchen facilities. A key element of the concept design is for the proposed extension to be built in two stages to ensure that the Ewin Centre can remain operational and provide continuity of child care services.

The current design proposes to use crossover locations on Chestnut Drive as per those approved in the development approval for the new Kununurra Neighbourhood House (KNH) on the adjacent site, which has proposed expansion of the existing car park at both the northern and southern ends to provide reciprocal parking for both KNH and the Ewin Centre.

It is proposed for the southern crossover to provide one way entry and the northern crossover to provide a two-way entry/exit. The car park would also be extended into the Coolibah Drive road reserve for staff parking although there would be no direct access between the car park and Coolibah Drive.

The proposed expansion includes the provision of three additional indoor playrooms and associated ancillary areas (ablutions, storerooms etc), new administration office, new kitchen and re-configuration of some existing spaces. The design also increases the amount of undercover play area available to existing and new rooms to enable outdoor learning activities to be conducting under cover from the weather.

STATUTORY IMPLICATIONS

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

Lot 506 is zoned Town Centre under LPS 7 and clause 5.8.5 of the Scheme outlines the matters to be considered when considering a development application within this zone, including relationship to surrounding development as well as parking and landscaping requirements. Other considerations include:

- The colour and texture of external building materials.
- Building size, height, bulk, and roof pitch.
- Setback and location of the building on its lot.
- Architectural style and design details of the building.
- Function of the building.

Table 2 - Development Standards in LPS 7 outlines the minimum car parking requirements for a Childminding facility/kindergarten as one bay for every employee and one bay for every four children attending, and includes a special condition that “*safe pickup and setdown areas shall be developed as directed by local government*”.

Clause 5.3 of LPS 7 gives the local government the discretion to approve a development that does not meet a standard or requirement prescribed under the Scheme, provided that the local government is satisfied that:

- (a) *Approval of the development would be consistent with the orderly and proper planning of the locality and preservation of the amenities of the locality; and*
- (b) *The non-compliance will not have an adverse effect upon the occupiers or users of the development , the inhabitants of the locality or the likely future development of the locality;*
- (c) *The spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.*

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

Under draft LPS 9, the land is proposed to be zoned Commercial, which essentially is simply a renaming of the Town Centre zone to be in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations). The objectives of the Commercial Zone, as per the LPS Regulations, are to:

- provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres.
- maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.

- ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.

Under the draft LPS 9, the table in Schedule 4 - Development Standards outlines minimum requirements in relation to Child Care Premises is the same as LPS 7, as follows:

Land Use/ Development	Minimum Setbacks			Parking	Special Setbacks
	Front	Side	Rear		
Child Care Premises	6m	3m	3m	1 bay per every employee and 1 bay per every 4 children attending	Pickup and setdown areas shall be provided as required by the local government

Clause 4.9 of the draft Scheme specifies additional car parking requirements as specified in the Development Standards Table. In particular, Clause 4.9.3 outlines that the local government shall have regard to:

- The means of access to each parking bay.*
- The location of the bays on the site and their effect upon the amenity of any adjoining properties.*
- The extent to which the bays are located within the building setback areas.*
- The location of the bays other than on the lot if such spaces are to be provided in conjunction with a public car park.*
- The location of proposed public footpaths, vehicular traffic movements and safety.*

Clause 4.9.4 outlines that where a lower number of car parking bays are proposed to be provided than is required pursuant to the Scheme, the local government may approve the application if it can be demonstrated that:

- off-street parking facilities in the near vicinity are available to cater for the requirements of the proposal and that arrangements have been made (to the satisfaction of the local government) to enable those facilities to be used for that purpose, or if the proponent makes a cash in lieu contribution.
- there will be reciprocal parking arrangements that will adequately cater for parking demand.

Clause 4.9.6 outlines that the local government may approve parking bays to be located within the street setback area, provided that:

- The local government may require a minimum 1m width of landscaped area along the length of the car park.
- In the Commercial Zone, separate pedestrian access from the street to the premises is provided.

Clause 4.9.7 specifies that car park design and construction shall include adequate provision for landscaping comprising screen features and shade trees and shrubs (of indigenous species) as appropriate.

Clause 4.9.8 outlines requirements in relation to access design which requires that:

- (a) *(except for residential developments) all car parking bays must be situated such that vehicles can enter and leave the site in a forward direction.*
- (b) *Car parking must be designed so that either ingress to or egress from each bay can be achieved in one movement.*
- (c) *Tandem or stack car parking may be considered in commercial development.*
- (d) *Non-residential development which requires onsite car parking, a vehicular driveway (ingress and/or egress) should:*
 - (i) *be located to the street with the lowest traffic volume;*
 - (ii) *have separate entry/exit if it is likely that it will be used simultaneously by vehicles both entering and leaving the site and obstruction to traffic in the street could occur;*
 - (iii) *be more than 6m from an intersection; a break in the median strip; the commencement of a curve linking the carriageways of two or more public streets at an intersection; and the approaches to “stop” or “give way” signs;*
 - (iv) *not be within 25m of any signalised intersection and preferably not within 90m of a signalised intersection of any major road;*
 - (v) *not be closer than 1.5m to side boundaries;*
 - (vi) *be located such that any vehicle turning from the street into the driveway or into the street from the driveway can be readily seen by the driver of an approaching vehicle and be clear of all obstructions which may prevent drivers from having a timely view of pedestrians;*
 - (vii) *be relatively level within 6m of the site boundary or any footpath.*

Clause 4.9.10 applies to cash in lieu of car parking, and states that an applicant may provide a cash payment in lieu of the provision of any of the required number of parking bays, if the local government so agrees and is satisfied that-

- (i) *an existing public car parking area located within 400m of the proposed development; or*
- (ii) *a firm proposal to construct a public car park within a 400 metre radius of the development and within a period of not more than 24 months from the time of agreeing to accept the cash payment.*

Draft LPS 9 outlines that the use of cash in lieu payments to meet car parking requirements is not 'as of right' and is determined at the local government's discretion applicable to commercial development within the Commercial and Rural Townsite areas of Kununurra and Wyndham.

The draft scheme states that a cash in lieu payment shall not be less than the estimated cost for the owner or developer of providing and constructing the parking bays required by the Scheme plus the value of that area of the land which would have been occupied by the parking bay. Monies received are required to be paid into a separate car parking reserve fund and shall only be used for the acquisition or development of land as a public car park within the locality, or to reimburse the local government any expenses it has incurred, including loan repayments.

There is an error within Clause 4.9.10(i) as it states that “where offsite bays are proposed to be located within the road reserve adjoining the property, the developer is to pay the local

government.”, however there is no subsequent sub clause. However, it appears that the following clause 4.9.10(j) is intended to be this sub-clause: *“The estimated construction cost as determined in accordance with 4.9.10(b), unless the applicant accepts construction for the said bays to the local government’s specifications.”*

The draft Scheme also outlines that where a cash-in-lieu payment is granted a Deed of Agreement shall be prepared at the proponent’s cost and executed prior to the development first being occupied. This agreement will identify the owner/lessee as the party responsible for the maintenance of car parking and landscaping on the road reserve, and the local government may lodge a caveat against the Certificate of Title to the land to secure the performance of that maintenance obligation.

Land Administration Act 1997

Under Section 41 of the *Land Administration Act 1997 (LAA)*, the Minister of Lands may by order reserve Crown land to the Crown for one or more purposes in the public interest.

Under Section 46 of the *Land Administration Act 1997 (LAA)*, the Minister of Lands may by order place the care, control and management of a reserve with a person or jointly with 2 or more people or organisations, subject to such conditions as the Minister specifies, which may include the power to lease or licence.

The Shire holds the management order for the Reserve for the purpose of Child Care Centre, with the power to lease for a maximum of 21 years.

POLICY IMPLICATIONS

Planning Bulletin 72/2009 - Child Care Centres

In August 2009, the Western Australian Planning Commission updated a planning bulletin in relation to child care centres to outline revised guidelines with the aim to provide a consistent approach to planning for child care centres as well as to advise of planning considerations in relation to the location and development of child care centres. This bulletin, provided at Attachment 4, was prepared to identify a consistent planning approach with particular regard to location, site characteristics, environmental suitability, design, traffic, access, noise and health impacts and safety issues.

Section 3 of the bulletin provides policy guidance to assist local governments in the preparation of scheme provisions and local policies on child care centres with the object to:

- a) Locate child care centres appropriately in relation to their surrounding service area.
- b) Minimise the impact a child care centre has on its surrounds, in particular on the amenity of existing residential areas.
- c) Minimise the impact the surrounds may have on a child care centre.
- d) Consider the health and safety of children attending the child care centre within the confines of the planning system.

The policy guidance outlines that child care centres should be located on sites that are:

- a) Distributed strategically to provide the maximum benefit to the community it serves.

- b) Within easy walking distance or part of appropriate commercial, recreation or community nodes and education facilities.
- c) Located in areas where adjoining uses are compatible with a child care centre;
- d) Serviced by public transport (where available).
- e) Considered suitable from a traffic engineering/safety point of view.
- f) Of sufficient size and dimension to accommodate the development without affecting the amenity of the area.

Under section 3.5, Design of centres, it is outlined that parking areas should be located in front of the building, or if not possible, should be clearly visible and easily accessible from the entry to the site, and that as a general rule the minimum parking requirement for a child care centre, including staff parking, should be one space per five children.

The bulletin acknowledges that the number of parking bays may be varied by the local government given the specific provisions of their scheme or relevant planning policy and any unique circumstances, such as reciprocal parking arrangements, available public transport and street parking. It also identifies that a traffic impact statement/assessment should be required to address:

- (a) The site characteristics and surrounding area.
- (b) The proposal and its expected trip generation.
- (c) Parking requirements, including the design of parking areas, and any pick-up and drop-off facilities.
- (d) Existing traffic conditions and any future changes expected to the traffic conditions, including a crash history in the locality.
- (e) The expected impact of the proposed development on the existing and future traffic conditions.

A child care centre should be approved only if it can be demonstrated that it will have a minimal impact on the functionality and amenity of an area and will not create or exacerbate any unsafe conditions for children and families using the centre, or for pedestrians or road users.

Section 3.11 of the bulletin outlines the information that should accompany applications for child care centres, which may require a traffic impact statement/assessment, if required by the decision making authority.

FINANCIAL IMPLICATIONS

The Shire currently leases the land and the building to the Ewin Centre, and as such the annual rent is around \$12,678 per annum, and the Shire has responsibility for maintenance of the building.

The Ewin Centre has requested that the development application fee be waived, on the basis that the facility is a Shire asset.

Based on the estimated cost of construction of \$3.2 Million, the development fee will be \$8,603. Council has previously waived fees associated with the approval of the Kununurra Neighbourhood House and it is envisaged that this will be recommended in this instance.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 1: Healthy vibrant active communities

Focus Area 3: Economic Prosperity

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

Goal 3.3: Develop and retain skilled people that business need to succeed

Strategy 1.3.2: Support and assist community organisations to positively impact social wellbeing

Strategy 3.3.4: Encourage people to stay longer in the Shire by advocating and supporting improved access to childcare and education

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 current Ewin Centre facility was purpose built in 2007, via a tender process undertaken by the Shire, and was developed with 50% of the parking provided within the adjoining road reserve.

It is acknowledged that the current operations have outgrown the building over the past 3 years, and that the current site is constrained by existing and future developments.

Whilst Shire Officers are supportive of expansion of the existing child care centre to provide for an increase in available licensed child care places in Kununurra, as the existing facility is a Shire asset, the proposed development is required to be supported by Council/Shire as the landowner, as well as approving the development application as the regulatory authority.

It is acknowledged that the design of the proposed expansion has been well thought out, primarily around the function of the building and that the architectural style and design of the building, and associated landscaping, will be of a high standard. However, in regard to the increase in the size of the building and covered roof areas and reduction of open space, there are concerns in relation to stormwater management for the site.

Stormwater

The applicant has acknowledged that the existing building has experienced stormwater drainage problems, since the development of the adjacent Coolibah Estate, which involved raising the natural ground level on the adjoining estate by 200 to 300mm.

The Shire has constructed a temporary stormwater drain on the KNH site to help alleviate the problem of stormwater flowing from the KNH site to the Ewin Centre. The future KNH development is proposed to build a low height (between 200 and 300mm) retaining wall on the KNH/Ewin Centre Boundary that will prevent KNH stormwater from flowing on to the adjoining site, and the KNH site will be built up with clean fill in order for the KNH site to drain toward Chestnut Drive. However, as the Ewin Centre building floor level will need to remain the same, it is intended to engage a civil engineer to design subsoil drainage for the site as part of the design and documentation process. It is the intention to discharge this stormwater into an existing subsoil stormwater system at the Coolibah/Chestnut Drive junction (to discharge into an open swale drain on the Northern side of Coolibah Drive). The applicant has stated that the design of this system will be determined in consultation with the Shire's Infrastructure Directorate once a civil engineer has been engaged on the project. It is noted that the design of the proposed expansion may subsequently need to be revised as part of this process.

Adjoining residential property

It is also noted that the site plan shows the building to be built up to the boundary adjoining Lot 44 (7) Bella Lane as part of the second stage of the proposed expansion, which will result in an approximately 18 metre long firewall to be constructed along the boundary.

Although the firewall will provide for privacy to Lot 44, a portion of the firewall will extend into, and may impact on the amenity of the existing courtyard (outdoor living area). It is recommended that the proposed design should be revised to reduce the length of the proposed firewall, to ensure that the amenity of the adjoining residential property is appropriately maintained, which would be achieved by the submission of a modified plan.

Car parking

The current planning scheme (LPS 7) does not include any provision in relation to the local government approving parking within the adjoining road reserve, only in relation to cash in lieu of car parking. The draft scheme (LPS 9), however, does allow parking being provided within adjoining road reserve, within the Commercial (Town Centre) zone, and ongoing maintenance responsibility.

Under both the current and draft Scheme the number of bays required for the proposed expansion is calculated to be 69, being one per each employee (36), and one per every 4 children attending (132). The concept plan indicate 57 bays to be provided, the majority of which to be located within the adjoining road reserves, which would result in a shortfall of 12 bays. However, the current (and draft) Scheme allow the local government to modify standards and requirements specified, provided that it is considered to be *consistent with the orderly and proper* planning, and preservation of the amenity of the locality; and would not

have an adverse effect on the occupiers or users of the development, neighbours or the likely future development of the locality.

The WAPC Planning Bulletin 72/2009 identifies that as a minimum one bay for every 5 places should be provided, which would calculate to 27 bays required for 132 licensed places, which is a large difference from the 69 required in accordance with the Scheme.

In considering the previous request for additional car parking to be provided in the road reserve, Officers undertook a comparison of parking ratios in the planning schemes for regional local governments with similar climatic considerations, which shows that there are two main calculations used by 6 of the 7 local governments included. The table at Attachment 5 shows the large variation in the number of car parking spaces required to be provided using these two methods for the current concept design, being either 50 or 69.

It is noted that the employee to child ratio required can vary, as it depends on the number of children in each age group, however the Ewin Centre has advised that they provide a ratio of around 1 employee per 3.75 children.

The below table indicates the number of parking bays to be provided in accordance with LPS 7 and the alternative ratio used by a number of other local governments (including Broome) and the minimum recommended in Planning Bulletin 72/2009. The table also shows what is required based on the current licenced places (84), and what would be required to allow for 132 places.

Licenced Places	Employees Required	Car Parking Required		
		LPS 7	Broome LPS	WAPC PB 72/2009
84	23	44	32	17
132	36	69	50	27

Location of parking

There is no physical reason that proposed car parking cannot be considered to be located within the Coolibah Drive road reserve, as it is unlikely to impact on any services (or services can be relocated if required), and that any loss of amenity can be addressed through appropriate landscaping.

Initially there was a concern that relocating the majority of parking onto Coolibah Drive could exacerbate existing traffic issues during peak drop off times for the two existing schools located in close proximity, and therefore that any proposed ingress/egress from Coolibah Drive would require further investigation in the form of a traffic impact assessment.

It was recommended that, as Chestnut Drive has lower traffic volumes, the proposed expansion should try to incorporate the majority of parking, particularly for drop off and pick up, via Chestnut Avenue.

The concept design has addressed this concern by only proposing access via Chestnut Avenue, and identifying the parking within Coolibah Drive (and further away from the child care centre) for staff parking. However, instead of undertaking a traffic impact assessment for the site as requested, the Ewin Centre has created a parking calculation for the predicted peak parking demand under this reciprocal arrangement, using a parking survey undertaken by the Ewin Centre in October 2017 and a previous parking survey undertaken by KNH. This calculation estimates the existing peak parking demand for the Ewin Centre at 24 bays, which is predicted to increase to 38 bays based with the proposed expansion. The parking calculation also considers the reciprocal parking arrangements proposed to occur with the adjoining KNH, which estimates demand for a peak total of 43 bays for the existing Ewin Centre and proposed KNH - anticipated to increase to a peak total of 57 bays, which is most likely to occur during the morning drop-off period from 8:30am to 8:45am, when opening hours would overlap. The submission from the Ewin Centre also identifies that there is a large, rarely used car park opposite the site at the Ord Rivers Sports Club which could be used for overflow parking in the unlikely scenario that the proposed parking is filled up for a brief period of time.

Conclusion (with respect to current development application)

In principle, the proposed expansion of the Ewin Centre is supported to provide for additional child care places within Kununurra, and it is considered appropriate to allow car parking to be established within the adjoining Chestnut Avenue road reserve, as already occurs.

To enable Council to entertain car parking being established within the Coolibah Drive road reserve, it was previously resolved that a traffic impact assessment will be required to be prepared to support and inform the proposed design of access and parking areas. It was also acknowledged that the car parking required under the local planning scheme may be excessive to what may actually be sufficient for the proposed expansion, and that a traffic impact assessment would assist in determining accurate parking requirements and may also identify the potential for shared use of existing, or the potential for new, off-street parking facilities in the near vicinity.

It is noted that while a traffic impact assessment has not been undertaken, the revised concept design no longer proposes a crossover to Coolibah Drive; instead proposing to retain two crossovers (to be relocated) to Chestnut Avenue. This alleviates much of the concern previously raised in relation to traffic on Coolibah Drive, particularly during the school morning drop off period. However, this means that there has been no technical survey to assist in determining accurate parking requirements for Council consideration.

It is recommended that development approval be granted with conditions to address:

1. Suitable stormwater management being able to be achieved for the site.

2. Reducing the length of the proposed firewall along the western boundary abutting Lot 44 Bella Lane, to reduce the impact of the proposed development on the outdoor living area.
3. The requirement for a deed of agreement to be developed for the ongoing maintenance of car parking and landscaping within the Coolibah Drive and Chestnut Avenue road reserve(s).
4. The requirement for a Traffic Impact Assessment to be prepared after completion of the second stage of the proposed development to identify and address any car parking deficiencies or other traffic issues which may have arisen during operation of the site.

In relation to the request for the development application fee to be waived, it is acknowledged that the Council previously agreed to waive the development application fee for the adjoining Kununurra Neighbourhood House development, and that in the instance of this development the existing building is a Shire asset.

ATTACHMENTS

Attachment 1 - Item 12.3.7 - OCM 18 July 2017

Attachment 2 - Development Approval Application Submission and Plans

Attachment 3 - Ewin Early Learning Centre Fee Waiver Request

Attachment 4 - Planning Bulletin 72/2009 - Child Care Centres

Attachment 5 - Comparison of Local Government Car Parking Ratio

12.3.4. Ongoing Support for Kununurra Visitor Centre

Cr N Brook declared an impartiality interest as a member of Kununurra Visitor Centre

Cr G Lodge declared an impartiality interest as his company Triple J Tours is a member of the Kununurra Visitor Centre

Cr J Farquhar declared an impartiality interest as a member of the Kununurra Visitor Centre Committee

DATE:	28 August 2018
AUTHOR:	Senior Economic Development Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	CP.07.8
FILE NO:	A4999
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Offers the Kununurra Visitor Centre a five 5 year lease, plus a five year option on a community lease within Tourism House, effective from 30 December 2018.**
- 2. Agrees to the Kununurra Visitor Centre's request to take up the lease on (part) Suite 3 within its Community Lease arrangement, provided the Kununurra Visitor Centre can provide a valid use for this area of the building for "Tourism Related Purposes" as well as to retain funds it receives as a sub-lease arrangement with El Questro for part Suite 4 and subject to meeting all applicable cost outgoings, inclusive of utility and building and property maintenance expenses.**
- 3. Delegates to the Chief Executive Officer the responsibility for undertaking and finalising lease arrangements directly with the Kununurra Visitor Centre.**
- 4. Agrees to consider on-going annual funding for the Kununurra Visitor Centre as part of the Shire's annual budget process.**
- 5. Refers any shortfall in the Shire's annual contribution to the Kununurra Visitor Centre for the period 30 December 2018 to 30 June 2019 to the Council's mid-year budget review process.**

COUNCIL DECISION

Minute Number: 28/08/2018 – 115845

Moved: Cr N Brook

Seconded: Cr M Dear

That Council

- 1. Offers the Kununurra Visitor Centre a five 5 year lease, plus a five year option on a community lease within Tourism House, effective from 30 December 2018.**
- 2. Agrees to the Kununurra Visitor Centre's request to take up the lease on (part) Suite 3 within its Community Lease arrangement, provided the Kununurra Visitor Centre can provide a valid use for this area of the building for "Tourism Related Purposes" as well as to retain funds it receives as a sub-lease arrangement with El Questro for part Suite 4 and subject to meeting all applicable cost outgoings, inclusive of utility and building and property maintenance expenses.**
- 3. Delegates to the Chief Executive Officer the responsibility for undertaking and finalising lease arrangements directly with the Kununurra Visitor Centre.**
- 4. Agrees to consider on-going annual funding for the Kununurra Visitor Centre as part of the Shire's annual budget process.**
- 5. Refers any shortfall in the Shire's annual contribution to the Kununurra Visitor Centre for the period 30 December 2018 to 30 June 2019 to the Council's mid-year budget review process.**

Decision:8/0

PURPOSE

To seek approval relevant to the Community Leasing and funding support for the Kununurra Visitor Centre (KVC).

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leadership - through policy and practices

Funder – part-funder of operations and projects (grants)

Regulator - enforce state legislation and local laws

Landlord – owner of Tourism House post 30 December 2018.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Tourism House is on Crown Land designated as a Shire Reserve. Around 21 years ago Australia's North West (ANW) approached the Shire to construct a building on the Reserve with the intention of locating a Visitor Centre within the building and have a lease-back arrangement for the building of 20 years. ANW currently collects rent on the building and maintenance is shared between the Shire (capital works) and ANW (general maintenance). Part of the agreement also states that the Shire will be provided with \$10,000 (GST

exclusive) to be kept in reserve for maintenance purposes (mainly capital items). The Shire has over time, placed the net rental income received in the Reserve each financial year as well as an amount of interest earned. Currently there is around \$158,000 in this reserve.

Tourism House lease with ANW expires on 29 December 2018 and the building returns to Shire management on 30 December 2018.

Council at its March 2018 Ordinary Council Meeting resolved to advise the KVC that, at the expiry of the current lease to Australia's North West, the Shire would offer and enter into a Community Lease, excluding any commercially leased or vacant areas.

COUNCIL DECISION Minute Number: 27/13/2018-117910

Moved: Cr J Farquhar Seconded: Cr M McKittrick

That Council:

- 1. Notes that the current lease with Australia's North West (ANW) for Tourism House will expire in December 2018 in accordance with Item 4 of the Schedule in the Lease Agreement;**
- 2. Advises Australia's North West (ANW) that the Shire intends to allow the current lease for Tourism House to expire in December 2018;**
- 3. Refer for consideration in the 2018/19 Budget and Long Term Financial Plan future options for an ongoing financial contribution to ANW towards marketing tourism in the region, and in particular the East Kimberley;**
- 4. Advises the Kununurra Visitor Centre that, at the expiry of the current lease to Australia's North West, the Shire intends to offer and enter into a lease directly with the Kununurra Visitor Centre for use of portion of Tourism House in accordance with Council Policy CP/PMG-3780 Leasing of Council Managed Reserve Land - Community, excluding any commercially leased or vacant portions of the building.**
- 5. Make contact with the existing tenants of Tourism House and advise them of Council's intention to allow the current lease with Australia's North West (ANW) for Tourism House to expire in December 2018 in accordance with Item 4 of the Schedule in the Lease Agreement.**

Carried 8/0

The total lettable floor area of Tourism House is approximately 445 square metres (excluding a small common area – as per plans at Attachment 1, supplied by the managing agent). The floor plans indicate that the KVC leases 217 square metres, of which it sub-leases 90 square metres to El Questro which is part of Suite 4. There is one other tenant in the building – Kimberley Asian (Chinese Restaurant - 125 square metres). An area of 104 square metres is currently vacant - part Suite 3 (formally the Kununurra Community Resource Centre).

The KVC have requested that the Council give consideration to the following:

- Ability to expand the centre into the current vacant part of the building - part Suite 3.

- Retention of the KVC's sub-lease arrangement with El Questro so that the KVC can retain that income.
- Consideration to make up any shortfall in annual funding in lieu of the change in lease and ANW funding arrangements.
- Consideration for future annual Shire funding and support.
- The Shire providing a community lease (document) prior to the end of the Calendar year.

STATUTORY IMPLICATIONS

The *Local Government Act 1995* provides for leasing under *section 3.58 Disposing of Property* and the *Land Administration Act 1997* provides for the leasing of Crown land reserves for one or more purposes of public interest.

Local Government Act 1995

Under section 3.58 of the Local Government Act 1995 (LGA), the leasing of land is included as a form of disposal of property and is required to be undertaken in accordance with this section of the LGA. However, there are exemptions from the requirements outlined in *regulation 30 of the Local Government (Functions & General) Regulations 1996*, which sites that a disposition of land is an exempt disposition if –

- (i) the land is disposed of to a body, whether incorporated or not -
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - (iii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions."

POLICY IMPLICATIONS

The Shire of Wyndham East Kimberley supports community groups in increasing capacity and improving facilities within the Shire that result in the strengthening of the community helping to build vibrant, inclusive and healthy communities.

The intention of this support is to:

- Ensure Community leases maximise benefit to the community of the Shire of Wyndham East Kimberley by supporting community organisations in the provision of services, facilities and events;
- Ensure the economic, social and environmental impact of community leases on the Shire and the community is considered;
- Encourage clarity and consistency in the Shire's community leases and associated processes;
- Promote equity across all Shire community leases without favour or prejudice to individual organisations;
- Ensure assets leased to community organisations are well maintained to maximise sustainability, promote safety and maximise community benefit;

- Minimise risk to the Shire, financial or litigious, resulting from Community leases;
- Promote collocation and multipurpose development, where practicable, and strategic development of community facilities based on future requirements of the land and community needs; and
- Ensure the value of community leases and Shire contribution to the community through community leases is recognised.

This position provides the opportunity for the lessee (KVC) to continue to provide service(s) to the community and visitors to the Shire of Wyndham East Kimberley. In some cases the extent of KVC's services may not otherwise be provided or viable without access to Shire managed or owned assets, such as the Tourism House.

As minimising financial and litigious risk to the Shire is a key objective of this policy, Commercial leases should include mechanisms and terms to:

- Ensure that Lessees operate as per their permitted use and in accordance with relevant legislation;
- Adequately indemnify the Shire, and the Minister for Lands when required;
- Clearly outline maintenance requirements for different types of commercial leases; and
- Ensure that Lessees hold sufficient insurance cover for their commercial enterprise.

FINANCIAL IMPLICATIONS

In the 2018/19 Annual Budget, the Shire provided the KVC a grant of \$30,000 as a contribution towards its running costs. This cost is based on 50% of the annual grant paid to the KVC in 2017/18, as the Shire will manage the building from 30 December 2018, and the KVC will be eligible for the Community Lease and Rates Assistance Grant. It is estimated the KVC may experience a shortfall in the Shire's contribution for the period 30 December 2018 to 30 June 2019 of approximately \$3,000.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 3: Economic Prosperity for a Council that:

- Supports the growth of business; and
- Promotes and markets the Shire.

RISK IMPLICATIONS

Risk	Action/Strategy
Lack of viability of KVC	<ul style="list-style-type: none">• Level of Shire assistance to ensure ongoing operations of KVC• Shire taking over KVC operations if KVC becomes unviable
Failure of KVC - managing public/private funding	<ul style="list-style-type: none">• New governance structure to manage funding expectations• New staffing structure

COMMUNITY ENGAGEMENT

Community engagement is not necessary at this time.

COMMENTS

The Shire has provided \$30,000 to the KVC in 2018/19. It is expected, purely on a “cash in - cash out” basis, the KVC may experience a shortfall of around \$3,000 for the period 30 December 2018 to 30 June 2019. It is recommended that the Council consider making up this shortfall as part of its mid-year budget review.

The KVC has requested taking up additional space in the Tourism House (part Suite 3). This area comprises 104 square metres (as per floor plan at Attachment 1). Should the KVC provide a valid reason for the utilisation of this space, it is recommended that the Council agree to make this space available to the KVC within a Community Lease arrangement, as previously agreed to. The KVC also currently sub-lease around 30 square metres of its space to El Questro as part of Suite 4. The KVC has requested it be allowed to retain the funds it receives from El Questro and it is recommended that the KVC be allowed to retain this arrangement and this income, for the purpose of improving function and viability and therefore continuation of the service it performs.

To provide certainty to the operations of the KVC, it is recommended that the KVC be offered a lease of five (5) years, with a further option on this lease of five (5) years. The lease will conform with criteria specified in policy for community leases but would not exclude outgoing costs inclusive of utility changes and building and property maintenance expenses.

ATTACHMENTS

Attachment 1: Floor Plan outlining tenancies (as provided by the managing agent)

The following attachments are confidential under section 5.23(2e): *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government.*

Confidential Attachment 2: Draft letter to the General Manager of the Kununurra Visitor Centre

Confidential Attachment 3: Confidential Briefing

12.4. CORPORATE SERVICES

12.4.1. Changing Method of Valuation of Land

Cr J Farquhar declared a financial interest in this matter as an owner of land to have value changed.

Cr J Farquhar vacated the Council Chambers at 5:31pm prior to discussions commencing.

DATE:	24 August, 2018
AUTHOR:	Coordinator Financial Operations
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM.11.68
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council Authorises the Chief Executive Officer to undertake a review of Unimproved Value (UV) rated properties and commence the process to transition properties not used for rural purposes to Gross Rental Values (GRV) in accordance with section 6.28 of the *Local Government Act 1995*.

COUNCIL DECISION

Minute Number: 28/08/2018 - 115846

Moved: Cr T Chafer

Seconded: Cr M McKittrick

That Council Authorises the Chief Executive Officer to undertake a review of Unimproved Value (UV) rated properties and commence the process to transition properties not used for rural purposes to Gross Rental Values (GRV) in accordance with section 6.28 of the *Local Government Act 1995*.

Decision:7/0

PURPOSE

To request that Council authorise the Chief Executive Officer to undertake a review of properties and commence the process for transition of properties in certain rate categories from Unimproved Valuations (UV) to Gross Rental Valuations (GRV).

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

Under section 6.28 of the Local Government Act 1995 (the Act), the Minister for Local Government is responsible for determining the method of valuation of land to be used by a local government as the basis for a rate. In determining the method of valuation, the Minister is to have regard to the general principle that the basis for a rate on any land is to be:

- Where the land is used predominantly for rural purposes, the Unimproved (UV) value of the land; and
- Where the land is used predominantly for non-rural purposes, the Gross Rental Value (GRV) of the land.

Rural purpose is defined by the Department of Local Government Sports and Cultural Industries (DLGSC) to mean "a purpose pertaining to agriculture and agriculture is defined to mean the use or cultivation of land for any purpose of husbandry or horticulture, including the raising of livestock and the growing of crops".

It is the Local Government's responsibility to review the predominant use of land and apply to the Minister to have the method of valuation changed where appropriate. In 2014 Council's Strategic Rating policy was reviewed and the current policy includes Council's intention that properties in the UV Rural Residential and UV Commercial/ Industrial rating categories will be transitioned from UV to GRV values as the primary purpose is non rural. 237 properties have been identified in these rating categories as requiring transition. In addition 17 properties in the UV Rural Agriculture 2 rating category have been identified as having a residential land use. These properties are due to be re-zoned in Local Planning Scheme No. 9 to Rural Small holding.

The UV to GRV transition process was scheduled to be undertaken in 2017 with the implementation of changes to valuations to take effect from 1 July 2018, however due to the general GRV revaluation taking place in 2018 the process was postponed until the 2018/19 financial year to avoid any potential confusion for ratepayers of two separate unrelated revaluations occurring in the same year.

STATUTORY IMPLICATIONS

Local government has a role in ensuring rating principles of the *Local Government Act 1995* (the Act) are correctly applied so that land used for rural purposes is rated on its Unimproved Value (UV), and similarly land used for non-rural purposes is rated on its Gross Rental Value (GRV). Section 6.28 of the Act differentiates between the two methods of valuation available dependent upon the predominant use of the land.

Local Government Act 1995

6.28. Basis of rates

- (1) *The Minister is to —*
 - (a) *determine the method of valuation of land to be used by a local government as the basis for a rate; and*
 - (b) *publish a notice of the determination in the Government Gazette.*
- (2) *In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be —*
 - (a) *where the land is used predominantly for rural purposes, the unimproved value of the land; and*
 - (b) *where the land is used predominantly for non- rural purposes, the gross rental value of the land.*
- (3) *The unimproved value or gross rental value, as the case requires, of rateable land in the district of a local government is to be recorded in the rate record of that local government.*
- (4) *Subject to subsection (5), for the purposes of this section the valuation to be used by a local government is to be the valuation in force under the Valuation of Land Act 1978 as at 1 July in each financial year.*
- (5) *Where during a financial year —*
 - (a) *an interim valuation is made under the Valuation of Land Act 1978; or*
 - (b) *a valuation comes into force under the Valuation of Land Act 1978 as a result of the amendment of a valuation under that Act; or*
 - (c) *a new valuation is made under the Valuation of Land Act 1978 in the course of completing a general valuation that has previously come into force, the interim valuation, amended valuation or new valuation, as the case requires, is to be used by a local government for the purposes of this section.*

POLICY IMPLICATIONS

Council Policy CP FIN-3200 Strategic Rating outlines the Council's principles and methodology when exercising the Council's discretionary powers to determine the level and structure of rates levied under the *Local Government Act 1995*.

The above policy incorporates the Objects and Reasons for Differential Rates including the following relevant to the UV rates categories for which the land use is to be reviewed:

UV – RURAL RESIDENTIAL

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

Rural residential has the same meaning as the objectives of TPS7 and TPS6 for these Zones, being:-

- a. Providing for those people wishing to reside on a small rural holding (as in the case of a Rural Living Zone in TPS7); or*
- b. Providing for those people wishing to reside on rural lifestyle lots (as in the case of the Rural Smallholding Zone in TPS7); or*
- c. Providing for those people wishing to reside on a small rural holding (as in the case of the Special Rural Zone in TPS6).*

It should be noted that this is intended as a transitional rating differential category while the Shire work through a process to have these properties provided with a gross rental value instead of an unimproved value given the primary purpose is residential.

The average rates payable for each property will be similar to the average rates payable for GRV Residential properties, recognising the transition to a GRV value.

UV – COMMERCIAL/INDUSTRIAL

A differential rate is applied to UV valued land located outside the gazetted town site that is used primarily for, or capable of being used primarily for commercial, industrial and/or tourism purposes.

This sector generates high traffic volumes and should therefore contribute a greater share of the costs associated with road construction, maintenance and refurbishment including road drainage systems and other infrastructure required, along with other costs associated with marketing and economic development.

It should be noted that this is intended as a transitional rating differential category while the Shire work through a process to have these properties provided with a gross rental value instead of an unimproved value given the primary purpose is commercial, industrial and/or tourism and the land owners should be contributing more equitably to these costs.

FINANCIAL IMPLICATIONS

\$40,000 has been allocated in the 2018/19 budget for the cost of the revaluation.

The intention is to raise an equivalent amount of rates revenue from any new GRV rate categories to that raised under the UV rate categories that they replace, however variation in the GRV values for individual properties within the new rate categories may result in some properties having an increase and some having a decrease in rates. It is not expected that there will be any significant budget impact as once the new valuations have been received modelling will be undertaken as part of the budget process allowing the rate in the dollar to be adjusted if necessary to ensure that differential rates are applied in a manner that achieves the desired total rates yield for the 2019/20 financial year.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

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

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

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

- Letters will be sent to affected landowners requesting a declaration of land use to be completed and returned to the Shire within 21 days.
- Once the review of land use has been completed affected landowners will be advised of the review decision and given 28 days to respond.

COMMENTS

Changing the method of valuation from UV to GRV for properties not used for rural purposes is required so that all properties in the Shire are valued in accordance with the requirements of section 6.28 of *the Local Government Act 1995*.

Once revalued to GRV, properties in the UV Rural Residential rating category may be rated under a new differential rating category of GRV Rural Residential which will allow Council to set the rate in the dollar for this category to prevent any significant change in the rates applicable. Properties in the UV Commercial/Industrial category would be rated as GRV Commercial or GRV Industrial depending on the use of the land. The UV Rural Agriculture 2

properties would most likely come under the GRV Rural Residential or a new rate category of Rural Small Holding depending on the new Zoning and their land use. It should be noted that if the rate in the dollar for these new rate categories is set to ensure that the average rates for each category remains the same, this may result in some individual properties having an increase and some having a decrease in total rates in a similar manner to that which occurred with the recent GRV general revaluation.

The planned process and timeline for the transition from UV to GRV valuations is as follows:

August 2018 - Council resolve to authorise the Chief Executive Officer to carry out a review of the land use for UV rated properties.

August 2018 - Indicative Values Obtained from the Valuer General's Office for specified properties in the relevant UV rate categories.

September 2018 - Letter sent to affected landowners requesting a declaration of land use to be completed and returned to the Shire within 21 days.

October 2018 - Shire officers assess land use declarations and review land use. Affected landowners advised of review decision and given 28 days to respond.

November 2018 - Council considers any submissions prior to resolving to apply to the Minister for approval to change the method of valuation for the specified properties.

November 2018 - Application submitted to the Minister for approval to change the method of valuation.

December/January 2019 - GRV valuation undertaken by the Valuer General's Office.

February 2019 - Valuation information supplied to the DLGSC for submission to the State Law Publisher for Gazettal.

March 2019 - Publication in Government Gazette.

April/May 2019 - Rate modelling undertaken and rate in the dollar determined for 2019/20 financial year.

July 2019 - Gross Rental Values applied to the specified properties with an effective date of 1 July 2019.

ATTACHMENTS

Attachment 12.4.1.1 - CP FIN-3200 Strategic Rating Policy

Attachment 12.4.1.2 - DLGSC Rating Policy - Valuation of Land

Cr Farquhar returned to the Chambers at 5:36pm at the conclusion of the above item. For the benefit of Cr Farquhar the Shire President advised her of the Council resolution, which was passed unanimously.

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

DATE:	28 August 2018
AUTHOR:	Creditors Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM.09.20
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

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

Municipal EFT 132185 - 132629 (05 Jul 18 - 30 Jul 18)	\$ 3,412,290.34
Municipal cheques 51787 - 51797 (05 Jul 18 - 26 Jul 18)	\$ 86,603.27
Trust EFT 501621 - 501647 (02 Jul 18 - 31 Jul 18)	\$ 15,807.50
Payroll (04 Jul 18 - 18 Jul 18)	\$ 478,245.28
Direct bank debits (02 Jul 18 - 31 Jul 18)	\$ 106,949.01
TOTAL	\$ 4,099,895.40

COUNCIL DECISION

Minute Number: 28/08/2018 - 115847

Moved: Cr N Brook

Seconded: Cr T Chafer

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

Municipal EFT 132185 - 132629 (05 Jul 18 - 30 Jul 18)	\$ 3,412,290.34
Municipal cheques 51787 - 51797 (05 Jul 18 - 26 Jul 18)	\$ 86,603.27
Trust EFT 501621 - 501647 (02 Jul 18 - 31 Jul 18)	\$ 15,807.50

Payroll (04 Jul 18 - 18 Jul 18)	\$ 478,245.28
Direct bank debits (02 Jul 18 - 31 Jul 18)	\$ 106,949.01
TOTAL	\$ 4,099,895.40
	Decision:8/0

PURPOSE

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

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In accordance with Councils 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 of the preparation of this report. The financial implications arising from the payments made from the Municipal and Trust funds have been provided for in the 2018/19 Adopted Budget and any subsequent amendments thereto. This report provides for the ongoing management of the Shire's funds by providing the Council with sufficient information to monitor and review payments made.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027.

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

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

ATTACHMENTS - Item 12.4.2

Attachment 1 - List of Accounts Paid July 2018

12.4.3. Interim Monthly Financial Report July 2018

DATE:	28 August 2018
AUTHOR:	Coordinator Financial Management
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM.09.5
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the interim monthly financial report as at 31 July 2018.

COUNCIL DECISION

Minute Number: 28/08/2018 - 115848

Moved: Cr M McKittrick

Seconded: Cr T Chafer

That Council receives the interim monthly financial report as at 31 July 2018.

Decision:8/0

PURPOSE

For Council to receive the interim monthly financial report for the period ended 31 July 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 Number: 26/06/2018-115800

Moved: Cr M McKittrick

Seconded: Cr M Dear

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

Carried 9/0

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

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 6.4.

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

POLICY IMPLICATIONS

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 - Interim Monthly Financial Report for the period to 31 July 2018.

12.5. INFRASTRUCTURE

Nil

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

Nil

16. MATTERS BEHIND CLOSED DOORS

Nil

17. CLOSURE

The Shire President declared the meeting closed at 5.39pm