

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 May 2019

DISCLAIMER

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

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

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

Signed on behalf of Council



CARL ASKEW

CHIEF EXECUTIVE OFFICER

NOTES

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

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**SHIRE OF WYNDHAM EAST KIMBERLEY
ORDINARY COUNCIL MEETING AGENDA
WYNDHAM COUNCIL CHAMBERS
TO BE HELD ON 28 MAY 2019 AT 5:00PM**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

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

The Shire President declared the Meeting open at 5:05pm

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

Cr D Menzel	Shire President
Cr T Chafer	Deputy Shire President
Cr N Brook	Councillor
Cr M Dear	Councillor
Cr G Lodge	Councillor
Cr J Farquhar	Councillor
Cr M McKittrick	Councillor
Cr D Pearce	Councillor
Cr A Petherick	Councillor
C Askew	Chief Executive Officer
N Kearns	Director Planning and Community Development
V Lawrence	Director Corporate Services
L McDonnell	Minute Taker
Kathryn Guerin	SWEK
Elise Van Aken	Kimberley Echo
Simone Rushby	
Paul Kavanagh	
Darren Spackman	
Mark Northover	

3. DECLARATION OF INTEREST

- Financial Interest
NIL

- Impartiality Interest

NIL

- Proximity Interest

NIL

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME ***

Question from Chris McLachlan, Wyndham Resident

1. Could you please itemise the work that will be carried out by THINKWATER in the next month, in relation to: [ID 419] Wyndham parks and Gardens Reticulation Upgrade

The Shire President took the question on notice and a response will be provided to Ms. McLachlan.

Questions from Simone Rushby, Kununurra Resident

1. I am aware that the Administration was in charge of the Catalyse Markyt Community Survey, from the first week in April 2019, given the impost of excessive rates is number 4 on the scale of issues of most concern (assuming that the figures advertised are correct), and the multiple examples of constructive criticism made regarding the rates, can you please advise why then Council voted unanimously (so all present Councillors) without any public debate or advocacy for the Shires Ratepayers on accepting the proposed rate modelling for comment. (addendum – I am aware there is reference made in comments by the Shire that we are in a sluggish economic environment, however this does not adequately cover the level of concern felt by the majority of Ratepayers)

Shire President D Menzel provided the following response:

The survey was conducted by Catalyse, a professional research company, and given the nature of their business, I trust that they would not do anything inappropriate with the results. The information provided to Council and attached to this report has been confirmed by Catalyse as the information provided by them to the Shire. Council voted unanimously to advertise the rate in the dollar after careful consideration of many factors outlined in the officer report including a requirement to manage our financial position, maintain balanced books, local government CPI and other relevant matters. Council is very aware of the results of the Catalyse survey and the pressure on rates.

2. Whilst the combined rating of the Shire has increased by two points, the position on the scale of WA Councils has gone from 3rd last to last, in addition the rating for the question “Is the Shire a good place to live” has plummeted. How is SWEK planning to remedy this, without adding burden to Ratepayers?

Shire President D Menzel provided the following response:

The Council is focused on improving social issues as a priority, as well as increasing economic development including expanding accessibility by introducing better connectivity into our region for tourism and other sectors.

3. If survey results have been with the Administration since the first week in April, why has council left this item to be considered almost 2 months later – for this Wyndham meeting as was done with that Survey two years ago in 2017?

Shire President D Menzel provided the following response:

The process hasn't been drawn out for any reason – the turn-around is a normal amount of time for processing and has included a briefing to Council by the consultant prior to the formal report to Council.

4. Given that some 450 residents took the time to respond, was this not given priority and if not why?

Shire President D Menzel provided the following response:

There has not been a lack of priority, the Councillors have been keen to see where the key areas of improvement are in order to plan for the future.

5. I am aware that there was more information provided to SWEK (both administration and Council) regarding the community concerns over Governance and Internal management, yet this has not been mentioned adequately in the survey and community comments have been left out of the report. Could the Council please request further drill down on these specific issues from Catalyse. In reference to cost, I am aware this information has been offered as “pro-bono”.

Shire President D Menzel provided the following response:

The information in the report and attachment is what has been provided to the Shire. The Survey highlighted healthy improvements in a number of areas with some better improvements in governance and specifically “leadership” “within the community” and “as a governing organisation.”

Five priority areas were noted in the Strategic Summary and these did not include Governance or Internal Management.

The CEO confirmed that typically Catalyse highlight areas over 10% and Governance and Internal Management were listed at 7.9% and ranked 10th equal with two other areas. All documents have been made available to Council and the key concerns have been discussed.

In reference to the second part of your question and request for further drill down on specific issues the Shire President agreed to take the question on notice.

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 30 April 2019

Note: The Minutes of the Ordinary Council Meeting held on 30 April 2019 are provided under separate cover via www.swek.wa.gov.au

Council Decision

Minute Number: 28/05/2019 - 118013

**Moved: Cr J Farquhar
Seconded: Cr N Brook**

That Council confirms the Minutes of the Ordinary Council Meeting held on 30 April 2019

Carried: 9/0

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

May has been a busy month. On the 7th we received a visit from the Director General of the Department of Justice, delivering budget expectations and expenditure predictions. Noting that \$900,000 will be utilised for issues in the Kimberley.

The next day I completed a development of assessment panel training, which Councillor Chafer will also be completing soon.

On 13 May there was an Audit committee meeting, which I was absent from, Kourtney presented at the meeting a risk management presentation.

Following this, on 14 May auditor Moore Stephens attended our interim audit and was very happy with the Shire's performance.

We met with the University of Adelaide to discuss the cashless debit card on 21 May. A meeting was also held with Tourism WA on the 23 May.

The 24 May saw the CEO & I meet with Alliance and APT and then attend the Ord Valley Muster sponsor's cocktail party that evening.

A meeting took place with Minister for Primary Industries and Regional Development, Alannah MacTiernan on 25 May, following this the Kimberley Moon Experience, as part of the Ord Valley Muster, was abuzz with the news of direct flights from Melbourne to Kununurra.

The evening of the 27 May was the Ord river stakeholder meeting at Ord Irrigation Cooperative.

Prior to this meeting, we have planted another baby tree, for the children born in Wyndham in 2018.

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

16.1 Additional Flight Options

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 May 2019

DATE:	28 May 2019
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
ASSESSMENT NO:	Various - As Detailed in the Minutes of the 25 February 2019 Audit (Finance and Risk) Committee meeting
FILE NO:	Various - As Detailed in the Minutes of the 25 February 2019 Audit (Finance and Risk) Committee meeting
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

As Chair of the Audit Committee Cr T Chafer spoke to the various reports contained within the Audit (Financial Risk) Committee Meeting Minutes and in particular draw attention to the meeting with the Auditor's and the content of the Audit Strategy Memorandum.

Cr T Chafer then proposed to move all recommendations from the Audit Committee "en bloc" and Cr M McKittrick agreed to second.

COMMITTEE RECOMMENDATION 1

That Council, with reference to Item 7.1 “*Audit Strategy Memorandum for the Financial Year Ended 30 June 2019*” as detailed in the 13 May 2019 Audit (Finance and Risk) Committee Agenda/Minutes;

- 1. Notes the contents of the report and Audit Strategy Memorandum of 30 June 2019 as detailed in the 13 May 2019 Audit (Finance and Risk) Committee Agenda/Minutes confidential attachments; and**
- 2. Endorses the changes to *CP/FIN-3201 Significant Accounting Policies* as detailed in the 13 May 2019 Audit (Finance and Risk) Committee Agenda/Minutes.**

VOTING REQUIREMENT

Simple Majority

Council Decision

Minute Number: 28/05/2019 - 118014

Moved: Cr T Chafer

Seconded: Cr M Mckittrick

That Council, with reference to Item 7.1 “*Audit Strategy Memorandum for the Financial Year Ended 30 June 2019*” as detailed in the 13 May 2019 Audit (Finance and Risk) Committee Agenda/Minutes;

- 1. Notes the contents of the report and Audit Strategy Memorandum of 30 June 2019 as detailed in the 13 May 2019 Audit (Finance and Risk) Committee Agenda/Minutes confidential attachments; and**
- 2. Endorses the changes to *CP/FIN-3201 Significant Accounting Policies* as detailed in the 13 May 2019 Audit (Finance and Risk) Committee Agenda/Minutes.**

Carried 9/0

COMMITTEE RECOMMENDATION 2

That Council, with reference to Item 7.2 “*Standing Item - Insurance Claims*” as detailed in the 13 May 2019 Audit (Finance and Risk) Committee Agenda/Minutes, notes the Insurance Claims Report and associated items attached to the Agenda of the 13 May 2019 Audit (Finance and Risk) Committee Meeting.

VOTING REQUIREMENT

Simple Majority

Council Decision

Minute Number: 28/05/2019 - 118015

Moved: Cr T Chafer

Seconded: Cr M McKittrick

That Council, with reference to Item 7.2 “*Standing Item - Insurance Claims*” as detailed in the 13 May 2019 Audit (Finance and Risk) Committee Agenda/Minutes, notes the Insurance Claims Report and associated items attached to the Agenda of the 13 May 2019 Audit (Finance and Risk) Committee Meeting.

Carried:9/0

COMMITTEE RECOMMENDATION 3

That Council, with reference to Item 7.3 “*Standing Item - Sundry Debtors*” as detailed in the 13 May 2019 Audit (Finance and Risk) Committee Agenda/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.

VOTING REQUIREMENT

Simple Majority

Council Decision

Minute Number: 28/05/2019 - 118016

Moved: Cr T Chafer

Seconded: Cr M McKittrick

That Council, with reference to Item 7.3 “*Standing Item - Sundry Debtors*” as detailed in the 13 May 2019 Audit (Finance and Risk) Committee Agenda/Minutes, accept that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.

Carried:9/0

COMMITTEE RECOMMENDATION 4

That Council, with reference to Item 7.4 “*Standing Item - Leases*” as detailed in the 13 May 2019 Audit (Finance and Risk) Committee Agenda/Minutes, notes the Confidential Lease Schedule and the New and Renewal Lease Schedule attached to the Agenda of the 13 May 2019 Audit (Finance and Risk) Committee Meeting.

VOTING REQUIREMENT

Simple Majority

Council Decision

Minute Number: 28/05/2019 - 118017

Moved: Cr T Chafer

Seconded: Cr M McKittrick

That Council, with reference to Item 7.4 “*Standing Item - Leases*” as detailed in the 13 May 2019 Audit (Finance and Risk) Committee Agenda/Minutes, notes the Confidential Lease Schedule and the New and Renewal Lease Schedule attached to the Agenda of the 13 May 2019 Audit (Finance and Risk) Committee Meeting.

Carried:9/0

COMMITTEE RECOMMENDATION 5

That Council, with reference to Item 7.5 “*Standing Item - Rates Debtors*” as detailed in the 13 May 2019 Audit (Finance and Risk) Committee Agenda/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: 28/05/2019 - 118018

Moved: Cr T Chafer

Seconded: Cr M McKittrick

That Council, with reference to Item 7.5 “*Standing Item - Rates Debtors*” as detailed in the 13 May 2019 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to rates debtors, including rates debts in legal process are sufficient and appropriate.

Carried: 9/0

PURPOSE

To consider the recommendations from the Audit (Finance and Risk) Committee made at its meeting held on 13 May 2019.

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 13 May 2019.

STATUTORY IMPLICATIONS

Various - detailed within the Minutes of the 13 May 2019 Audit (Finance and Risk) Committee meeting.

POLICY IMPLICATIONS

Various - detailed within the Minutes of the 13 May 2019 Audit (Finance and Risk) Committee meeting.

FINANCIAL IMPLICATIONS

Various - detailed within the Minutes of the 13 May 2019 Audit (Finance and Risk) Committee meeting.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

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

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

RISK IMPLICATIONS

Various - detailed within the Minutes of the 13 May 2019 Audit (Finance and Risk) Committee meeting.

COMMUNITY ENGAGEMENT

Various - detailed within the Minutes of the 13 May 2019 Audit (Finance and Risk) Committee meeting.

COMMENTS

Various - detailed within the Minutes of the 13 May 2019 Audit (Finance and Risk) Committee meeting.

ATTACHMENTS

Nil

12.2. CHIEF EXECUTIVE OFFICER

12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	28 May 2019
AUTHOR:	Executive Assistant
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

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

Council Decision

Minute Number: 28/05/2019 - 118019

Moved: Cr M Dear

Seconded: Cr N Brook

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

Carried:9/0

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

Goal 4.2: Good decision making through engagement with the community

Strategy 4.2.2: Ensure community input informs planning and decision making

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

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

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

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

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

ATTACHMENTS

Attachment 1 - Council Action Register - April 2019

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

12.3. PLANNING AND COMMUNITY DEVELOPMENT

12.3.1. 2019 Community Survey Report

DATE:	28 May 2019
AUTHOR:	Senior Projects Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
FILE NO:	CM.10.12
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Receives the 2019 Community Scorecard Survey Report attached as an informing document to aid the Shire and Council in decision making**
- 2. Requests the Chief Executive Officer consider the results during the current review of the draft 2019/20 Corporate Business Plan and Annual Budget**

Council Decision

Minute Number: 28/05/2019 - 118020

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

That Council:

- 1. Receives the 2019 Community Scorecard Survey Report attached as an informing document to aid the Shire and Council in decision making**
- 2. Requests the Chief Executive Officer consider the results during the current review of the draft 2019/20 Corporate Business Plan and Annual Budget**

Carried:9/0

PURPOSE

This report presents Council with the results of the 2019 Community Scorecard Survey undertaken between 14 February 2019 and 17 March 2019.

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

- Robust and reliable measures of performance, from advocacy, community engagement and community development, to town planning, economic development and environmental management.
- Respondents share their needs and aspirations and their location giving the ability to create local priority mapping.
- If carried out every 2 years the Shire can benchmark performance over time, showing historical trends.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Facilitator - bring stakeholders together

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

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

The Shire's last comprehensive survey was undertaken in 2017 and provided a baseline for performance into the future. It was received by Council at the 23 May 2017 Ordinary Council Meeting. At this meeting Council resolved as follows:

COUNCIL DECISION

Minute No: 23/05/2017-11679

Commissioner resolved:

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

Carried 1/0

Catalyse were engaged to undertake the current community survey. They have a significant amount of experience in conducting similar surveys for other local governments. This experience has allowed a comparison with other local governments for benchmarking purposes and comparison with the 2017 survey data.

Whilst most of the questions are standard and allow comparison with other local governments, some questions with particular relevance to the Shire of Wyndham East Kimberley were included:

- Support for a trial Banned Drinker Register
- Support for lengthening the East Kimberley Regional Airport runway

- Support for underwriting a trial of direct flights between Melbourne and the East Kimberley

Feedback from the 2017 Community Scorecard Survey resulted in additional standard questions being included in the latest survey, being:

- Access to childcare services
- Supporting and partnering with community groups and organisations

The Strategic Community Plan 2017-2027 Focus Areas and Goals identify measures to provide an indication of Council's performance and progress towards achieving intended outcomes. These measures included community perceptions requiring the completion of a community survey to be undertaken. The community perception measures highlighted in the Strategic Community Plan and results, comparing the 2017 with the 2019 survey results, are as follows:

Focus area 1: Healthy vibrant active communities

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

Measure	2017	2019
Multiculturalism	32	34
History and heritage	41	46
Festivals and events	58	58

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

Measure	2017	2019
Community grants	42	45
Community buildings, halls & toilets	35	39
Sport and recreation facilities	48	51
Playgrounds, parks & reserves	47	46
Library and information services	71	71

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

Measure	2017	2019
Youth services / facilities	31	32
Seniors services / facilities	31	42

Disability access	37	37
Access to childcare services	N/a	32
Supporting and partnering with community groups and organisations	N/a	43

Focus Area 2: Enhancing the environment

Goal 2.1: Conserve the Shire's unique natural environment for the enjoyment of current and future generations

Measure	2017	2019
Conservation and environmental management	47	50
Waste collection services	54	53
Boat ramps	59	60

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

Measure	2017	2019
Maintenance of sealed roads	30	37
Maintenance of unsealed roads	33	41
Access to housing that meets your needs	43	47

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

Measure	2017	2019
Place to live	70	60
The area's character and identity	50	47
Natural disaster education	42	45
Streetscapes	36	37
Footpaths, cycleways and trails	34	37
Safety and security	21	18
Anti-social behavior	15	13

Focus Area 3: Economic Prosperity

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

Measure	2017	2019
Airport facilities and services	72	65
Access to goods/services	38	40

Goal 3.2: To be business friendly and the Shire of choice for inward investment in the Kimberley

Measure	2017	2019
Economic development (what the Shire is doing to attract investors, attract and retain businesses, grow tourism and create more job opportunities)	25	32

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

Measure	2017	2019
Access to education/training	44	45

Focus Area 4: Civic Leadership

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

Measure	2017	2019
Advocacy	24	36

Goal 4.2: Good decision making through engagement with the community

Measure	2017	2019
Consulted about local issues	24	35
Informed about local issues	27	39

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

Measure	2017	2019
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Leadership	21	39
website	49	51
Customer service	45	53

Goal 4.4: Sustainably maintain the Shire's financial viability

Measure	2017	2019
Value from rates	16	25

(Measure performance index scores are out of 100)

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

CP/COM-3100 - Community Engagement Policy

The Community Engagement Policy aims to improve the outcomes and benefits of effective community engagement including:

- Increased community awareness about services, planning and program delivery;
- Increased awareness of the needs, priorities and diversity of the community, which in turn ensures that service provision and planning functions are aligned appropriately;
- Council and the community working together to address local issues where appropriate.

FINANCIAL IMPLICATIONS

Results of the Survey will inform the Corporate Business Plan, Long Term Financial Plan and budget process

STRATEGIC IMPLICATIONS

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 the needs and priorities

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: Failure to meet the needs and address the priorities of the community.

Control: Engage and communicate with all sections of the community to better understand needs and priorities.

COMMUNITY ENGAGEMENT

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

- Undertaking a Community Scorecard survey.
- Community Scorecard was advertised as open to all community members over the age of 18 in the local newspapers, noticeboards, Shire website and social media.

In total, 440 residents submitted a response. This represents an approximated participation rate of 20% of households (Total occupied private dwellings 2016 Census).

The results of the community survey will be made available to the community on the Shire website. Community groups, non-government organisations and other agencies will be encouraged to use the survey to refine and develop services, advocacy and to support funding applications.

COMMENTS

Overall the 2019 Community Scorecard Survey has seen healthy improvements in a number of performance areas with many of the larger improvements relating to leadership and organisational governance. Since the last study, the Shire has improved in 35 performance measures.

The Shire's highest performing areas are library and information services, airport facilities and services, boat ramps, festivals, events and cultural activities.

The Shire's performance index score as a place to live is 60 out of 100, down 10 index points from 2017 and 13 index points below the industry standard.

The 2019 results highlighted five high priority areas the community would like the Council to focus on, being:

1. Safety and security, focussing primarily on anti-social behaviour, particularly around main commercial areas.
2. Services and facilities for youth to help alleviate concerns with boredom and antisocial behaviour.
3. Economic development, including attracting investment, supporting local business, improving airport services, growing tourism and improving the overall appearance of Kununurra and Wyndham town centres.

4. Improved infrastructure including fixing damaged road surfaces, better drainage, improved lighting and streetscapes, and more footpaths, cycleways and trails for better connectivity.
5. Value for money from Shire rates. Ratepayers request rate reductions or limits to rate increases.

The Shire will conduct a desktop review of the Strategic Community Plan during 2019/20 and the community survey results will form the basis for the review.

The community survey results will also be considered as part of the development and review of the 2019/20 Corporate Business Plan during May and June. A number of actions have already been included in the draft Corporate Plan that will help to address these concerns including town centre CCTV, youth programs and youth spaces, investment in footpaths, tree planting and developing the East Kimberley Airport to support cheaper flights and increased economic development.

ATTACHMENTS

Attachment 1 - 2019 Community Scorecard Survey - Report

12.3.2. CBP Quarterly Progress Report - January to March 2019

DATE:	28 May 2019
AUTHOR:	Senior Projects 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 receives the Corporate Business Plan Quarterly Progress Report for January to March 2019

Council Decision

Minute Number: 28/05/2019 - 118021

Moved: Cr Lodge

Seconded: Cr Chafer

That Council receives the Corporate Business Plan Quarterly Progress Report for January to March 2019

Carried:9/0

PURPOSE

For the Council to receive the January to March 2019 Quarterly progress review (quarter three) of the Corporate Business Plan 2018/19 - 2021/22.

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 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 Officer 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

CP/COM-3100 - Community Engagement Policy

The Community Engagement Policy aims to improve the outcomes and benefits of effective community engagement including:

- Increased community awareness about services, planning and program delivery;
- Increased awareness of the needs, priorities and diversity of the community, which in turn ensures that service provision and planning functions are aligned appropriately;
- Council and the community working together to address local issues where appropriate.

FINANCIAL IMPLICATIONS

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

Corporate Business Plan 2018/19

CBP Action: #53 - Ensure compliance with the Integrated Planning and Reporting Framework

CBP Task: Provide quarterly CBP progress reports

RISK IMPLICATIONS

Risk: The Shire fails to carry out the actions set out in the corporate Business Plan.

Control: Regular reporting of progress to CEO, Directors and Council to ensure that performance is monitored and managed.

Risk: Community unaware of Shire activities and progress and become disengaged

Control: Provide quarterly and annual reports to the community on the Shire's activities and progress

COMMUNITY ENGAGEMENT

Engagement will take place in accordance with the Shire's Community Engagement Guidelines and will include making the report available to the community via the Shire's web page.

COMMENTS

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

Action status by Quarter	Q1	Q2	Q3	Q4
Percentage on target	82%	83%	83%	
Complete	6	14	22	
Not started	19	15	15	

Progress against the Strategic Community Plan 2017-2027 is summarised below and detailed in the attached report.

Strategic Community Plan 2017-2027 Focus Areas	Percentage of actions completed	Percentage of actions in progress/ongoing	Percentage of actions not started/deferred
1 Healthy vibrant active communities (People) <i>Improving liveability through social and recreational opportunities, a range of inclusive community services and activities, and valuing our diversity.</i>	5%	71%	24%
2 Enhancing the environment (Place) <i>We value our Kimberley lifestyle and natural environment. We will work to improve the liveability of our towns and their connection to our surrounding environment.</i>	20%	69%	11%
3 Economic prosperity (prosperity) <i>For the Shire to be open for business with a growing and successful economy and jobs for all.</i>	4%	69%	26%
4 Civic leadership (Governance) <i>We will deliver services to the community efficiently, provide leadership and governance that is future thinking, transparent and accountable.</i>	33%	53%	14%

The following table provides a summary of the actions status in relation to schedule reported by the Responsible Officer.

Strategic Community Plan 2017-2027 Focus Areas	Percentage of actions on target
1 Healthy vibrant active communities (People) <i>Improving liveability through social and recreational opportunities, a range of inclusive community services and activities, and valuing our diversity.</i>	62%
2 Enhancing the environment (Place) <i>We value our Kimberley lifestyle and natural environment. We will work to improve the liveability of our towns and their connection to our surrounding environment.</i>	80%

3 Economic prosperity (prosperity) <i>For the Shire to be open for business with a growing and successful economy and jobs for all.</i>	96%
4 Civic leadership (Governance) <i>We will deliver services to the community efficiently, provide leadership and governance that is future thinking, transparent and accountable.</i>	93%

ATTACHMENTS

Attachment 1 - Draft Corporate Business Plan Quarterly Progress Report - Q3 January to March 2019

12.3.3. Draft Corporate Business Plan 2019-2022

DATE:	28 May 2019
AUTHOR:	Senior Projects Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	N/A
FILE NO:	CM.10.11
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council endorses the draft Corporate Business Plan 2019/22 for the purpose of community consultation.

Councillor M McKittrick moved an alternate motion to include the words "subject to editorial review"

Council Decision

Minute Number: 28/05/2019 - 118022

Moved: Cr M McKittrick

Seconded: Cr T Chafer

That Council endorses the draft Corporate Business Plan 2019/22 for the purpose of community consultation, subject to editorial review

Carried:9/0

PURPOSE

This report recommends the endorsement of the draft Corporate Business Plan for community consultation to support Council and the community working together to ensure service provision and planning functions address local issues.

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

Council will be able to continue to refine the Corporate Business Plan during the community engagement process. It is then proposed that the Corporate Business Plan for 2019/22 be presented to Council for adoption at the June Council meeting.

NATURE OF COUNCIL'S ROLE IN THE MATTER

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

Advocator - advocate and support initiatives on behalf of the community

Facilitator - bring stakeholders together

Funder - provide funds or other resources

Leader - plan and provide direction through policy and practices

Provider - provide physical infrastructure and essential services

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Section 5.56 of the *Local Government Act 1995* (the Act) "Planning for the Future" requires a local government to plan for the future of the district and to make plans in accordance with the regulations. These Regulations came into effect on 1 July 2013 requiring all local governments in Western Australia to develop and adopt a Strategic Community Plan and a Corporate Business Plan, supported and informed by resourcing and delivery strategies. These plans drive the development of each local government's annual budget and through a process of continuous improvement and to better plan for and meet the needs of the community.

The Corporate Business Plan is the Shire's 4-year service and project delivery program. It is aligned to the strategic direction and priorities set within the 10-year Strategic Community Plan 2017–2027 adopted in April 2018. It demonstrates operational capacity to achieve aspirational outcomes and goals over the medium-term. All operational planning and reporting is driven by this plan, which is reviewed annually to ensure priorities are achievable and effectively timed.

The previous Corporate Business Plan Year 2018/19 - 2021/22 was adopted by Council at the July 2018 Ordinary Council Meeting in conjunction with the Annual Budget.

STATUTORY IMPLICATIONS

Section 5.56(1) and (2) of the *Local Government Act 1995* requires that each local government is 'to plan for the future of the district', by developing plans in accordance with the regulations. *Local Government (Administration) Regulations 1996* (s19DA) outlines the requirements for a Corporate Business plan.

Local Government (Administration) Regulations 1996 Part 5 Annual reports and planning Division 3 Planning for the future 19DA. Corporate business plans, requirements for (Act s. 5.56)

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

POLICY IMPLICATIONS

CP/COM-3100 - Community Engagement Policy

The Community Engagement Policy aims to improve the outcomes and benefits of effective community engagement including:

- Increased community awareness about services, planning and program delivery;
- Increased awareness of the needs, priorities and diversity of the community, which in turn ensures that service provision and planning functions are aligned appropriately;
- Council and the community working together to address local issues where appropriate.

FINANCIAL IMPLICATIONS

The Shire's Corporate Business Plan is the key driver for the Annual Budget and the long term financial plan. This linkage ensures that community priorities are adequately funded and that appropriate and endorsed rating strategies are in place to allow any financial impact on the community to be carefully considered.

STRATEGIC IMPLICATIONS

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

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.2: Good decision making through engagement with the community

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

RISK IMPLICATIONS

Risk: Non-compliance with the *Local Government (Administration) Regulations 1996* for Integrated Planning and Reporting

Control: Complete annual review and engagement and develop an appropriately costed Corporate Business Plan.

Risk: Failure to adopt a Corporate Business Plan may compromise the ability of Council to consider or endorse the 2019-20 Annual Budget. This may in turn compromise the Shire's ability to meet its statutory compliance obligations.

Control: Complete annual review and engagement and develop an appropriately costed Corporate Business Plan.

COMMUNITY ENGAGEMENT

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

- Advertising, including local public notices
- Open for community comment between Tuesday 28 May and Monday 17 June 2019
- Open house exhibitions to be held in Wyndham and Kununurra allowing community to rate actions and services using the sticky dot method
- Media stories, including social media
- Stakeholder engagement
- Public submissions

COMMENTS

This report recommends that Council endorses the attached draft Corporate Business Plan for community consultation to support Council and the community to ensure service provision and planning functions that address local issues and priorities. Community consultation will seek to gather feedback on the Shire's planned actions and services to further inform the plan refinement.

Council will be able to continue to refine the Plan during the community engagement process which will then be reported to the June Ordinary Meeting for adoption.

ATTACHMENTS

Attachment 1 - Draft Corporate Business Plan 2019-2022 for community comment

12.4. CORPORATE SERVICES

12.4.1. Monthly Financial Report April 2019

DATE:	28 May 2019
AUTHOR:	Coordinator Financial Operations
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM.09.5
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the monthly financial report for the period ending 30 April 2019.

Council Decision

Minute Number: 28/05/2019 - 118023

Moved: Cr D Pearce

Seconded: Cr J Farquhar

That Council receives the monthly financial report for the period ending 30 April 2019.

Carried:9/0

PURPOSE

For Council to receive the monthly financial report for the period ended 30 April 2019.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Council is to prepare monthly financial reports as required by section 34 of the *Local Government (Financial Management Regulations) 1996*.

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

COUNCIL DECISION

Minute Number: 26/06/2018-115800

Moved: Cr M McKittrick

Seconded: Cr M Dear

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

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

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

Control: Annual audit performed.

COMMUNITY ENGAGEMENT

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

No community engagement is required.

COMMENTS

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

ATTACHMENTS

Attachment 1 - Monthly Financial Report for the period to 30 April 2019.

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

DATE:	28 May 2019
AUTHOR:	Creditors Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM.09.20
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

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

Municipal EFT 134742 - 134891 (03 Apr 19 - 26 Apr 19)	\$	674,549.85
Municipal Cheques 51940 - 51945 (03 Apr 19 - 26 Apr 19)	\$	91,827.74
Trust Cheque	\$	0.00
Trust EFT 501785 - 501798 (01 Apr 19 - 29 Apr 19)	\$	6,263.45
Payroll (10 Apr - 24 Apr)	\$	473,691.09
Direct bank debits (01 Apr 19 – 24 Apr 19)	\$	105,225.86
Total	\$	1,351,557.99

Council Decision

Minute Number: 28/05/2019 - 118024

Moved: Cr T Chafer

Seconded: Cr N Brook

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

Municipal EFT 134742 - 134891 (03 Apr 19 - 26 Apr 19)	\$	674,549.85
Municipal Cheques 51940 - 51945 (03 Apr 19 - 26 Apr 19)	\$	91,827.74

Trust Cheque	\$	0.00
Trust EFT 501785 - 501798 (01 Apr 19 - 29 Apr 19)	\$	6,263.45
Payroll (10 Apr - 24 Apr)	\$	473,691.09
Direct bank debits (01 Apr 19 – 24 Apr 19)	\$	105,225.86
Total	\$	1,351,557.99
		Carried:9/0

PURPOSE

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

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In accordance with Councils Delegations Register 2018/19 which was adopted by the Council on the 28 August 2018, the Council has delegated to the CEO the exercise of its power under regulations 12 and 13 of the *Local Government (Financial Management) Regulations 1996* to make payments from Municipal Fund and Trust Fund.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 5.42

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications arising out of the preparation of this report. The financial implications arising from the payments made from the Municipal and Trust funds have been

provided for in the 2018/19 Adopted Budget and any subsequent amendments thereto. This report provides for the ongoing management of the Shire's funds by providing the Council with sufficient information to monitor and review payments made.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027.

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

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

ATTACHMENTS

Attachment 1 - List of Accounts Paid April 2019

12.4.3. 2019/20 Budget - Differential General Rates and Minimum Payments and Consideration of Public Submissions

DATE:	28 May 2019
AUTHOR:	Coordinator Financial Operations
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM.05.14
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Absolute Majority

Prior to the meeting the Director of Corporate Services circulated an amendment to the officer report and officer recommendation including the addition of new Part 2.

OFFICER'S RECOMMENDATION

That Council:

- Notes the submission received in relation to the proposed Differential General Rates and Minimum Payments and Strategic Rating Policy, and thanks the respondent for their input;**
- Notes that Budget efficiencies have been identified as part of the budget process and these efficiencies will be included in the Annual Budget presented to Council for adoption;**
- Endorses revised Council Policy CP/FIN-3200 Strategic Rating including the 2019/20 Rating Model as follows, with the intention of striking the rates as part of the 2019/20 Budget adoption, subject to receiving Ministerial approval where required by legislation;**

Differential Rating Category	Total Properties	Total Rateable Value of Properties \$	Proposed Minimum Payment \$	Proposed Rate in the Dollar	% of Properties on Minimum Payments	Proposed Rates Revenue Budget 2019/20 \$
GRV - Residential	1694	32,337,638	1,129	0.1471	1.00%	4,763,074
GRV - Other Vacant	120	504,736	1,129	0.2281	78.33%	173,165
GRV - Commercial	186	12,906,041	1,129	0.1450	8.06%	1,877,105
GRV - Industrial	177	7,481,770	1,129	0.1410	5.08%	1,060,822

GRV - Rural Residential	26	270,656	1,129	0.1471	15.38%	41,638
UV - Rural Residential	200	49,776,000	1,129	0.0112	0.00%	557,491
UV - Pastoral	21	5,481,449	1,129	0.0579	4.76%	317,493
UV - Commercial/ Industrial	65	13,048,780	1,129	0.0078	30.77%	121,863
UV - Agriculture	81	60,742,309	1,129	0.0118	1.23%	717,770
UV - Horticulture	94	29,978,000	1,129	0.0103	0.00%	308,773
UV - Mining	69	1,786,064	1,129	0.2781	46.38%	518,350
UV - Mining Exploration and Prospecting	44	464,114	315	0.1390	43.18%	67,410
UV - Other	5	8,975,000	1,129	0.0066	20.00%	59,374
TOTALS	2,782	223,752,557				10,584,329

4. Requests the CEO, or their delegate to seek approval from the Minister for Local Government; Heritage; Culture and the Arts to approve the Shire of Wyndham East Kimberley applications to:

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

Councillor T Chafer moved an amendment to Part 3. Of the officer recommendation to change the 1.5% rate rise to 0%.

Amendment

Minute Number: 28/05/2019 - 118025

Moved: Cr T Chafer

Seconded: Cr A Petherick

That Council:

- 3. Endorses revised Council Policy CP/FIN-3200 Strategic Rating including the 2019/20 Rating Model as follows and amended by reducing the proposed 1.5%**

increase to a 0% increase, with the intention of striking the rates as part of the 2019/20 Budget adoption, subject to receiving Ministerial approval where required by legislation;

Differential Rating Category	Total Properties	Total Rateable Value of Properties \$	Proposed Minimum Payment \$	Proposed Rate in the Dollar	% of Properties on Minimum Payments	Proposed Rates Revenue Budget 2019/20 \$
GRV - Residential	1,694	32,337,638	1,112	0.1449	1.00%	4,691,836
GRV - Other Vacant	120	504,736	1,112	0.2247	78.33%	170,567
GRV - Commercial	186	12,906,041	1,112	0.1429	8.06%	1,849,909
GRV - Industrial	177	7,481,770	1,112	0.1389	5.08%	1,045,021
GRV - Rural Residential	26	270,656	1,112	0.1449	15.38%	41,014
UV - Rural Residential	200	49,776,000	1,112	0.0110	0.00%	547,536
UV - Pastoral	21	5,481,449	1,112	0.0570	4.76%	312,559
UV - Commercial/Industrial	65	13,048,780	1,112	0.0077	30.77%	120,250
UV - Agriculture	81	60,742,309	1,112	0.0116	1.23%	705,607
UV - Horticulture	94	29,978,000	1,112	0.0101	0.00%	302,778
UV - Mining	69	1,786,064	1,112	0.2740	46.38%	510,697
UV - Mining Exploration and Prospecting	44	464,114	310	0.1369	43.18%	66,387
UV - Other	5	8,975,000	1,112	0.0065	20.00%	58,475
TOTALS	2,782	223,752,557				10,422,636

Carried:6/3

Shire President D Menzel moved an amendment to decrease the 1.5% rate rise to a0.75%.

Council Decision

Minute Number: 28/05/2019 - 118026

Moved: Cr D Menzel

Seconded: Cr J Farquhar

That Council:

- 3 Endorses revised Council Policy CP/FIN-3200 Strategic Rating including the 2019/20 Rating Model as follows and amended by increasing the proposed 0% to a 0.75% increase, with the intention of striking the rates as part of the 2019/20 Budget adoption, subject to receiving Ministerial approval where required by legislation;

Differential Rating Category	Total Properties	Total Rateable Value of Properties \$	Proposed Minimum Payment \$	Proposed Rate in the Dollar	% of Properties on Minimum Payments	Proposed Rates Revenue Budget 2019/20 \$
GRV - Residential	1,694	32,337,638	1,120	0.1460	1.00%	4,727,444
GRV - Other Vacant	120	504,736	1,120	0.2264	78.33%	171,819
GRV - Commercial	186	12,906,041	1,120	0.1440	8.06%	1,864,141
GRV - Industrial	177	7,481,770	1,120	0.1399	5.08%	1,052,544
GRV - Rural Residential	26	270,656	1,120	0.1460	15.38%	41,324
UV - Rural Residential	200	49,776,000	1,120	0.0111	0.00%	552,514
UV - Pastoral	21	5,481,449	1,120	0.0574	4.76%	314,752
UV - Commercial/Industrial	65	13,048,780	1,120	0.0078	30.77%	121,683
UV - Agriculture	81	60,742,309	1,120	0.0117	1.23%	711,688
UV - Horticulture	94	29,978,000	1,120	0.0102	0.00%	305,776
UV - Mining	69	1,786,064	1,120	0.2761	46.38%	514,594
UV - Mining Exploration and Prospecting	44	464,114	312	0.1379	43.18%	66,867
UV - Other	5	8,975,000	1,120	0.0065	20.00%	58,483
TOTALS	2,782	223,752,557				10,503,629

Lost: 3/6

Councillor T Chafer moved the amended substantive motion

Council Decision

Minute Number: 28/05/2019 - 118025

Moved: Cr T Chafer

Seconded: Cr D Pearce

That Council:

1. Notes the submission received in relation to the proposed Differential General Rates and Minimum Payments and Strategic Rating Policy, and thanks the respondent for their input;
2. Notes that Budget efficiencies have been identified as part of the budget process and these efficiencies will be included in the Annual Budget presented to Council for adoption;
3. Endorses revised Council Policy CP/FIN-3200 Strategic Rating including the 2019/20 Rating Model as follows and amended by reducing the proposed 1.5% increase to a 0% increase, with the intention of striking the rates as part of the 2019/20 Budget adoption, subject to receiving Ministerial approval where required by legislation;

Differential Rating Category	Total Properties	Total Rateable Value of Properties \$	Proposed Minimum Payment \$	Proposed Rate in the Dollar	% of Properties on Minimum Payments	Proposed Rates Revenue Budget 2019/20 \$
GRV - Residential	1,694	32,337,638	1,112	0.1449	1.00%	4,691,836
GRV - Other Vacant	120	504,736	1,112	0.2247	78.33%	170,567
GRV - Commercial	186	12,906,041	1,112	0.1429	8.06%	1,849,909
GRV - Industrial	177	7,481,770	1,112	0.1389	5.08%	1,045,021
GRV - Rural Residential	26	270,656	1,112	0.1449	15.38%	41,014
UV - Rural Residential	200	49,776,000	1,112	0.0110	0.00%	547,536
UV - Pastoral	21	5,481,449	1,112	0.0570	4.76%	312,559
UV - Commercial/Industrial	65	13,048,780	1,112	0.0077	30.77%	120,250
UV - Agriculture	81	60,742,309	1,112	0.0116	1.23%	705,607
UV - Horticulture	94	29,978,000	1,112	0.0101	0.00%	302,778
UV - Mining	69	1,786,064	1,112	0.2740	46.38%	510,697
UV - Mining Exploration and Prospecting	44	464,114	310	0.1369	43.18%	66,387
UV - Other	5	8,975,000	1,112	0.0065	20.00%	58,475
TOTALS	2,782	223,752,557				10,422,636

4. Requests the CEO, or their delegate to seek approval from the Minister for Local Government; Heritage; Culture and the Arts to approve the Shire of Wyndham East Kimberley applications to:

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

Carried:6/3

PURPOSE

For the Council to consider the public submissions received in relation to the proposed rates in the dollar and minimum payments in accordance with section 6.36(4) of the *Local Government Act 1995* and subsequently adopt the differential general rates in the dollar and minimum payments for purposes of the finalisation of the 2019/20 Budget.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At the Special Council Meeting on 16 April 2019 the following resolution was passed:

Council Decision

Minute Number: 16/04/2019 - 118000

Moved: Cr J Farquhar

Seconded: Cr G Lodge

That Council:

- 1. Endorse the revised Council Policy *CP/FIN-3200 Strategic Rating*;**
- 2. Endorse the 2019/20 Rating Model as follows, with the intention of seeking public submissions thereon and thereafter reporting to Council before striking the rates as part of the 2019/20 Budget adoption, subject to receiving Ministerial approval where required by legislation;**

Differential Rating Category	Total Properties	Total Rateable Value of Properties \$	Proposed Minimum Payment \$	Proposed Rate in the Dollar	% of Properties on Minimum Payments	Proposed Rates Revenue Budget 2019/20 \$
GRV - Residential	1693	32,305,398	1,129	0.1471	1.00%	4,758,332
GRV - Other Vacant	121	506,041	1,129	0.2281	78.51%	174,294
GRV - Commercial	186	12,906,041	1,129	0.1450	8.06%	1,877,105
GRV - Industrial	177	7,481,770	1,129	0.1410	5.08%	1,060,822
GRV - Rural Residential	26	270,656	1,129	0.1471	15.38%	41,638
UV - Rural Residential	200	49,776,000	1,129	0.0112	0.00%	557,491
UV - Pastoral	21	5,473,151	1,129	0.0579	4.76%	317,013
UV - Commercial/ Industrial	65	13,048,780	1,129	0.0078	30.77%	121,863
UV - Agriculture	81	60,742,309	1,129	0.0118	1.23%	717,770
UV - Horticulture	93	29,703,000	1,129	0.0103	0.00%	305,941
UV - Mining	69	1,786,064	1,129	0.2781	46.38%	518,350
UV - Mining Exploration and Prospecting	44	464,114	315	0.1390	43.18%	67,410
UV - Other	5	8,975,000	1,129	0.0066	20.00%	59,374
TOTALS	2,781	223,438,324				10,577,402

3. Endorses for advertising for a minimum of twenty-one (21) days and seeks public submissions on:

- a. Council Policy *CP/FIN-3200 Strategic Rating* (Attachment 2) that outlines the principles which underpin the proposed 2019/20 rating model, including the Object of and Reasons for Differential Rates;
- b. The 2019/20 Rating Model (Attachment 3) which incorporates the Object of and Reasons for Differential Rates, along with the proposed differential rates and minimum payments to be applied from 1 July 2019 for the 2019/20 financial year in accordance with section 6.36 of the *Local Government Act 1995*.

Carried: 7/0

STATUTORY IMPLICATIONS

Local Government Act 1995

Part 5

Division 6 – Disclosure of financial interests

5.63. Some interests need not be disclosed

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

Local Government Act 1995

Part 6

Division 6 – Rates and service charges

6.33. Differential general rates

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —
- (a) the purpose for which the land is zoned under a local planning scheme in force under the Planning and Development Act 2005;
 - (b) the predominant purpose for which the land is held or used as determined by the local government;
 - (c) whether or not the land is vacant land; or
 - (d) any other characteristic or combination of characteristics prescribed.
- (2) Regulations may —
- (a) specify the characteristics under subsection (1) which a local government is to use; or
 - (b) limit the characteristics under subsection (1) which a local government is permitted to use.
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.
- (4) If during the financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.

6.35. Minimum payment

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

6.36. Local government to give notice of certain rates

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.*
- (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).*
- (3) A notice referred to in subsection (1)*

- (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;*
 - (b) is to contain -*
 - (i) details of each rate or minimum payment the local government intends to impose;*
 - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and*
 - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed; and*
 - (c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.*
- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.*
- (5) Where a local government -*
- (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or*
 - (b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),*
- it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.*

Local Government (Financial Management) Regulations 1996

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

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

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

POLICY IMPLICATIONS

The proposed differential general rates and minimum payments in the rate model are based on the Council's revised Policy CP/FIN-3200 *Strategic Rating* that aligns the rating model

closely to the Shire of Wyndham East Kimberley Local Planning Scheme No. 9 (LPS9) in terms of land use.

FINANCIAL IMPLICATIONS

The impact of having a 0% rate increase in the 2018/19 financial year required Shire Officers, as part of the budget process, to critically evaluate the expenditure estimates for possible savings. The efficiencies were achieved. In the 2019/20 Budget process budget efficiencies have been further considered as has been provided in the budget briefings and budget papers presented to Councillors. The process of identifying efficiency gains is an on-going one and Shire staff aim to continue to seek to provide better value for money for the rates the community pay. The Budget will reflect these efficiency gains once finalised.

The differential general rates and minimum payments as per the advertised rating model were expected to yield total net rate revenue of \$10,577,402 resulting in an increase in the gross yield over the 2018/19 Budget of \$156,468.

The proposed differential general rates and minimum payments are now expected to yield total net rate revenue of \$10,584,329. This is an increase of \$6,927 from what was advertised and an increase in the gross yield over the 2018/19 Budget of \$163,395. This change is as a result of minor changes in valuations that have been received from the Valuer-General since the rates were advertised.

The increase in Rates revenue will be partially offset by an expected reduction in Fees and Charges revenue due to the removal of landfill charges for domestic waste from residential properties 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

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

Control: Current budget and service levels.

COMMUNITY ENGAGEMENT

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

- Briefings with Council on 9 April 2019 and 14 May 2019;
- Local public notice in the Kimberley Echo on 2nd May 2019;
- Local public notice in the Bastion Bulletin on 1st May 2019;
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2019/20 was placed on the Coles noticeboard and the IGA noticeboard on 1 May 2019;
- The Shire's Facebook page and website on 1st May 2019;
- Media Release on 1st May 2019;
- Letters to the individual property owners in rating categories GRV Rural Residential, UV Pastoral and UV other as required by the Department of Local government and Communities Rating Policy on Differential Rates; and
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2019/20, including Council Policy *CP/FIN-3200 Strategic Rating* placed on the Shire's website, public notice boards at the Civic Centres and Libraries in both Kununurra and Wyndham on 1st May 2019.

COMMENTS

Rate in the Dollar

Rate revenue is determined by applying a rate in the dollar against the Gross Rental Values (GRV) and Unimproved Values (UV) advised to the Shire by the Valuer General's Office.

The Shire levies the same rate in the dollar against all properties in a particular rate category. Provided that there is no change to the GRV's and UV's, an increase in the rate in the dollar impacts on all the properties in that category equally. If there is a significant change in the GRV's and UV's this changes the proportion each property in that category pays of the total rates for that category. There has been no material change to valuations from those used at the time of advertising and as a result there has been no change to the recommended rates in the dollar from those advertised.

The model adopted for advertising was one with a rate increase of 1.5% as this provides additional funds to maintain current service levels but still requires the Shire to examine its cost structure to ensure that it is efficient in the delivery of its services. A 1.5% rate increase will be again below the anticipated increase to the cost of delivering Shire services.

In determining the rate yield (amount of rates collected) "natural growth" is one of the first components considered. It is determined by applying the prior year rate in the dollar to the rates base as amended before any general revaluation is factored in. Interim valuation changes received since advertising the rate in the dollar have resulted in an adjustment to the natural growth (decline) from negative 0.08% to negative 0.02%, before any changes arising from LPS9 are taken into consideration. When the impact of zoning changes in LPS9 and the annual UV valuation roll have been incorporated into the rating model the "natural growth" is positive 0.02% and the increase in total rates yield is 1.57%.

While the proposed percentage rate increase in the dollar is generally subject to the most scrutiny, there are other aspects of setting the rate in the dollar that need to be highlighted. It is critical to note that the change to the actual rate in the dollar is only one factor of the rate setting process. Other factors comprise of changes to the rates base. This can be changes to the total number of rateable properties, the mix between each rating category and the change in values placed on properties within each rating category.

The changes in property values can happen on an incremental basis or on a periodic basis as part of a general revaluation of municipal properties. It is the combination of these factors that will have to be taken into account in assessing their impact on the rate in the dollar before assessing what increase to apply. The Shire attempts to ensure that the actual dollar value that a ratepayer pays increases as close to the increase percentage as possible. In the 2018/19 financial year there was a general revaluation which impacted the rate setting process. The 2019/20 rate setting process has not been impacted by the problems that were experienced from that revaluation.

In deciding what increase to apply to the rate in the dollar there are a number of indicators that can be used in order to ensure objectivity in the process. The most popular one is the Consumer Price Index (CPI). The CPI is an index determined by the Australian Bureau of Statistics that is the rate of change in prices on a basket of goods measured on a quarterly basis. This basket of goods does not generally reflect the components of costs that the Shire incur in delivering our services. This index does however give the Shire an indication of the impact rising prices has on household income and the state of the economy in broad terms. The Perth CPI data for the 2018 calendar year shows an increase of 1.3% for the year. The index for the year ended March 2019 is not expected to vary materially from this amount.

A more accurate measure of the Shire's cost profile is the Local Government Cost Index (LGCI). This index is based on the 'bundle of goods' relating to local government and reflects the proportion of general construction activity in the form of works such as roads, bridges and facilities for recreation and community. The LGCI therefore provides an indication of those changes in costs that relate more closely to function of local government.

The Shire utilises the LGCI forecasts that are in the WALGA Local Government Economic Briefing. The forecast for the remainder of the 2018/19 year is 1.7%. The Shire raised rates by 0% in relation to this in the 2018/19 budget. This means that on average the purchasing power of funds available for the Shire to continue to maintain current service levels has decreased by 1.7% for the 2018/19 year. The forecast for the 2019/20 financial year is a 2.0% increase in LGCI. Where the Shire sets a rate yield increase of less than the LGCI, it will have to find operational savings to ensure current service levels are maintained.

Shire Officers also need to consider surrounding circumstances such as the state of the local economy. We are of the opinion that the local economy remains sluggish at this time and any proposed rate increase must factor this in. There are however signs that indicate possible positive future investment in the local economy. Therefore Officers have recommended a moderate rate in the dollar increase of 1.5% for the 2019/20 year.

Council Policy CP/FIN-3200 Strategic Rating

The Strategic Rating policy has been amended to incorporate changes required due to the introduction of LPS9 and the changes to zoning impacting on some rating categories. 17 properties previously zoned Rural Agriculture 2 and rated as UV - Rural Agriculture 2 have been re-zoned to Rural Smallholdings. These properties will now be rated as UV - Rural Residential. 26 properties previously zoned Special Rural and rated as GRV - Residential have been re-zoned to Rural Residential. These properties will now be rated in a differential rating category of GRV - Rural Residential.

In addition to the above, name changes have been made to two differential rating categories to align them with changes to zone names in LPS9. Properties previously zoned Rural Agriculture 1 and rated as UV - Rural Agriculture 1 are now zoned Agriculture - State or Regional Significance and will be rated as UV - Agriculture. Properties previously zoned Rural Agriculture 2 and rated as UV - Rural Agriculture 2 are now zoned Local Horticulture and will be rated as UV - Horticulture. These are cosmetic changes only and have no other impact on the rating categories or rates.

Comparison with other Councils

A comparison of the proposed rate in the dollar increase with the other Kimberley Shires indicates that the recommended 1.5% increase in the rate in the dollar is below that of neighbouring Shires. The Shire of Broome has advertised a proposed rate in the dollar with an increase of 1.75% and the Shire of Halls Creek has advertised a proposed rate in the dollar increase of 1.9%. Officers have also been advised that the Shire of Derby West Kimberley is considering a 6% increase for advertising.

Submissions

At the time of drafting this report the Shire has received one submission on the proposal to levy differential rates. The closing date for submissions is 23 May 2019. Any submissions received will be included in the agenda for the 28 May Ordinary Council Meeting and any submissions received between the time the agenda for the Ordinary Council Meeting is published and the date of the meeting will be circulated to Council at the meeting for consideration.

The attached submission requests that Council consider the impact of a rate increase on UV Mining and UV Mining Exploration and Prospecting rates and the minimum payment for UV Mining rates. Officers consider that the proposed increases for these rating categories are in line with Council's Strategic Rating policy.

ATTACHMENTS

Attachment 1 - Rating Model 2019/20

Attachment 2 - Council Policy *CP/FIN-3200 Strategic Rating*

Attachment 3 - Rates Submissions

12.5. INFRASTRUCTURE

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

Council Decision

Minute Number: 28/05/2019 - 118027

Moved: Cr N Brook

Seconded: Cr A Petherick

That Council move in-camera 6:23pm. Shire Officers to remain.

Carried:9/0

16.1. Additional Flight Options

DATE:	28 May 2019
AUTHOR:	Chief Executive Officer
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF INTERESTS:	The CEO declares an impartiality interest as he represents the Shire at the East Kimberley Marketing Group

Council Decision

Minute Number: 28/05/2019 - 118028

Moved: Cr T Chafer

Seconded: Cr D Pearce

That Council

- 1. Notes the finalisation and execution of the Agreement as required and in accordance with the details and terms provided in the confidential attachments;**
- 2. Rescind part 3 of Minute Number 115963 from its meeting on 26/03/2019 and, in line with the attached Agreement, waive all applicable Passenger Service Fees for Screening, Terminal Passenger Handling Fees and Landing Fees at the East Kimberley Regional Airport for the proposed trial of a new (additional) air service between the east coast of Australia (Melbourne) and Kununurra between May and August 2020, and in accordance with the Shire's Fees and Charges Schedules**
- 3. Notes that the reason for waiving all applicable Passenger Service Fees for Screening, Terminal Passenger Handling Fees and Landing Fees is to avoid complexities associated with SWEK levying charges on flights chartered by itself.**

Carried:9/0

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

5.23. Meetings generally open to public

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

- (a) a matter affecting an employee or employees; and*
- (b) the personal affairs of any person; and*
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e) a matter that if disclosed, would reveal —*
 - (i) a trade secret; or*
 - (ii) information that has a commercial value to a person; or*
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and*
- (f) a matter that if disclosed, could be reasonably expected to —*

- (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
 - (ii) endanger the security of the local government's property; or*
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and*
 - (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
 - (h) such other matters as may be prescribed.*
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

VOTING REQUIREMENT

Simple Majority

PURPOSE

For Council to note the finalisation and execution of the Agreement as required and in accordance with the details and terms provided in the confidential attachments.

Council Decision

Minute Number: 28/05/2019 - 118029

Moved: Cr M McKittrick

Seconded: Cr T Chafer

That Council move out of camera at 6:35pm

Carried:9/0

Members of the Gallery were invited back in to Chambers. The Shire President read the Council Resolution aloud for all members of the public to hear.

17. CLOSURE

The Shire President declared the meeting closed at 6:36pm