

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

David Heyzel

Shire President

10/12/2019

Date



SHIRE OF WYNDHAM | EAST KIMBERLEY

MINUTES ORDINARY COUNCIL MEETING

19 November 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
HELD ON TUESDAY 19 NOVEMBER 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 Deputy Shire President declared the Meeting open at 5:02pm.

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

ATTENDANCE

Cr T Chafer	Deputy Shire President
Cr N Brook	Councillor
Cr M Dear	Councillor
Cr J Farquhar	Councillor
Cr M McKittrick	Councillor
Cr D Pearce	Councillor
C Askew	Chief Executive Officer
S Dyson	Director Infrastructure
N Kearns	Director Planning and Community Development
V Lawrence	Director Corporate Services
C Cane	Minute Taker

LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Cr G Lodge	Councillor	(Previously approved by Council, Minute Number 24/09/2019 - 118096)
Cr A Petherick	Councillor	(Previously approved by Council, Minute Number 29/10/2019 - 118104)

APOLOGIES

Cr D Menzel	Shire President
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3. DECLARATION OF INTEREST

- Financial Interest
NIL
- Impartiality Interest

Councillor/Staff	Item	Title	Description of interest
Cr Narelle Brook	12.3.2	Petition to remove payphones from Tourism House Kununurra	I have signed the petition
Cr Mat Dear	12.3.2	Petition to remove payphones from Tourism House Kununurra	I have signed the petition

- Proximity Interest
NIL

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

NIL

5. PUBLIC QUESTION TIME

NIL

6. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Chafer and Cr McKittrick have provided a written request for a leave of absence for the 10 December 2019 Ordinary Council Meeting.

OFFICER RECOMMENDATION

That Council approve a leave of absence for Cr Chafer and Cr McKittrick for the 10 December 2019 Ordinary Council Meeting.

Council Decision

Minute Number: 19/11/2019 - 118118

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

That Council approve a leave of absence for Cr Chafer and Cr McKittrick for the 10 December 2019 Ordinary Council Meeting.

Carried: 6/0

7. PETITIONS

NIL

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 29 October 2019.

Council Decision

Minute Number: 19/11/2019 - 118119

Moved: Cr M McKittrick

Seconded: Cr N Brook

That Council confirms the Minutes of the Ordinary Council Meeting held on 29 October 2019.

Carried: 6/0

Note: The Minutes of the Ordinary Council Meeting held on 29 October 2019 are provided under separate cover via www.swek.wa.gov.au

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

- **1 November 2019 – Meeting with WALGA** to discuss current issues of concern as well as explore new opportunities. Attendees were Nick Sloan (WALGA CEO), Tony Brown (WALGA Executive Manager of Governance and Organisational Services), Cr David Menzel (Shire President) and Carl Askew (CEO).
- **4 November – Audit (Finance & Risk) Committee meeting.** Thank you to Cr Farquhar for stepping in in her role as proxy.
- **6 November – Council Briefing Session**
- **8 November – Audit Exit Meeting** attended by Shire President David Menzel, Deputy Shire President Tony Chafer, Cr McKittrick, Carl Askew (CEO) and Vernon Lawrence (Director Corporate Services). I am pleased to report to Council that the advice and feedback received from the Auditor was that it was an outstanding and excellent result for the Shire with no non-conformances and a significant number of positive improvements.
- **11 November – Remembrance Day.** The Shire President David Menzel laid a wreath at the Kununurra Remembrance Day Service, whilst Councillor McKittrick laid a wreath at the Wyndham Service; in

memory of all of the members of the armed forces, who lost their lives in the line of duty.

- **11-14 November – Various meetings were held in Canberra with senior Bureaucrats and Ministerial Advisors.** Carl Askew (CEO) and Alfred Nagaiya (Senior Economic Development Officer) attended. The Shire received a good hearing in Canberra and a number of agencies and Ministerial officers expressed that the Shire had undertaken some good work and were well prepared with our research and documentation. Visits such as this one are very useful in getting our projects on the Commonwealth's radar. Deputy President Tony Chafer will be attending himself next week with the Zone delegation to have some follow up meetings with the Ministers.
- **13 November – Wyndham Town Centre Consultation Workshop.** The Planning and Community Development team met with residents of Wyndham at an open consultation about the development of the town. The consultation has provided some excellent information, which will be used to prioritise areas of improvement in Wyndham. We have been asked during our 'Meet & Greet' session today if the Shire can produce an outcome of that workshop to circulate around the community. There will also be further consultations over the coming months, to better engage with the Wyndham Community and discuss their identified needs. Thank you to the community and to Cr Brook, Cr Dear, Cr Farquhar, Cr McKittrick and Cr Pearce for their attendance and participation at the workshop.
- **19 November – Wyndham 'Meet & Greet'.**

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

NIL

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

NIL

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

12.1.1. Consideration of Recommendations Contained within the Minutes of the Audit (Finance and Risk) Committee of 4 November 2019

DATE:	19 November 2019
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
ASSESSMENT NO:	Various - As detailed in the Minutes of the 4 November 2019 Audit (Finance and Risk) Committee meeting
FILE NO:	Various - As detailed in the Minutes of the 4 November 2019 Audit (Finance and Risk) Committee meeting
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 1

Council agreed to move Recommendations 1 to 4 *en bloc* and with the amended and corrected date of 4 November 2019.

That Council, with reference to Item 7.1 “*Standing Item - Rates Debtors*” as detailed in the 5 November 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: 19/11/2019 - 118120

Moved: Cr T Chafer

Seconded: Cr M McKittrick

That Council, with reference to Item 7.1 “*Standing Item - Rates Debtors*” as detailed in the 4 November 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: 6/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 2

That Council, with reference to Item 7.2 *“Standing Item - Sundry Debtors”* as detailed in the 5 November 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.

Council Decision

Minute Number: 19/11/2019 - 118121

Moved: Cr T Chafer

Seconded: Cr M McKittrick

That Council, with reference to Item 7.2 *“Standing Item - Sundry Debtors”* as detailed in the 4 November 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: 6/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 3

That Council, with reference to Item 7.3 *“Standing Item - Insurance Claims”* as detailed in the 5 November 2019 Audit (Finance and Risk) Committee Agenda/Minutes, note the Insurance Claims Report and associated attachments attached to the Agenda of the 5 November 2019 Audit (Finance and Risk) Committee Meeting.

Council Decision

Minute Number: 19/11/2019 - 118122

Moved: Cr T Chafer

Seconded: Cr M McKittrick

That Council, with reference to Item 7.3 “*Standing Item - Insurance Claims*” as detailed in the 4 November 2019 Audit (Finance and Risk) Committee Agenda/Minutes, note the Insurance Claims Report and associated attachments attached to the Agenda of the 4 November 2019 Audit (Finance and Risk) Committee Meeting.

Carried: 6/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 4

That Council, with reference to Item 7.4 “*Standing Item - Leases*” as detailed in the 5 November 2019 Audit (Finance and Risk) Committee Agenda/Minutes, note the Confidential Lease Schedule and the New and Renewal Lease Schedule attached to the Agenda of the 5 November 2019 Audit (Finance and Risk) Committee Meeting.

Council Decision

Minute Number: 19/11/2019 - 118123

Moved: Cr T Chafer

Seconded: Cr M McKittrick

That Council, with reference to Item 7.4 “*Standing Item - Leases*” as detailed in the 4 November 2019 Audit (Finance and Risk) Committee Agenda/Minutes, note the Confidential Lease Schedule and the New and Renewal Lease Schedule attached to the Agenda of the 4 November 2019 Audit (Finance and Risk) Committee Meeting.

Carried: 6/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 5

That Council, with reference to Item 7.5 “*Proposed Meeting Dates for the Audit*”

(Finance and Risk) Committee for 2020” as detailed in the 4 November 2019 Audit (Finance and Risk) Committee Agenda/Minutes, accepts the report:

1. That the Audit (Finance and Risk) Committee meetings for 2020 are held in accordance with the following dates, times and place:

Date	Time	Place
Monday, 10 February 2020	5:00 pm	Council Chambers, Kununurra
Monday, 11 May 2020	5:00 pm	Council Chambers, Kununurra
Monday, 10 August 2020	5:00 pm	Council Chambers, Kununurra
Monday, 9 November 2020	5:00 pm	Council Chambers, Kununurra

2. That local public notice of the meetings outlined in recommendation (1) above is provided in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*.

Council Decision

Minute Number: 19/11/2019 - 118124

Moved: Cr T Chafer

Seconded: Cr N Brook

That Council, with reference to Item 7.5 ***“Proposed Meeting Dates for the Audit (Finance and Risk) Committee for 2020”*** as detailed in the 4 November 2019 Audit (Finance and Risk) Committee Agenda/Minutes, accepts the report:

1. That the Audit (Finance and Risk) Committee meetings for 2020 are held in accordance with the following dates, times and place:

Date	Time	Place
Monday, 10 February 2020	5:00 pm	Council Chambers, Kununurra
Monday, 11 May 2020	5:00 pm	Council Chambers, Kununurra
Monday, 10 August 2020	5:00 pm	Council Chambers, Kununurra
Monday, 9 November 2020	5:00 pm	Council Chambers, Kununurra

2. That local public notice of the meetings outlined in recommendation (1) above is provided in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*.

Carried: 6/0

VOTING REQUIREMENT

Simple Majority

PURPOSE

To consider the recommendations from the Audit (Finance and Risk) Committee made at its meeting held on 4 November 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 4 November 2019.

STATUTORY IMPLICATIONS

Various - detailed within the Minutes of the 4 November 2019 Audit (Finance and Risk) Committee meeting.

POLICY IMPLICATIONS

Various - detailed within the Minutes of the 4 November 2019 Audit (Finance and Risk) Committee meeting.

FINANCIAL IMPLICATIONS

Various - detailed within the Minutes of the 4 November 2019 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda.

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 4 November 2019 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda.

COMMUNITY ENGAGEMENT

Various - detailed within the Minutes of the 4 November 2019 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda.

COMMENTS

Various - detailed within the Minutes of the 4 November 2019 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda.

ATTACHMENTS

NIL

12.2. CHIEF EXECUTIVE OFFICER

12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	19 November 2019
AUTHOR:	Executive Officer to the CEO
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: 19/11/2019 - 118125

Moved: Cr M Dear

Seconded: Cr M McKittrick

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

Carried: 6/0

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

Strategic Community Plan 2017-2027

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

An update of actions from the October 2019 Council resolutions are detailed in Attachment 1.

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

ATTACHMENTS

Attachment 1 - Council Action Register - October 2019

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

12.2.2. Draft Code of Conduct and Draft CEO Standards and accompanying guidelines

DATE:	19 November 2019
AUTHOR:	Senior Governance and Risk Officer
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
FILE NO:	GN.06.1
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Support, in principle, the position of WALGA in relation to the proposed Draft Code of Conduct and Draft CEO Standards and accompanying guidelines, as outlined in this report.**
- 2. Provide a submission to the Department of Local Government, Sport and Cultural Industries on the Draft Code of Conduct and Draft CEO Standards and accompanying guidelines as outlined in this report and provide a copy of that submission to WALGA.**

Council Decision

Minute Number: 19/11/2019 - 118126

Moved: Cr Farquhar

Seconded: Cr Dear

That Council:

- 1. Support, in principle, the position of WALGA in relation to the proposed Draft Code of Conduct and Draft CEO Standards and accompanying guidelines, as outlined in this report.**
- 2. Provide a submission to the Department of Local Government, Sport and Cultural Industries on the Draft Code of Conduct and Draft CEO Standards and accompanying guidelines as outlined in this report and provide a copy of that submission to WALGA.**

Carried: 6/0

PURPOSE

To make a submission to the Department of Local Government, Sport and Cultural Industries, and WALGA on the Draft Code of Conduct, Draft CEO Standards and accompanying Guidelines.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In 2017 the McGowan Government announced a review of the Local Government Act 1995. This is the first significant reform of local government conducted in more than two decades. The objective is for Western Australia to have a new, modern Act that empowers local governments to better deliver for the community, the vision, for Local Governments to be agile, smart and inclusive.

Local governments and community were invited to have their say on the priority reforms earlier this year and the drafting of a Bill which includes universal training for candidates and council members, council member code of conduct, improvements to CEO recruitment and performance review and a simplified gift framework.

On 27 June 2019, the Local Government Legislation Amendment Act 2019 was passed in Parliament. The Act includes a requirement for the introduction of:

- a mandatory code of conduct for council members, committee members and candidates (Code of Conduct); and
- mandatory minimum standards covering the recruitment, selection, performance review and early termination of local government Chief Executive Officers (CEO Standards).

The Western Australian Local Government Association (WALGA) has prepared a draft submission for each of the above documents and is seeking feedback on these submissions.

Background on the Model Code of Conduct and Guidelines:

The mandatory code of conduct is a departure from the current legislation which separates codes of conduct and the Rules of Conduct Legislation. It also departs from the current legislation which requires a Local Government to have one Code of Conduct for Council Members, Committee Members and Employees. The new legislation requires a Code of Conduct for Council Members, Committee Members and Election Candidates and a Separate code for Employees. The Act requires that Local Governments adopt the Code within three months of the amendments taking effect. Until the Code is adopted, the Model Code applies. While local governments are not able to amend Part A or Part C, additional behaviours can be included in Part B that are not inconsistent with the Code. In considering additional behaviours, the Council may give consideration to behaviours that are not currently represented in the Code that it considers are important. This may include

introducing a dress standard for members or practices around the use of technology, for example.

The Model Code and guidelines developed by the department though sufficient, is mostly improved with the WALGA recommendations. The Shire of Wyndham East Kimberley would support the attached draft submission to the Department with feedback as contained in the comments section of this report. Changes recommended of note from WALGA to the Department are summarised as follows:

1. Amend the model code so that Committee Members and Election Candidates are included in Part B and C. Currently Part's B and C only applies to Council Members. The Submission from WALGA recommends seeking further comment from the Department on the intended application of behavioural standards on committee members and candidates
2. Under the Model Code, an alleged breach of the Rule of Conduct will continue to be referred to the Local Government Standards Panel. Part B (2.17) however sets out that Local Governments will be required to deal with allegations made by 'any person' of a behavioural breach. Local governments would need to incorporate a process for dealing with those behavioural breaches. WALGA seeks further comment to assist with building perspective on processes and consequences associated with managing behavioural breach complaints, including guidelines to assist policy development, complaints management and resolution.
3. The Model Code creates a definition of the term 'resource' which does not appear in the current Rules of Conduct '*resource is defined to mean tangible and intangible assets, services or other means of supporting the functions of local government, which are owned or paid for by the local government from public money*'. The term needs greater explanation as to assess the potential impact the definition may have in determining a breach allegation.
4. Repeated breaches of Part B are not currently regulated. The new provision will provide an accountability measure when there are continuous breaches of behaviour. The provision will require Council to make a determination by resolution to refer a Council Member who has committed three or more breaches to the Local Government Standards Panel. WALGA would seek further consultation on this change
5. Part C contains many typographical errors, inconsistent numbering and lettering. There are terminology contradictions which could also cause confusion, for example using the word "rule" interchangeably throughout sections C and B when the terminology is already established in the Rules of Conduct. WALGA would also seek further consultation on the definition of 'interest' as this has also changed significantly.

Guidelines for CEO Recruitment, Selection, Performance Review and Termination Drafts for Consultation

The standards and guidelines have been developed by the Department of Local Government, Sport and Cultural Industries (Department) in consultation with representatives from the Public Sector Commission, the Ombudsman, the Western Australian Local Government Association (WALGA) and Local Government Professionals WA (LGPro). The

document outlines proposed mandatory **minimum** standards. These standards will inform the drafting of regulations.

Changes recommended of note from WALGA to the Department are summarised as follows:

1. The new guidelines require the position of the CEO to be advertised as a matter of course (10 Years). If the Council and the Chief Executive Officer are satisfied with the employment relationship, then forcing the position to be advertised will be disruptive, time-consuming, expensive, and counter-productive for the Local Government. WALGA recommends that this requirement be removed from the guidelines and not included in the regulations.
2. The guidelines endorse a third party person to be included on the selection panel that makes recommendations to Council about the employment of a Chief Executive Officer. WALGA fully supports and encourages Councils to utilise a qualified recruitment consultant to guide Councils through the process of recruiting a CEO, but recommends that this person should not be a decision-making member of the selection panel.
3. WALGA's preferred approach is one based on capacity building, advice, support, and training. According to WALGA a compliance based approach as put forward by the Department in the regulations undermines the intent of having 'guidelines' to assist Local Governments in their decision making processes, and may lead to risks and unintended consequences. WALGA instead advocates for a capacity building approach with Council's encouraged to engage professional services and advice to ensure a process is undertaken correctly.

STATUTORY IMPLICATIONS

Local Government Act 1995 Section 5.8, 5.23, 5.36, 5.38, 5.39 5.40, 5.60, 5.93

*Local Government (Administration) Regulations 1996 (Administration Regulations)
Regulation 18*

Corruption, Crime and Misconduct Act 2003 section 4(a), (b) and (c)

POLICY IMPLICATIONS

The Code of Conduct for Council Members, Committee Members and Employees will require review to align with the Code and Guidelines. This will also involve the delivery of a separate Code of Conduct for Employees, Contractors and Volunteers.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report however the review and production of new Codes of Conduct will require officer time and resources.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

RISK IMPLICATIONS

Risk: Failure to manage a governance framework which transparently governs and embraces good governance practices.

Failure to manage the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, internal control and legislative compliance.

Control: Update policies and procedures in line with statutory requirements and the current and future needs of the Shire of Wyndham East Kimberley.

COMMUNITY ENGAGEMENT

No community engagement is required in association with this report.

COMMENTS

Model Code of Conduct and Guidelines

In summary, the Shire would support the WALGA submission to the Department noting the support for Department's changes in principle.

Part A, *Principles* section guides the decisions, actions and behaviours of Council Members, Committee Members and Candidates including Personal Integrity, Relationships with others and Accountability. The Shire agrees that this does well to expand on the current principles currently found under Regulation 3 of the *Local Government (Rules of Conduct) Regulations*.

The Part B *Behaviour* section of the Model Code of Conduct and corresponding regulations provide for Local Governments to deal with negative Council Member Behaviour. Previously, breaches were forwarded to the Local Government Standards Panel. The Complaint management section allows for a process where Councillor behavior can be resolved more effectively at an initial a local level with strict process for escalation. The Shire would support the comments from WALGA that a more detailed outline from the Department on process would be desired.

While local governments are unable to amend Part A or C of the Code, local governments can give consideration to behaviors which are not inconsistent with the Code. It is likely that the Shire would consider behaviours around communications, social media and record keeping practices in this section.

Part C *Rules of Conduct* only references Council Members. This should be expanded to include Committee Members and Election Candidates. The Shire would agree with the Submission from WALGA that a majority of the document is consistent with the previous

regulations. The accountability measures for referring Council members to the standards panel via resolution should help Council to deal with breaches in a standardised way.

Guidelines for CEO Recruitment, Selection, Performance Review and Termination Drafts for Consultation

In summary, the Shire would support comments from WALGA insofar as the suggested changes to the current draft guidelines, but would not support removal of the regulations for a “capacity building approach”. A compliance based approach to CEO Recruitment, Selection, Performance Review and Termination would be beneficial, rather than detrimental to local governments and their decision making processes, particularly in relation to performance review standards. The guidelines provide for a minimum standard for Council to manage what is a fundamental role of the Council, the employment of the Local Governments CEO and their performance. Enforcing expectations of both the Council and CEO through regulations and guidelines would build consistency across the sector and make clear the expectations on Councils to manage the performance of their CEO’s effectively and with accountability.

In closing, providing feedback to the Department on the legislation changes, which directly affect Local Governments at ground level, is fundamental to ensuring an effective governing structure. It is recommended that the contents of this report be forwarded to both WALGA and the Department for their consideration.

ATTACHMENTS

- Attachment 1 - Draft WALGA Submission on CEO Standards and Guidelines - October 2019
- Attachment 2 - Draft WALGA Submission on Code of Conduct - October 2019
- Attachment 3 - Draft CEO Standards and Guidelines
- Attachment 4 - Draft Code of Conduct with Guidelines

12.2.3. Kimberley Development Commission Board Nominations

DATE:	19 November 2019
AUTHOR:	Senior Governance and Risk Officer
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
FILE NO:	GR.03.9
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council nominate Cr _____ and Cr _____ as applicants for the vacant Board position on the Kimberley Development Commission.

There was one nomination of Cr Alma Petherick, from Cr Debra Pearce for the vacant Board position on the Kimberley Development Commission, which was accepted.

Council Decision

Minute Number: 19/11/2019 - 118127

Moved: Cr D Pearce

Seconded: Cr M McKittrick

That Council nominate Cr Petherick as an applicant for the vacant Board position on the Kimberley Development Commission.

Carried: 6/0

PURPOSE

For Council to nominate two (2) Councillors as applicants for the vacant position on the Kimberley Development Commission Board.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Kimberley Development Commission Board is a governing body that exists to direct and guide the organisation, set performance goals, ensure corporate compliance, endorse strategic plans and approve operational budgets. The Board works to ensure the organisation has the resources necessary to achieve goals and monitor performance. The board does not manage the Commission, and there is a separation of power which exists between the board and the Commission, similar to the role of Council and Administration. Board or Sub-committee affairs must be directed through the Chief Executive.

All members of the Kimberley Development Commission's Board are appointed by the Minister for Regional Development in Accordance with the Regional Development Commissions Act 1993 for terms of between 1 and 3 years. Local Government representatives will become ineligible to remain on the board if they are no longer a member of the Local Government.

Currently Board meetings are up to five times a year with meeting locations being determined by the Board. Committee members are to allow a full two days for Board meetings and time will need to be considered for travel.

Councillors wishing to nominate for a position should consider the "member skills and attributes" listed in the attachments of this report. There is also a requirement for the Council Member to submit a resume and complete a nomination form to the Hon Alannah MacTiernan, Minister for Regional Development; Agriculture and Food; Minister Assisting the Minister for State Development, Jobs and Trade. The requirements and notes for nomination are attached to this report.

STATUTORY IMPLICATIONS

Regional Development Commissions Act 1993 Schedule 2

Local Government Act 1995

POLICY IMPLICATIONS

Code of Conduct, Council Members, Committee Members and Employees.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.2: Good decision making through engagement with the community

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

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

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

RISK IMPLICATIONS

Risk: Failure to accurately represent the Shire and region on the Board.

Control: Councillors to adhere to the Shire's Code of Conduct, informing policies and previous and future decisions of Council.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

It would be beneficial for the Shire to have Councillor representation on the Board to ensure active participation in planning and decision making for the region and to be an advocate for the interests of Council and the East Kimberley at a broader level.

Nominating Councillors must be able to attend meetings during business hours and travel for Board meetings.

ATTACHMENTS

Attachment 1 - Nomination Form

Attachment 2 - Notes for Local Government nominations for the KDC Board 2019

Attachment 3 - Letter to the Shire President requesting nominations

12.3. PLANNING AND COMMUNITY DEVELOPMENT

12.3.1. Annual Report 2018-19

DATE:	19 November 2019
AUTHOR:	Senior Projects Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director of Planning and Community Development
FILE NO:	CM.13.12
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Receives the 2018 - 2019 Annual Report (including the Annual Financial Statements and Associated Notes) as presented.**
- 2. Convenes the Annual General Meeting of electors at 5 pm on 12 December 2019 at the Kununurra Council Chambers.**
- 3. Requests that the Chief Executive Officer, pursuant to sections 5.29 and 5.55 of the Local Government Act 1995, provide the requisite statutory local public notice of the acceptance of the 2018 - 2019 Annual Report and the time and date of the Annual General Meeting of electors.**

Council Decision

Minute Number: 19/11/2019 - 118128

Moved: Cr M Dear

Seconded: Cr J Farquhar

That Council:

- 1. Receives the 2018 - 2019 Annual Report (including the Annual Financial Statements and Associated Notes) as presented.**
- 2. Convenes the Annual General Meeting of electors at 5 pm on 12 December 2019 at the Kununurra Council Chambers.**
- 3. Requests that the Chief Executive Officer, pursuant to sections 5.29 and 5.55 of the Local Government Act 1995, provide the requisite statutory local public notice of the acceptance of the 2018 - 2019 Annual Report and the time and date of the Annual General Meeting of electors.**

Carried: 6/0

PURPOSE

For Council to accept the Annual Report for 2018-19 and to set the date for the Annual General Meeting of Electors.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Facilitator - bring stakeholders together

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

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

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

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

The Annual Financial Report (AFR) is prepared in accordance with Australian Accounting Standards, the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996. Management's responsibility is to prepare the AFR in accordance with the Standards, Act, and Regulations and to ensure that the report presents fairly the financial position of the Shire at 30 June 2019 and the performance of the Shire for the year then ended, free from material misstatement, whether due to fraud or error.

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

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

STATUTORY IMPLICATIONS

Local Government Act 1995

5.27. Electors' general meetings

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

5.53. Annual reports

- 1) *The local government is to prepare an annual report for each financial year.*
- 2) *The annual report is to contain —*
 - a) *a report from the mayor or president;*
 - b) *a report from the CEO;*
 - e) *an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;*
 - f) *the financial report for the financial year;*
 - g) *Such information as may be prescribed in relation to the payments made to employees;*
 - (h) *the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year; and*
 - (ha) *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
 - (hb) *details of entries made under section 5.121 during the financial year in the register of complaints, including —*
 - (i) *the number of complaints recorded in the register of complaints;*
 - and
 - (ii) *how the recorded complaints were dealt with; and*
 - (iii) *any other details that the regulations may require; and*
 - (i) *such other information as may be prescribed.*

5.54. Acceptance of annual reports

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

** Absolute majority required.*

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

5.55. Notice of annual reports

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

5.55A. Publication of annual reports

The CEO is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government.

6.4. Financial report

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

Local Government (Administration) Regulations 1996

15. Matters to be discussed at general meeting

For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

19B. Information about numbers of certain employees to be included

For the purposes of section 5.53(2)(g) the annual report of a local government for a financial year is to contain the following information —

- (a) *the number of employees of the local government entitled to an annual salary of \$100 000 or more;*
- (b) *the number of those employees with an annual salary entitlement that falls within each band of \$10 000 over \$100 000.*

19CA. Information about modifications to certain plans to be included

- (1) This regulation has effect for the purposes of section 5.53(2)(i).*
- (2) If a modification is made during a financial year to a local government's strategic community plan, the annual report of the local government for the financial year is to contain information about that modification.*
- (3) If a significant modification is made during a financial year to a local government's corporate business plan, the annual report of the local government for the financial year is to contain information about that significant modification.*

Local Government (Audit) Regulations 1996

10. Report by auditor

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

POLICY IMPLICATIONS

CP/FIN-3200 Strategic Rating and CP/FIN-3201 Significant Accounting Policies

The Audited Annual Financial Report for the year ended 30 June 2019 has been prepared in accordance with Council Policies CP/FIN-3200 Strategic Rating and CP/FIN-3201 Significant Accounting Policies.

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 Annual Report provides a comprehensive account of the Shire's activities throughout 2018/19. It outlines the progress made towards the strategic objectives as set out in the Shire's Strategic Community Plan 2017-2027 and details achievements against the Corporate Business Plan. The Annual Report also includes commentary on the financial performance of the Shire for the financial year.

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 the 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

CBP Action: #53 Coordinate the Integrated Planning and Reporting Framework

RISK IMPLICATIONS

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

Control: Undertake independent Annual Financial Audit.

COMMUNITY ENGAGEMENT

Engagement will take place in accordance with the Shire's Community Engagement Guidelines and will include statutory local public notice pursuant to sections 5.29 and 5.55 of the *Local Government Act 1995*:

- Informing the community that the Annual Report has been accepted and is available.
- Making the Annual Report accessible for viewing online and in the Shire Offices and other Shire facilities.
- Informing the community of the location, date and time of the Annual General Electors Meeting.

At the Annual General Electors Meeting the community will be able to ask questions and registered electors will be able to put forward elector motions on which the electors can vote and which will be subsequently considered by Council.

COMMENTS

The attached report provides an open and accountable insight into how the Shire has progressed the vision and strategic goals of the Strategic Community Plan 2017-2027. This includes the main achievements and challenges, financial performance and key targets for the year ahead. It is organised to align with our Strategic Community Plan 2017- 2027 focus areas People, Place, Prosperity and Governance with each section identifying:

- Summary of 2018-19 Corporate Business Plan actions
- Measures identified in the Strategic Community Plan for the 2018/19 year against previous years
- Commentary and highlights how the Shire progressed towards the SCP goals.

It is recommended that Council receive the 2018 - 2019 Annual Report as provided as an attachment to this report and to convene the annual meeting of electors, which will be on 12 December 2019.

ATTACHMENTS

Attachment 1 - Annual Report 2018-19

12.3.2. Petition to remove payphones from Tourism House Kununurra

DATE:	19 November 2019
AUTHOR:	Director Planning and Community Development
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	A2682
FILE NO:	RD.24.5
DISCLOSURE OF INTERESTS:	<p>Cr N Brook declared an impartiality interest as a signatory of the petition.</p> <p>Cr M Dear declared an impartiality interest as a signatory of the petition.</p>

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council

- 1. Receives the petition from Kununurra Visitor Centre as per Attachment 1**
- 2. Writes to Telstra to request the three payphones located at the southern end of Tourism House (75 Coolibah Drive, Kununurra) be removed.**

Council Decision

Minute Number: 19/11/2019 - 118129

Moved: Cr N Brook

Seconded: Cr J Farquhar

That Council

- 1. Receives the petition from Kununurra Visitor Centre as per Attachment 1**
- 2. Writes to Telstra to request the three payphones located at the southern end of Tourism House (75 Coolibah Drive, Kununurra) be removed.**

Carried: 6/0

PURPOSE

For Council to consider a request to remove payphones next to Tourism House in Kununurra.

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 Kununurra Visitor Centre submitted a petition to Council on 14 October 2019 to remove three payphones adjacent to the southern entry of Tourism House, being near the entry to access Unit 3. The Kununurra Visitor Centre state that the payphones 'mask' the entrance to the building, have limited use, are unsightly and therefore will impact upon their ability to attract a tenant. They propose that these payphones be removed, and consider that the two payphones on Konkerberry Drive (at the front of the Telstra exchange) would suffice to provide such a service.

The petition contains 39 signatories as is provided at Attachment 1. It does not conform to the requirements for a petition under the Meeting Procedures Local Law 2016. It may however be considered by Council as a submission or group letter (request).

The payphones in question were originally placed in this location as they were close to the original Post Office, which later became the Council Chambers. Initially there were eight payphones at this location and they have been progressively removed over time.

Telstra have advised that the payphones have little usage, with revenue for all three being just over \$500 last financial year. They are also prone to vandalism and damage from the nearby reticulation, which is why they face the building. Telstra have advised that they may be removed if there is strong community support for their removal, as expressed in the petition, and if supported by Council. A review of the Shire's records also indicates that there is no agreement between the parties associated with their siting and therefore there is no obligation for the Shire to retain them in their current position.

Photos of the payphones and immediate surrounds are provided at Attachment 2.

STATUTORY IMPLICATIONS

NIL

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

STRATEGIC IMPLICATIONS

There are no relevant strategic implications.

RISK IMPLICATIONS

NIL

COMMUNITY ENGAGEMENT

NIL

COMMENTS

The public pay phones at the southern end of the Kununurra Visitor Centre considerably obscure the entry to Unit 3 and could therefore impact any new business locating into the building or service delivered from it. The payphones have little use as demonstrated by the small revenue received from them and are within walking distance to the two remaining town centre payphones on Konkerberry Drive; directly opposite to the Kununurra Shopping Centre. The petition, furthermore, demonstrates sufficient support for their removal.

It is recommended that the Shire write to Telstra to request them to remove the three payphones at the southern end of the Kununurra Visitor Centre.

The seating close to the entrance to Unit 3 will be obsolete and will be reviewed in light of future streetscape improvements with respect to paving and any other required public infrastructure.

ATTACHMENTS

Attachment 1 – Petition for removal of public phones outside Tourism House

Attachment 2 – Photos of the Telstra payphones and immediate surrounds

12.3.3. Fees and Charges - Amendment 2019\20

DATE:	19 November 2019
AUTHOR:	Coordinator Recreation and Leisure
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
FILE NO:	FM.02.16
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Pursuant to section 6.16 and 6.18 of the Local Government Act 1995, adopts the proposed amendments to the Schedule of Fees and Charges for 2019/20, effective from 20 November 2019, to include the following:**
 - Day rates for the hire of Peter Reid Memorial Hall:**
 - Community Organisation Day Rate - \$110**
 - Commercial/Government/Private Day Rate - \$220**
 - Administration Fee for consent to consume alcohol on Shire properties - \$60**
 - Swimming Fees Concession Entry of:**
 - 10 Visit Pass - \$25**
 - 20 Visit Pass - \$40**
- 2. Authorises the CEO to give local public notice of the amendments within the 2019/20 Fees and Charges, as updated.**

Council Decision

Minute Number: 19/11/2019 - 118130

Moved: Cr J Farquhar

Seconded: Cr M Dear

That Council:

- 1. Pursuant to section 6.16 and 6.18 of the Local Government Act 1995, adopts the proposed amendments to the Schedule of Fees and Charges for 2019/20, effective from 20 November 2019, to include the following:**
 - Day rates for the hire of Peter Reid Memorial Hall:**
 - Community Organisation Day Rate - \$110**

- **Commercial/Government/Private Day Rate - \$220**
 - **Administration Fee for consent to consume alcohol on Shire properties - \$60**
 - **Swimming Fees Concession Entry of:**
 - **10 Visit Pass - \$25**
 - **20 Visit Pass - \$40**
- 2. Authorises the CEO to give local public notice of the amendments within the 2019/20 Fees and Charges, as updated.**

Carried: 6/0

PURPOSE

For the Council to adopt an amended Schedule of Fees and Charges for 2019/20 for Shire recreation facilities and Peter Reid Memorial Hall.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Provider - provide physical infrastructure and essential services

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Council adopts the Schedule of Fees and Charges on an annual basis in accordance with section 6.16(1) of the Local Government Act 1995. In terms of this section, the Council may impose and recover a fee or charge for any goods or services it provides or proposes to provide, other than a service for which a service charge is imposed. The Council has approximately 700 different fees and charges and adopted the current schedule in April this year.

Officers have recently identified fee categories, which did not transfer across from the 2017/18 fee schedule and which have had an impact with respect to the hire of Peter Reid Memorial Hall and with respect to granting consent to consume alcohol on Shire properties. These fees are described as:

Day rates for the hire of Peter Reid Memorial Hall:

- Community Organisation Day Rate - \$110
- Commercial/Government/Private Day Rate - \$220

In the 'Other Recreation and Sport' category include the administration fee related to granting consent to consume alcohol on Shire properties. This fee is \$60.

In reviewing the fee schedule in light of the missing fee categories, Officers took the opportunity to review other related fee categories and believe that there is a gap in the fees related to concession entry; namely that there should be the ability for concession holders (Disability Support Card and Seniors Concession Card) to purchase (discounted) multi-visit passes, similar to those available to adults and children, being:

- Concession Entry 10 Visit Pass - \$25

- Concession Entry 20 Visit Pass - \$40

These new fees, similar to those applicable for adult and child multi-passes, apply to pools in Kununurra and Wyndham.

STATUTORY IMPLICATIONS

Local Government Act 1995

Part 6, Division 2 – Annual Budget

6.2. Local government to prepare annual budget

(1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

** Absolute majority required.*

(4) The annual budget is to incorporate —

(c) the fees and charges proposed to be imposed by the local government...

Local Government Act 1995

Part 6, Division 5 – Financing local government activities

6.16 Imposition of fees and charges

(1) A local government may impose and recover a fee or charge for any goods and service it provides or proposed to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

(2) A fee or charge may be imposed for the following —

(a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;

(b) supplying a service or carrying out work at the request of a person;

(c) subject to section 5.94, providing information from local government records;

(d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;

(e) supplying goods;

(f) such other service as may be prescribed.

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

(a) imposed during a financial year; and*

(b) amended from time to time during a financial year.*

** Absolute majority required.*

6.17 Setting level of fees and charges

(1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —

(a) the cost to the local government of providing the service or goods; and

(b) the importance of the service or goods to the community; and

- (c) the price at which the service or goods could be provided by an alternative provider.*
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.*
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —*
 - (a) under section 5.96; or*
 - (b) under section 6.16(2)(d); or*
 - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.*
- (4) Regulations may —*
 - (a) prohibit the imposition of a fee or charge in prescribed circumstances; or*
 - (b) limit the amount of a fee or charge in prescribed circumstances.*

6.18. Effect of other written laws

- (1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —*
 - (a) determine an amount that is inconsistent with the amount determined under the other written law; or*
 - (b) charge a fee or charge in addition to the amount determined by or under the other written law.*
- (2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.*

6.19. Local government to give notice of fees and charges

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

- (a) its intention to do so; and*
- (b) the date from which it is proposed the fees or charges will be imposed.*

Local Government (Financial Management) Regulations 1996

Part 2 – General financial management

5. CEO's duties as to financial management

- (1) Efficient systems and procedures are to be established by the CEO of a local government —*
 - (g) to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.*
- (2) The CEO is to —*
 - (b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year)*

POLICY IMPLICATIONS

The Council Policy CP-FIN 3211 Fees and Charges Pricing Policy was amended and adopted at the March 2019 Ordinary Council Meeting. There are no further policy implications relating to this report.

The Shire's Disability Access and Inclusion Plan (2017/22) exempts fees for carers accompanying people with disability, which would apply to concession entry for people who hold a Disability Support Cards.

FINANCIAL IMPLICATIONS

It is anticipated that the financial implications of these changes will be to increase the utilisation of the Shires facilities that relate to these changes. The extent that revenue could increase cannot be determined with any accuracy at this stage.

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

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

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

Corporate Business Plan

Service Area: Recreation and Leisure

Services and Programs: Kununurra Leisure Centre, Wyndham Memorial Swimming Pool, Peter Reid Memorial Hall

RISK IMPLICATIONS

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

Control: Review policies and procedures.

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

Control: Current budget and service levels.

COMMUNITY ENGAGEMENT

No community engagement is required, however, public notice would be made as per the Shire's legislative responsibility and advertised within the centre and to users and relevant organisations.

COMMENTS

The updating of the schedule of fees will address shortcomings with respect to those categories inadvertently left off the current iteration and provide clarity to those wishing to hire the Peter Reid Memorial Halls and to those seeking consent to consume alcohol on Shire owned or controlled property. The inclusion of the new fee category to enable concession card holders to access discounted multi-passes is also considered an improvement in the schedule that affords equal opportunity to seniors and to those people with disability, which will also complement the implementation of the Shire's Disability Access and Inclusion Plan.

ATTACHMENTS

NIL

12.4. CORPORATE SERVICES

12.4.1. Monthly Financial Report October 2019

DATE:	19 November 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 31 October 2019.

Council Decision

Minute Number: 19/11/2019 - 118131

Moved: Cr M McKittrick

Seconded: Cr N Brook

That Council receives the monthly financial report for the period ending 31 October 2019.

Carried: 6/0

PURPOSE

For Council to receive the monthly financial report for the period ended 31 October 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 - Interim Monthly Financial Report for the period ended 31 October 2019

12.4.2. Budget Adjustments 2019/20 - Carry Overs from 2018/19

DATE:	19 November 2019
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM 05.15
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council adopt the changes to the Municipal Fund Budget 2019-20 as detailed in Annexure 2.

Council Decision

Minute Number: 19/11/2019 - 118132

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

That Council adopt the changes to the Municipal Fund Budget 2019-20 as detailed in Annexure 2.

Carried: 6/0

PURPOSE

The purpose of this report is to consider changes to the Municipal Fund Budget for the 2019-20 financial year arising from changes to the cash position estimated at the time of the preparation of the budget and the actual cash position presented to the Shire's auditors in the draft Annual Financial Statements for the year ended 30 June 2019.

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
Leader - plan and provide direction through policy and practices
Provider - provide physical infrastructure and essential services
Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The 2019-20 Budget was considered by Council at the Ordinary Council Meeting on 25 June 2019. The relevant decision related to the Officer's Recommendation 12 of the report.

COUNCIL DECISION

Minute Number: 25/06/2019-118048

Moved: Cr T Chafer

Seconded: Cr M Dear

Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, that Council adopt the Municipal Fund Budget as contained in Attachment 1 of this agenda, for the Shire of Wyndham East Kimberley for the 2019/20 financial year which includes the following:

- 1. Statement of Comprehensive Income by Nature and Type***
- 2. Statement of Comprehensive Income by Program***
- 3. Statement of Cash Flows;***
- 4. Rate Setting Statement showing a net amount required to be raised from rates of \$10,428,335;***
- 5. Notes to and forming Part of the Budget;***
- 6. Fees and Charges Schedule.***

Carried: 9/0

STATUTORY IMPLICATIONS

Local Government Act 1995

Part 2 – Constitution of local government

Division 2 – Local governments and councils of local government

2.7. Role of council

(1) The council —

- (a) governs the local government's affairs; and***
- (b) is responsible for the performance of the local government's functions.***

(2) Without limiting subsection (1), the council is to —

- (a) oversee the allocation of the local government's finances and resources; and***
- (b) determine the local government's policies.***

Local Government Act 1995

Part 6, Division 2 – Annual Budget

6.2. Local government to prepare annual budget

(1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and

adopt, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

** Absolute majority required.*

Local Government Act 1995

Part 6 - Financial management

Division 4 - General financial provisions Division

6.11. Reserve accounts

(1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.

(2) Subject to subsection (3), before a local government —

(a) changes the purpose of a reserve account; or*

(b) uses the money in a reserve account for another purpose, it must give one month's local public notice of the proposed change of purpose or proposed use. * Absolute majority required.*

(3) A local government is not required to give local public notice under subsection (2) —

(a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or

(b) in such other circumstances as are prescribed.

(4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.

(5) Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.

6.2. Local government to prepare annual budget

(1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

** Absolute majority required.*

(2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —

(a) the expenditure by the local government; and

(b) the revenue and income, independent of general rates, of the local government; and

(c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.

(3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.

(4) The annual budget is to incorporate —

- (a) particulars of the estimated expenditure proposed to be incurred by the local government; and
 - (b) detailed information relating to the rates and service charges which will apply to land within the district including —
 - (i) the amount it is estimated will be yielded by the general rate; and
 - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges; and
 - (c) the fees and charges proposed to be imposed by the local government; and
 - (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government; and
 - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used; and
 - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
 - (g) such other matters as are prescribed.
- (5) Regulations may provide for —
- (a) the form of the annual budget; and
 - (b) the contents of the annual budget; and
 - (c) the information to be contained in or to accompany the annual budget.

Local Government (Financial Management) Regulations 1996

Part 2 – General financial management

5. CEO's duties as to financial management

- (1) Efficient systems and procedures are to be established by the CEO of a local government —
 - (g) to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.
- (2) The CEO is to —
 - (b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year).

6.8. Expenditure from municipal fund not included in annual budget

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

* Absolute majority required.
- (1a) In subsection (1) — **additional purpose** means a purpose for which no expenditure estimate is included in the local government's annual budget.
- 2) Where expenditure has been incurred by a local government —
 - a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
 - b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council
 - c) [Section 6.8 amended by No. 1 of 1998 s. 19.]

Local Government (Financial Management) Regulations 1996 32. Amounts which may be excluded when calculating budget deficiency (Act s. 6.2(3))

A local government may exclude from the calculation of the budget deficiency —

- a) money borrowed or to be borrowed, to the extent that it is proposed in the annual budget to remain unspent at the end of the financial year; and*
- b) reserves, to the extent that they are proposed in the annual budget to remain unspent at the end of the financial year; and*
- c) in relation to a land transaction or trading undertaking, assets and liabilities, to the extent to which they are proposed in the annual budget to remain restricted to the purposes of the land transaction or trading undertaking at the end of the financial year; and*
- d) any proposed amounts of depreciation of non-current assets; and*
- e) assets from grants or gifts or non-cash revenue or expenditure; and*
- f) current liabilities which, by their nature, are restricted, to the extent that they are proposed in the annual budget to remain uncleared at the end of the financial year; and*
- g) any other current assets which, by their nature, are restricted, to the extent that they are proposed in the annual budget to remain unused at the end of the financial year.*

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

The detailed financial implications have been set out in Annexure 2. The net impact on the operating position of the Shire is that there is additional available cash generated of \$117,790 which the officers recommend be allocated to the 2018/19 Operating Budget in the amount of \$86,000 and allocate \$31,790 to the capital works program.

With respect to the Capital Works any cash not expended has been mainly quarantined in Reserves at 30 June 2019. These funds now need to be released and the capital works projects budgets increased accordingly. Projects carried over from 2018-19 amount to \$2,143,818 and these are funded from reserves of \$2,046,883, additional grant income of \$65,000 and the cash surplus of \$31,790.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017 to 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: Annual financial audit.

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

Control: Current budget and service levels.

Risk: Failure to undertake proactive maintenance leading to damaged infrastructure

Control: Proactive maintenance included in Depot Maintenance Works program.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

To be consistent with prior years, at the time of the preparation of the 2019-20 Budget estimates of both capital and operating expenditure and revenue had to be made as actual data was not available at that time. It was the intention that once the actual data was available then the budget would be revisited to adjust budget allocations for any change in circumstances due to any material variance between actual data and estimated data. This exercise is not a review of the budget as contemplated by *Section 33A. Review of Budget - Local Government (Financial Management) Regulations 1996*, but an adjustment to the budget based on information we did not have at the time of the budget preparation.

In the preparation of the 2019-20 Budget, the Rate Setting Statement detailed the estimated revenue and expenditure of both operating and capital nature, the financing activities and the movement in the Reserves for the 2018-19 financial year. These estimates gave a forecast opening cash position of \$4,421,685 for the 2019-20 financial year (refer Annexure 1). The actual position as presented to the auditors in the draft Annual Financial Statements for 30 June 2019 differs to the estimated position in each of these categories, yielding an opening cash position of \$4,539,475 which is greater by \$117,790. This amount is a composite of operational savings, underspending and savings on the capital works program, and transfers to reserves for both capital and operational items (refer Annexure 2). This is explained more comprehensively below.

The additional cash flow that is attributed to operating activities is \$86,000. This is a composite amount consisting of the following:

- Additional Lease income of \$20,000 which was forecast to be received at financial year end, but was only received after year end;
- Expenditure on materials for Rural Road maintenance of \$70,000 forecast to be spent in 2018-19 was only incurred in 2019-20;
- Budget allocations unspent for legal fees in 2018-19 of \$26,000 has been carried forward to 2019-20;
- Additional funding required to secure WALGA to assist in renegotiating the Shire's Enterprise Agreement has been provided in the amount of \$10,000.

- A reallocation of funds within the Planning and Community Development Department of \$25,000 from the Economic Development Strategy to the Kununurra Leisure Centre Planning.

With respect to the Capital Works program, the carry over projects and associated funding is as follows:

- Capital works projects with expenditure totalling \$2,143,673 that was forecast to be spent has been carried forward to the 2019-20 financial year. These details are in Attachment 2.
- Funds not allocated from Reserves in 2018-19 to support the Capital Works Program in the amount of \$2,046,883 needs to be released from reserves in the 2019-20 financial year.
- Additional Grant income from the Regional Airport Development Scheme for upgrading the apron lights is expected to be received in the amount of \$65,000.
- The shortfall of \$31,790 is funded from the remaining cash brought forward.

Finally two additional budget changes for the 2019-20 financial year were provided for at the October 2019 Ordinary Council Meeting, both funded from the Asset Management Reserve. The first was the replacement of a shed at the Wyndham Depot. The second item is to acquire a new Kubota Diesel Tractor for the Wyndham Depot. These items are not part of the data included in this report.

ATTACHMENTS

Attachment 1 - Rate Setting Statement - Actual vs Forecast

Attachment 2 - Capital Works Program - Carry Over Adjustments

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

DATE:	19 November 2019
AUTHOR:	Creditors Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM.09.25
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 136212 - 136476 (03/10/2019 - 31/10/2019)	\$	2,200,029.49
Municipal Cheques 51980 (17/10/2019)	\$	197.90
Trust Cheques 1236-1243 (10/10/2019 - 31/10/2019)	\$	1,940.00
Trust EFT 501889 - 501910 (26/09/2019 - 29/10/2019)	\$	11,279.75
Payroll - (09/10/2019 - 23/10/2019)	\$	530,501.54
Direct bank debits (01/10/2019 - 24/10/2019)	\$	170,168.00
Total	\$	2,914,116.68

Council Decision

Minute Number: 19/11/2019 - 118133

Moved: Cr M Dear

Seconded: Cr J Farquhar

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

Municipal EFT 136212 - 136476 (03/10/2019 - 31/10/2019)	\$	2,200,029.49
Municipal Cheques 51980 (17/10/2019)	\$	197.90

Trust Cheques 1236-1243 (10/10/2019 - 31/10/2019)	\$	1,940.00
Trust EFT 501889 - 501910 (26/09/2019 - 29/10/2019)	\$	11,279.75
Payroll - (09/10/2019 - 23/10/2019)	\$	530,501.54
Direct bank debits (01/10/2019 - 24/10/2019)	\$	170,168.00
Total	\$	2,914,116.68
		Carried: 6/0

PURPOSE

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

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In accordance with Council's Delegations Register 2019/20 which was adopted by Council on 27 August 2019, 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 2019/20 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 those 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 October 2019

12.5. INFRASTRUCTURE

12.5.1. Moonamang Road, surface condition

DATE:	19 November 2019
AUTHOR:	Manager Assets and Engineering
RESPONSIBLE OFFICER:	Stuart Dyson, Director of Infrastructure
FILE NO:	RD.07.53
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council approves the transfer of \$80,000 from the Goomig Farmlands Road Reserve to fund repairs to Moonamang Road.

Council Decision

Minute Number: 19/11/2019 - 118134

Moved: Cr D Pearce

Seconded: Cr M Dear

That Council approves the transfer of \$80,000 from the Goomig Farmlands Road Reserve to fund repairs to Moonamang Road.

Carried: 6/0

PURPOSE

For consideration of funding to rectify road cracking mitigation works on Moonamang Road.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Funder - provide funds or other resources

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

This matter has not been presented to Council previously.

STATUTORY IMPLICATIONS

Local Government Act 1995 reference clause 3.50A - Partial Closure of thoroughfare for repairs or maintenance

A Local Government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure -

- (a) Is for the purpose of carrying out repairs or maintenance; and*
- (b) Is unlikely to have a significant adverse effect on users of the thoroughfare*

Local Government (Financial Management) Regulations 1996

Part 2 – General financial management

6.8. Expenditure from municipal fund not included in annual budget

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

** Absolute majority required.*

*(1a) In subsection (1) — **additional purpose** means a purpose for which no expenditure estimate is included in the local government's annual budget.*

- 2) Where expenditure has been incurred by a local government —*
 - a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; an*
 - b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council*
 - c) [Section 6.8 amended by No. 1 of 1998 s. 19.]*

POLICY IMPLICATIONS

CP/OPS-3649 Maintenance of Shire Assets

FINANCIAL IMPLICATIONS

The approximate cost of \$80,000 to be taken from Reserve to fund these mitigation works. The Reserve currently has \$569,984 and the purpose of the Reserve is to provide for the second coat of seal on roads within the Goomig Farmlands. The proposed expenditure meets this criterion.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 2: Enhancing the environment

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

Strategy 2.2.1: Provide and maintain infrastructure that promotes sustainable growth and positively impacts the well-being and lifestyle of residents and users

Corporate Business Plan

CBP Action: #252 Road Maintenance Program

Routine maintenance is the regular ongoing work that is necessary to keep roads operational and prevent rapid deterioration. Examples grading a road, pothole patching on sealed roads, crack seal filling on sealed roads.

RISK IMPLICATIONS

Risk: Failure to provide sustainable public infrastructure that serves the current and future needs of the community

Control: Create an effective asset maintenance schedule to routinely inspect and identify road failures.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

This matter relates to shoulder cracking that starts approximately 7.8km north of KAI Site Offices to end of the sealed section, which is a distance of approximately 20km.

An initial inspection of the indicated section of road was undertaken by Shire Officers in July 2019. The cracking at this time was observed on the western sealed shoulder of the road, with cracks appearing as hairline and visual cracking varying from 2-3mm in width. Where cracking was wide enough to allow, a penetration measurement was undertaken with roadside straw, this test demonstrated a depth exceeding 300mm.

Shire staff have continued to observe this section of road each month and have noted that the cracking is increasing in width along the western sealed shoulder. Cracking of this type has not been observed on any other part of Moonamang Road at this time.



Where cracking is observed as increasing, a ruler was let drop into the crack to demonstrate penetration into base course. As the ruler is not flexible, it does not indicate true depth of cracking.



In some instances, cracking is splitting, with road material between the cracks sinking. This was demonstrated by placing a ruler over the span.

Shire Officers contacted the Principal involved in the original construction of the road, this being Landcorp, to determine road construction methodology and materials in an effort to ascertain the possible cause of fault.

The report commissioned for Landcorp (attached) has been undertaken by WML engineering consultants, a reputable current member of the Institute of Engineers, with extensive experience in local ground conditions. The report makes reference to soil moisture conditions remaining relatively stable, and as such the existing sections of roads had to the point of this report remained fairly static. Page 8 of the report indicates;

'The Ord 2 pavements have not been subjected to any significant traffic volumes and as expected are in very good condition. For roads constructed on black soil plains a big issue is cracking in the pavement caused by movement of the black soil during the annual wetting, drying cycle.'

'This pavement is almost 4 years old and has completed three wetting, drying cycles with no significant cracking issues suggesting that the moisture in the elevated black soil embankment has remained reasonably consistent.'

Advice from local residents has indicated that the 2017-2018 year was dry, compared to previous years. Shire officers have no evidence to support this supposition, but if this is factual, due to the higher level of stabilised fines in the base construction material, linear shrinkage would occur particularly in natural black soil, causing cracking through to road surface.

Advice has been sought from one of the investigators of the attached report, Mr Brett Chivers. He has advised that the best way to repair the cracking is by our normal crack sealing method, noting that this will need to be completed prior to a significant rainfall event. If water percolates into the road base and is then trafficked, a road failure will occur. It is probable that failure by shear stress would occur in the outside wheel path over 2.5-3m of pavement. At a rectification cost of approximately \$100m², over the full 20km would equate to \$6,000,000, which is the absolute worst case scenario.

An investigation is currently underway to quantify the costs associated with these mitigation works. It is expected that the supply of labour, traffic management and equipment for crack sealing works will incur a cost of approximately \$4,000 per day, and would likely take around 20 days to complete, the estimated total cost is \$80,000.

ATTACHMENTS

Attachment 1 - Landcorp - Moonamang Road Extension Investigation & Pavement Design

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 Deputy Shire President declared the meeting closed at 5:43pm.