



MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON 22 JUNE 2010

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

Shire President Confirmed

SUMMARY OF AGENDA

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SHIRE OF WYNDHAM-EAST KIMBERLEY

MINUTES

OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY,
18 MAY 2010 AT 6:00PM

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 6:00pm.

2. RECORD OF ATTENDANCE

Cr F Mills	Shire President
Cr J Moulden	Deputy Shire President
Cr J McCoy	Councillor
Cr D Ausburn	Councillor
Cr J Parker	Councillor
Cr K Wright	Councillor
Cr R Dessert	Councillor
G Gaffney	Chief Executive Officer
R Williams	Acting Director Infrastructure Services
N Kearns	Director Development Services
K Apperley	Director Community Services
J Ellis	Director Corporate Services
B Minichilli	Wyndham Youth Worker
B Weaver	Minute Taker

APOLOGIES

Nil

LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Cr K Torres
Cr R Addis

3. DECLARATIONS OF INTEREST

- **Financial Interest**

Cr Jane Parker declared a financial interest in item 12.5.2 as she is employed by the Wyndham Early Learning Centre Inc.

Cr Jackie McCoy declared a financial interest in item 12.5.2 as she is employed by the Wyndham Early Learning Centre Inc.

- **Impartiality Interest**

Nil

- **Proximity Interest**

Cr Raymond Dessert declared a proximity interest in item 12.4.1 as he has shares in CGL.

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. PETITIONS

A 2 page document dated 31 May 2010 was received on 2 June 2010 addressed to the CEO. Although the person who lodged the petition is not clearly stated and the petition is not presented in the correct format, the document is being treated as a petition and reads as follows:

"We, the undersigned, request that DROVERS ROAD in Kununurra be bitumen sealed as soon as possible".

The document is headed Petition and states the request on each page. It is signed by 14 persons, including the names and telephone numbers only. The address and date of the persons who signed the petition was not provided. The document does not meet the required Shire format as detailed in the Standing Orders Local Law 2004, which reads as follows:

2.4 *Petitions*

A petition, in order to be effective, is to:-

(a) be addressed to the President;

(b) be made by electors of the district;

(c) state the request on each page of the petition;

- (d) contain the names, addresses and signatures of the electors making the request, and the date each elector signed;*
- (e) contain a summary of the reasons for the request;*
- (f) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;*
- (g) be in the form prescribed by the Act and Local Government (Constitution) Regulations 1996 if it is -*
 - (i) a proposal to change the method of filling the President;*
 - (ii) a proposal to create a new district or the boundaries of the Local Government;*
 - (iii) a request for a poll on a recommended amalgamation; and*
 - (iv) a submission about changes to wards, the name of a district or ward or the number of Councillors for a district or ward.*

The petition does not provide the contact details for subsequent advice on what Council may determine as a result of considering the petition. A petition when received by Council is referred to the Chief Executive Officer for investigation and report back to Council. In this instance, the Chief Executive Officer requested the following:

1. Infrastructure Services to check if Drovers Road is listed within an existing Capital Works Program.
2. The Acting Director of Infrastructure Services to provide an estimate cost to bitumen seal Drovers Road.

RECOMMENDATION:

That Council:

1. Receives the petition regarding the request for Drovers Road, Kununurra to be bitumen sealed.
2. Determine the appropriate action required on Drovers Road, Kununurra.
3. Based on the appropriate advice received on the sealing of Drovers Road, Kununurra, refer the project to the Shire's Capital Works Program.

COUNCIL DECISION

Minute No: 9184

**Moved: Cr K Wright
Seconded: Cr J Moulden**

That Council:

- 1. Receives the petition regarding the request for Drovers Road, Kununurra to be bitumen sealed.**
- 2. Determine the appropriate action required on Drovers Road, Kununurra.**
- 3. Based on the appropriate advice received on the sealing of Drovers Road, Kununurra, refer the project to the Shire's Capital Works Program.**

CARRIED UNANIMOUSLY: 7/0

7. APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL DECISION

Minute No: 9185

**Moved: Cr K Wright
Seconded: Cr J Parker**

That a leave of absence is approved for Cr J Moulden for the Ordinary Council Meeting to be held on 20 July 2010.

CARRIED UNANIMOUSLY: (7/0)

COUNCIL DECISION

Minute No: 9186

**Moved: Cr K Wright
Seconded: Cr R Dessert**

That a leave of absence is approved for Cr J Parker for the Ordinary Council Meeting to be held on 17 August 2010.

CARRIED UNANIMOUSLY: (7/0)

8. CONFIRMATION OF MINUTES

8.1 CONFIRMATION OF MINUTES OF SPECIAL COUNCIL MEETING HELD ON 11 MAY 2010

RECOMMENDATION

That Council confirms the Minutes of the Special Council Meeting held on 11 May 2010.

COUNCIL DECISION

Minute No: 9187

Moved: Cr D Ausburn

Seconded: Cr K Wright

That Council confirms the Minutes of the Special Council Meeting held on 11 May 2010.

CARRIED UNANIMOUSLY: (7/0)

8.2 CONFIRMATION OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON 18 MAY 2010

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 18 May 2010.

COUNCIL DECISION

Minute No: 9188

Moved: Cr D Ausburn

Seconded: Cr K Wright

That Council confirms the Minutes of the Ordinary Council Meeting held on 18 May 2010.

CARRIED UNANIMOUSLY: (7/0)

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Nil

10. DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

11. MINUTES OF COUNCIL COMMITTEE MEETINGS

11.1 MINUTES OF AUDIT COMMITTEE MEETINGS

Nil

11.2 MINUTES OF AIRPORT COMMITTEE MEETINGS

Nil

12. REPORTS

12.1 MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

12.2 CORPORATE SERVICES

12.2.1 LIST OF ACCOUNTS PAID UNDER DELEGATION 18

DATE:	22 June 2010
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Sue Dillon, Senior Finance Officer
REPORTING OFFICER:	Jo-Anne Ellis, Director Corporate Services
FILE NO:	60.14.03
ASSESSMENT NO:	N/A

PURPOSE

To present the listing of accounts paid under delegated authority in accordance with the requirements of the Local Government (Financial Management) Regulations 1996.

BACKGROUND

Delegation 18 – Payment of Creditors was reviewed and adopted by Council on 16 June 2009.

This delegation gives authority to make payments from the Municipal Fund or Trust Fund to the Chief Executive Officer. There is a sub delegation to the Executive Manager Corporate Services, Manager Financial Services and Financial Officers.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 5.42
Local Government (Financial Management) Regulations 1996 – Regulations 12 and 13

POLICY IMPLICATIONS

Delegation 18 – Payment of Creditors

FINANCIAL IMPLICATIONS

Ongoing management of Council funds by providing Council with sufficient information to monitor and review payments made.

STRATEGIC IMPLICATIONS

Key Result Area 5 – Governance

Council's financial position and forward planning is sound

COMMUNITY CONSULTATION

Not Applicable

COMMENT

In accordance with statutory requirements and delegated authority, 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 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

List of Accounts Paid Under Delegation 18.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives and accepts the listing of payments approved under Delegation 18 - Payment of Creditors, being:

Municipal cheques 39540 - 39565 (6 - 27 May 2010)	\$125,021.00
Trust cheques 37 - 39 (31 May 2010)	\$2,100.00
Municipal EFT109117 – EFT109335 (6 - 27 May 2010)	\$1,022,483.96
Trust EFT500037 – EFT 500040 (18 – 31 May 2010)	\$33,527.35
Payroll (3-19 May 2010)	\$307,347.65
Direct bank debits (1 – 31 May 2010)	\$35,266.03
Total	\$1,525,745.99

COUNCIL DECISION

Minute No: 9189

Moved: Cr K Wright

Seconded: Cr J Parker

That Council receives and accepts the listing of payments approved under Delegation 18 - Payment of Creditors, being:

<i>Municipal cheques 39540 - 39565 (6 - 27 May 2010)</i>	<i>\$125,021.00</i>
<i>Trust cheques 37 - 39 (31 May 2010)</i>	<i>\$2,100.00</i>
<i>Municipal EFT109117 – EFT109335 (6 - 27 May 2010)</i>	<i>\$1,022,483.96</i>
<i>Trust EFT500037 – EFT 500040 (18 – 31 May 2010)</i>	<i>\$33,527.35</i>
<i>Payroll (3-19 May 2010)</i>	<i>\$307,347.65</i>
<i>Direct bank debits (1 – 31 May 2010)</i>	<i>\$35,266.03</i>
<i>Total</i>	<i>\$1,525,745.99</i>

CARRIED UNANIMOUSLY: (7/0)

LIST OF ACCOUNTS PAID UNDER DELEGATION 18

List of Accounts Submitted to Council 22 June 2010

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT109117	6/5/10	CANCELLED		0.00
EFT109118	6/5/10	ADCORP	ADVERTISEMENT - DIRECTOR OF INFRASTRUCTURE	1,157.20
EFT109119	6/5/10	ALLIGATOR AIRWAYS PTY LTD	FLIGHT TO OMBULGURRI & KALUMBURU L/G ELECTION 15/04/10	1,500.00
EFT109120	6/5/10	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	189.00
EFT109121	6/5/10	AUSTRALIAN TAXATION OFFICE	BAS MARCH 2010	43,910.00
EFT109122	6/5/10	ALLGEAR MOTORCYCLES & ENGINES	4 LTR BAR & CHAIN LUBE, WHIPPER SNIPPER CORD	384.30
EFT109123	6/5/10	BOSS FLUID POWER	CONSUMABLES	2,787.58
EFT109124	6/5/10	BRANKO BP MOTORS	P473 NEW CLUTCH, P330 & P333 SERVICE AND FUEL	5,677.71
EFT109125	6/5/10	COMMUNICATION & PROT SOLUTIONS	CHECK AND REPAIR SECURITY ADMIN BUILDING	236.50
EFT109126	6/5/10	COUNCILLOR JANE PARKER	TRAVEL EXPENSES	282.66
EFT109127	6/5/10	COMFORT HOTEL PERTH CITY	ACCOMMODATION 26/05/10 – 29/05/10	441.80
EFT109128	6/5/10	CUSTOM SWIM CAPS	SWIM CAPS FOR TRIATHLON	402.82
EFT109129	6/5/10	EAST KIMBERLEY PLUMBING	REPAIR BLOCKED TOILET - WYNDHAM OVAL	867.27
EFT109130	6/5/10	EAST KIMBERLEY HARDWARE	VARIOUS HARDWARE ITEMS	266.50
EFT109131	6/5/10	FARMERS FRUIT & VEG MART	SANDWICH PLATTER - BUDGET WORKSHOP	70.00
EFT109132	6/5/10	FOBIA INDUSTRIES	SCREEN PRINTED BAGS & STICKERS - LAKE ARGYLE SWIM	897.65
EFT109133	6/5/10	FRANMOR CONSTRUCTIONS PTY LTD	REPLACE BROKEN WINDOW - EWIN CENTRE	319.50
EFT109134	6/5/10	ICE AGE REFRIGERATION & AIRCON	REPAIR AIR CON - KNX ADMIN	115.50
EFT109135	6/5/10	INNOVATIVE RESOURCES	VARIOUS BOOKS AND ACTIVITIES	378.30
EFT109136	6/5/10	J BLACKWOOD & SON LIMITED	ROLLS OF BARRIER MESH - PATIENT TRANSFER FACILITY	260.50
EFT109137	6/5/10	JACK IN THE BOX	REDESIGN OF LOGO WITH EXCLUSION OF 'WYNDHAM'	1,059.30
EFT109138	6/5/10	JASON SIGNMAKERS LTD	VARIOUS SIGNAGE	398.20
EFT109139	6/5/10	JSW HOLDINGS PTY LTD	LOAD OF WATER - LANDFILL SITE	308.00

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT109140	6/5/10	K & M ALLCLEAN	CLEANING OF VARIOUS KNX LOCATIONS APRIL 2010	14,950.72
EFT109141	6/5/10	KIMBERLEY GREEN CONSTRUCTIONS	WATER CORP HEADWORKS CHARGES – KNX PATIENT TRANSFER	12,795.00
EFT109142	6/5/10	KIMBERLEY MOTORS	WYNDHAM FUEL	6,538.55
EFT109143	6/5/10	KUNUNURRA HOME & GARDEN	VARIOUS ITEMS	101.40
EFT109144	6/5/10	KUNUNURRA SECURITY SERVICE	PASSENGER BAGGAGE SCREENING 24/03/10 - 06/04/10	21,456.00
EFT109145	6/5/10	KIMBERLEY KOOL REFRIG & AIRCON	CHECK/REPLACE AIRCON OUTDOOR CIRCUIT BOARD - KNX AIRPORT	1,342.00
EFT109146	6/5/10	L.G.R.C.E.U	PAYROLL DEDUCTIONS	17.40
EFT109147	6/5/10	LESTER BLADES	ADVERTISING & RECRUITMENT - DIRECTOR OF INFRASTRUCTURE	803.00
EFT109148	6/5/10	MCLACHLAN, SHARON	REIMBURSEMENT OF MEALS - TRAINING BROOME	60.00
EFT109149	6/5/10	MEGAN HUNT	CLEANING OF VARIOUS LOCATIONS - WYNDHAM	3,489.75
EFT109150	6/5/10	MERCURE HOTEL PERTH	ACCOMM - SWEK DELEGATES KIMBERLEY ZONE CONFERENCE	2,989.00
EFT109151	6/5/10	OFFICE LINE	45 X SWIFT SET FOLDING CHAIRS AND TROLLEY – YOUTH CENTRE	6,109.40
EFT109152	6/5/10	ORD RIVER TRENCHING	LOCALISATION TELSTRA UNDERGROUND SERVICES BARDING LOOP	88.00
EFT109153	6/5/10	ORIA ORCHARDS	WEEKLY FLOWER DELIVERY - KNX ADMIN OFFICE	15.00
EFT109154	6/5/10	ORICA AUSTRALIA PTY LTD	CHLORINE CYLINDERS	469.56
EFT109155	6/5/10	ROYAL LIFE SAVING (WA BRANCH)	SWIM SCHOOL CERTIFICATES	211.50
EFT109156	6/5/10	REBECCA MINICHILLI	TRAVEL REIMBURSEMENT CLAIM - 22/04/10	201.42
EFT109157	6/5/10	SEARLES MECHANICAL REPAIRS	P342 SERVICE, NEW ALTERNATOR, AIR CON BELTS, BRAKES	433.95
EFT109158	6/5/10	SETON AUSTRALIA PTY LTD	CUSHION DRAINAGE MAT ROLL , SIGN STAND & SIGNS	2,187.83
EFT109159	6/5/10	SWEK	PAYROLL DEDUCTIONS	525.48
EFT109160	6/5/10	SHOAL AIR PTY LTD	FLIGHTS FROM KALUMBURU - YOUTH PROVIDERS NETWORK MTG	1,920.00
EFT109161	6/5/10	STITCHED UP EMBROIDERY	PROMOTIONAL T-SHIRTS - LAKE ARGYLE SWIM 2010	3,552.50
EFT109162	6/5/10	SASCHA A SARAHOV	PRIZE MONEY FOR 10KM DUO LAKE ARGYLE SWIM 2010	800.00
EFT109163	6/5/10	THINKWATER	VARIOUS RETICULATION PARTS	1,087.74
EFT109164	6/5/10	TNT AUSTRALIA PTY LIMITED	FREIGHT	208.90
EFT109165	6/5/10	TOLL EXPRESS	FREIGHT	2,024.11

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT109166	6/5/10	TONY'S PLUMBING & EXCAVATION P/L	UNBLOCK TOILETS - WYNDHAM OVAL ABLUTION	420.75
EFT109167	6/5/10	TOP END MOTORS	P314 - SERVICE	413.55
EFT109168	6/5/10	TROPICAL PEST CONTROL	ADULT MOSQUITO THERMAL FOGGING 25/01/10 – 30/04/10	5,465.90
EFT109169	6/5/10	URBIS PTY LTD	SWEK LOCAL PLANNING STRATEGY REVIEW	2,125.75
EFT109170	6/5/10	VANDERFIELD MACHINERY PTY LTD	P476 50 HR SERVICE, P335 WHEEL TO CUT DECK	126.27
EFT109171	6/5/10	WA LOCAL GOVERNMENT SUPER	SUPERANNUATION CONTRIBUTIONS	22,516.55
EFT109172	6/5/10	WESTERN AUST. TREASURY CORP	LOAN NO 119	24,595.50
EFT109173	13/5/10	AAC ID SOLUTIONS	SLAP BANDS - ROADWISE	3,105.00
EFT109174	13/5/10	AAPA PAVEMENTS TRAIN & ADVIS CTR	SPRAYING SEALINGS ELECTION & DESIGN COURSE	2,160.00
EFT109175	13/5/10	AIRPORT LIGHTING SPECIALISTS	RUNWAY LIGHTS, TRANSFORMERS, GLOBES, PLUGS, SOCKETS	6,389.35
EFT109176	13/5/10	AUSTRALIAN FUEL DISTRIBUTORS	FUEL APRIL 2010	2,311.43
EFT109177	13/5/10	ALLGEAR MOTORCYCLES & ENGINES	BATTERIES WYNDHAM RECREATIONAL BBQ'S	652.50
EFT109178	13/5/10	ARGYLE MOTORS	P111 - NEW VEHICLE HILUX – BUILDING SURVEYOR	49,411.80
EFT109179	13/5/10	AUTO ONE KUNUNURRA	P371 - SET OF SPOTLIGHTS	360.00
EFT109180	13/5/10	BUSH CAMP SURPLUS STORES	PPE	92.50
EFT109181	13/5/10	BEAUREPAIRES FOR TYRES	P341 - BATTERY	122.80
EFT109182	13/5/10	CODA	SITE ANALYSIS & CONCEPT DESIGN - NEW SWEK ADMIN BUILDING	6,243.60
EFT109183	13/5/10	CORPORATE EXPRESS	FOLDING TABLES AND GUITARS – YOUTH CENTRE	2,780.80
EFT109184	13/5/10	COMFORT HOTEL PERTH CITY	ACCOMMODATION J ROACH TRAINING	955.50
EFT109185	13/5/10	DANIEL COX	REIMBURSEMENT OF FLIGHTS	233.26
EFT109186	13/5/10	EAST KIMBERLEY PLUMBING	REPAIR AUTOMATIC PUBLIC TOILET	101.20
EFT109187	13/5/10	EAST KIMBERLEY HARDWARE	VARIOUS HARDWARE ITEMS	21.90
EFT109188	13/5/10	FARMERS FRUIT & VEG MART	SANDWICHES - MEETING 06/05/10	40.00
EFT109189	13/5/10	FELTON INDUSTRIES	TABLES AND CHAIRS – WYNDHAM POOL UPGRADE	6,358.00
EFT109190	13/5/10	FUJI XEROX AUSTRALIA P/L	VARIOUS PHOTOCOPIER CHARGES	1,378.36
EFT109191	13/5/10	FIVE RIVERS CAFÉ	CATERING	100.00

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT109192	13/5/10	FRANMOR CONSTRUCTIONS PTY LTD	REPLACE RANGEHOOD – 28 EUGENIA ST	90.00
EFT109193	13/5/10	GULLIVERS TAVERN	CONSUMABLES - AIRPORT STAKEHOLDERS MEETING	74.48
EFT109194	13/5/10	GARY GAFFNEY	WATER SUBSIDY CLAIM 28/11/09 - 25/03/10	204.40
EFT109195	13/5/10	HART SPORT	TABLE TENNIS TABLES – YOUTH CENTRE, ITEMS FOR BOOT CAMP	1,390.80
EFT109196	13/5/10	HICRAFT GROUP PTY LTD	EMBROIDERED LUMINESCENT SAFETY CAPS – ROADWISE	6,275.50
EFT109197	13/5/10	HITACHI CONSTRUCTION MACHINERY	2009 JOHN DEERE 315SJ BACKHOE	162,800.00
EFT109198	13/5/10	JASON SIGNMAKERS LTD	SIGNAGE	99.00
EFT109199	13/5/10	K & M ALLCLEAN	CLEANING OF VARIOUS LOCATIONS - KUNUNURRA	1,459.00
EFT109200	13/5/10	KIMBERLEY FIRST NAT R/ ESTATE	RENT ADJUSTMENT 25/03/10 -24/04/10, 12/33 KONKERBERRY DVE	54.72
EFT109201	13/5/10	KIMBERLEY GROUP TRAINING	TRAINEE W/E 21/4/10	247.28
EFT109202	13/5/10	KIMBERLEY MARKETING	ICE CREAMS - KLC	1,632.50
EFT109203	13/5/10	KIMBERLEY MOTORS	FUEL	1,420.58
EFT109204	13/5/10	COUNTRY CLUB RESORT	ACCOMMODATION 30/04/2010 - 02/05/2010	738.00
EFT109205	13/5/10	KUNUNURRA LOCK & KEY	KUNUNURRA YOUTH CENTRE REPAIRS TO ALL DOOR LOCKS	1,678.50
EFT109206	13/5/10	KUNUNURRA MAINTENANCE SERVICE	REPAIRS TO KLC MALE CHANGEROOMS	500.00
EFT109207	13/5/10	KUNUNURRA SECURITY SERVICE	CALL OUT	68.00
EFT109208	13/5/10	KUNUNURRA TYREPOWER	P371 – NEW TYRES, P335 ALIGNMENT AND BALANCE	1,042.00
EFT109209	13/5/10	KIMBERLEY COMMUNICATIONS	REPLACE DAMAGED COMMUNICATIONS EQUIPMENT	275.00
EFT109210	13/5/10	KIMBERLEY TAFE KNX CAMPUS	WHITE CARD TRAINING	990.00
EFT109211	13/5/10	KUNUNURRA DIESEL SERVICE	P309 - SERVICE	1,149.85
EFT109212	13/5/10	L3 COMMUNICATIONS AUST PTY LTD	EXPLOSIVE TRACE DETECTOR – KNX AIRPORT	54,450.00
EFT109213	13/5/10	LOCAL GOVT MANAGERS AUSTRALIA	LGMA MEMBERSHIP SUBSCRIPTION G GAFFNEY 09/10	195.00
EFT109214	13/5/10	MEGAN HUNT	VARIOUS CLEANING LOCATIONS - WYNDHAM	1,629.38
EFT109215	13/5/10	OFFICE LINE	WHITEBOARD/FLIPCHART EASEL – YOUTH CENTRE	407.00
EFT109216	13/5/10	OFFICE NATIONAL KUNUNURRA	VARIOUS EQUIPMENT – YOUTH CENTRE	432.00
EFT109217	13/5/10	ORIA ORCHARDS	WEEKLY FLOWER DELIVERY KNX OFFICE	15.00

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT109218	13/5/10	ORD FUEL SUPPLIES	FUEL - KNX DEPOT	9,874.90
EFT109219	13/5/10	PROAM AUSTRALIA	BACKSTROKE FLAGS - KLC	493.15
EFT109220	13/5/10	RICK SPRY	ELECTRICITY SUBSIDY CLAIM 26/01/10 - 26/03/10	225.23
EFT109221	13/5/10	ROYAL LIFE SAVING (WA BRANCH)	RLSSA LIFEGUARD COURSE	690.00
EFT109222	13/5/10	SHELF SUPPLY	2,750LT RAIN WATER TANK - FIVE RIVERS LOOKOUT	1,096.50
EFT109223	13/5/10	SYNETRIX	SERVER PARTS - LIBRARY MAIN SERVER	13,557.54
EFT109224	13/5/10	THE KIMBERLEY GRANDE	ACCOMMODATION 15/05/10 – 18/05/10	874.90
EFT109225	13/5/10	THORLEY'S STORE	TRANSPORTATION & DELIVERY SHIRE BAG WYN/KNX	324.00
EFT109226	13/5/10	TNT AUSTRALIA PTY LIMITED	FREIGHT	409.60
EFT109227	13/5/10	TOLL EXPRESS	FREIGHT	301.54
EFT109228	13/5/10	TOP END MOTORS	P474 - HYDRAULIC REPAIRS	988.19
EFT109229	13/5/10	TRAVELWORLD KUNUNURRA	RETURN AIRFARES TONY MICALE VISIT & SPORTS CLINICS	876.00
EFT109230	13/5/10	WESTRALIA AIRPORTS CORP P/L	ASIC CARDS	400.00
EFT109231	13/5/10	WYNDHAM SUPERMARKET	CONSUMABLES - CUSTOMER SERVICE MEETING	65.23
EFT109232	20/5/10	ASP PTY LTD	P362 - BLADES	885.50
EFT109233	20/5/10	AUST LOCAL GOVT JOB DIRECTORY	ADVERTISING	792.00
EFT109234	20/5/10	AUSTRALIA POST(KNX)	PRINTER - LANDFILL SITE	214.00
EFT109235	20/5/10	AUSTRALIA POST	POSTAGE APRIL 2010	555.50
EFT109236	20/5/10	ALLGEAR MOTORCYCLES & ENGINES	QUICK CUT SAW, TROLLEY, DIAMOND TIP KNX AIRPORT – P356 OIL	4,387.60
EFT109237	20/5/10	ARGYLE MOTORS	P110 – FIT DRIVING LIGHTS AND BULLBAR	980.40
EFT109238	20/5/10	BOSS FLUID POWER	TOILET ROLLS, TOILET TISSUE, VANILLA WOODS, HAND TOWEL	2,232.55
EFT109239	20/5/10	BOAB CARPENTRY PTY LTD	REROOF 2ND SHADE STRUCTURE WYN POOL	7,703.65
EFT109240	20/5/10	BRANKO BP MOTORS	P358 – NEW AERIAL	55.60
EFT109241	20/5/10	CHEFMASTER AUSTRALIA	BULK SUPPLY OF GARBAGE BAGS	1,108.80
EFT109242	20/5/10	DAVEY TYRE & BATTERY SERVICE	P313 & P303 - NEW TYRES	972.68
EFT109243	20/5/10	DELISH'US	MORNING TEA - GOVERNOR GENERAL TREE PLANTING	800.00

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT109244	20/5/10	DRYSDALE RIVER STATION	P103 – FUEL & REPAIRS	329.00
EFT109245	20/5/10	EAST KIMBERLEY DINGO	REPAIR KNX OVAL FENCE	2,077.00
EFT109246	20/5/10	EAST KIMBERLEY HARDWARE	VARIOUS HARDWARE ITEMS – INCLUDING PALLET CEMENT	2,545.30
EFT109247	20/5/10	FORTE AIRPORT MANAGEMENT	PREPARATION OF PAVEMENT DESIGN UPGRADE RPT TAXIWAYS	6,336.00
EFT109248	20/5/10	FRONTIER POST & NEWS	POSTAGE & PAPERS WYN ADMIN & LIBRARY	23.25
EFT109249	20/5/10	FUJI XEROX AUSTRALIA P/L	VARIOUS PHOTOCOPIER CHARGES	596.77
EFT109250	20/5/10	FRANMOR CONSTRUCTIONS PTY LTD	SECURITY SCREEN - LANDFILL SITE	105.00
EFT109251	20/5/10	GAULT, JOHN DOUGLAS	STAFF REIMBURSEMENT	123.50
EFT109252	20/5/10	GUERINONI & SON	GRADER HIRE - FIREBREAKS WYNDHAM & PARRY CREEK RD	7,639.50
EFT109253	20/5/10	HART SPORT	BOOT CAMP EQUIP & UNIFORMS 2010, TRIATHALON TROPHIES	865.00
EFT109254	20/5/10	HIDDEN VALLEY TOURIST PARK	ACCOMMODATION - APRIL 2010	611.46
EFT109255	20/5/10	IBAC PLUMBING PTY LTD	INSTALL 6 X CISTERNS – YOUTH CENTRE/OVAL	3,674.00
EFT109256	20/5/10	ICE AGE REFRIGERATION & AIRCON	REPAIR AIR CON 23 BOOBIALLIA WY KUNUNURRA	126.50
EFT109257	20/5/10	JH COMPUTER SERVICES	COMPUTER AND LCD SCREEN	800.81
EFT109258	20/5/10	JSW HOLDINGS PTY LTD	PALLET OF BLOCKS	1,142.86
EFT109259	20/5/10	KEN LIDDICOAT	STAFF REIMBURSEMENT	137.02
EFT109260	20/5/10	KIMBERLEY ECHOALBANY ADVERT	ADVERTISING	3,431.40
EFT109261	20/5/10	KIMBERLEY INDUSTRIES METALAND	ITEMS FOR CENTENARY PARK AND LINKPATH REPAIRS	752.29
EFT109262	20/5/10	KIMBERLEY MARKETING	REFRESHMENTS TRIATHLON	34.00
EFT109263	20/5/10	KIMBERLEY VET CENTRE	MICROCHIP SCANNER - CANINE	520.00
EFT109264	20/5/10	KUNUNURRA BETTA ELECT & GAS	PHONE CAR CHARGER	19.98
EFT109265	20/5/10	KNX COUNTRY CLUB RESORT	ACCOMMODATION 06/05/10	200.00
EFT109266	20/5/10	KUNUNURRA MEDICAL	DAMP DRUG AND ALCOHOL TEST	48.40
EFT109267	20/5/10	KUNUNURRA REFRIG & AIR CON P/L	REPAIR AIR CONS KUNUNURRA YOUTH CENTRE	985.58
EFT109268	20/5/10	KUNUNURRA SECURITY SERVICE	PASSENGER BAGGAGE SCREENING 07/04/10 – 20/04/10	24,840.00
EFT109269	20/5/10	KATE MATTHEWS	LAKE ARGYLE SWIM - 10KM QUAD PRIZE 2010	800.00

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT109270	20/5/10	KIMBERLEY KOOL REFRIG & AIRCON	SUPPLY & FIT AIR CON - COMMUNICATIONS HUT	1,826.00
EFT109271	20/5/10	KIMBERLEY PUMPING SERVICE	REPAIR MAIN PIPE IRRIGATION TANK - WYNDHAM POOL	1,023.00
EFT109272	20/5/10	KUNUNURRA FURNISHINGS	TV ENTERTAINMENT UNIT – YOUTH CENTRE	236.55
EFT109273	20/5/10	LANDGATE	GROSS RENTAL VALUATIONS	430.40
EFT109274	20/5/10	LW PROPERTY CARE	CLEANING OF GAS BBQ'S - SWIM BEACH	1,584.00
EFT109275	20/5/10	MEGAN HUNT	VARIOUS CLEANING LOCATIONS - WYNDHAM	1,321.66
EFT109276	20/5/10	ARK HOMES	CLAIM 8 - STAFF HOUSING	26,701.17
EFT109277	20/5/10	OFFICE NATIONAL KUNUNURRA	STORAGE CONTAINERS FOR EQUIPMENT – YOUTH CENTRE	174.64
EFT109278	20/5/10	ORD MACHINING	P313 - REPLACE CURTAINS, NEW BEARINGS IN SLASHER WHEELS	1,523.60
EFT109279	20/5/10	ORD RIVER ELECTRICS	REPAIR LIGHTS - KNX OVAL	404.25
EFT109280	20/5/10	PIVOTEL	SATELLITE PHONE - APRIL 10	105.00
EFT109281	20/5/10	RICK SPRY	STAFF REIMBURSEMENT - TELEPHONE	36.84
EFT109282	20/5/10	ROYAL LIFE SAVING (WA BRANCH)	POOL LIFEGUARD FULL COURSE	3,152.97
EFT109283	20/5/10	SHAWS DARWIN TRANSPORT	FREIGHT	288.04
EFT109284	20/5/10	THINKWATER	VARIOUS RETIC PARTS	1,330.89
EFT109285	20/5/10	TONY'S PLUMBING & EXCAVATION P/L	HIRE EXCAVATOR 17/04/10 – WYN POOL UPGRADE	2,013.00
EFT109286	20/5/10	TOP END MOTORS	P303 - FIT NEW WATER PUMP, P302 - SERVICE, P474 - FUEL REPAIR	2,085.60
EFT109287	20/5/10	TOTAL EDEN KP PUMPS	PUMP FOR AIRPORT GARDEN, SOLINIODS & CONTROLLER	4,321.06
EFT109288	20/5/10	UHY HAINES NORTON (WA) PTY LTD	AUDIT YEAR END 30/06/2010	23,845.80
EFT109289	20/5/10	VANDERFIELD MACHINERY PTY LTD	P401 - BLADE KIT	96.58
EFT109290	20/5/10	WESTRAC EQUIPMENT PTY LTD	P350 – REPLACE CAB GLASS	102.19
EFT109291	20/5/10	WYNDHAM SUPERMARKET	CONSUMABLES - WYN DAYCARE	161.61
EFT109292	20/5/10	WAY CHENG	REIMBURSE FLIGHT	3,738.00
EFT109293	20/5/10	ZEBRA STONE AUSTRALIA	LAKE ARGYLE SWIM SETUP	392.40
EFT109294	27/5/10	AUSCHECK	ASIC CHECKS	176.00
EFT109295	27/5/10	AUSTRALIAN TAXATION OFFICE	BAS APRIL 2010	70,446.00

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT109296	27/5/10	ARGYLE MOTORS	P105, P313 & P355 - SERVICE	3,053.90
EFT109297	27/5/10	BERM BACKHOE HIRE	SLASHING - APRIL /MAY 10	14,921.50
EFT109298	27/5/10	BOC GASES AUSTRALIAN LIMITED	GAS BOTTLE RENTAL - APRIL 10	694.03
EFT109299	27/5/10	BUSH CAMP SURPLUS STORES	UNIFORMS LEISURE CENTRE STAFF	643.05
EFT109300	27/5/10	BEAUREPAIRES FOR TYRES	P101 - TYRE REPAIR	30.80
EFT109301	27/5/10	C & S JOLLY ELECTRICS	REPAIRS TO PUMPS, FUSE BOX KNX AIRPORT	475.31
EFT109302	27/5/10	CORPORATE EXPRESS	STATIONERY ORDER	174.26
EFT109303	27/5/10	EAST KIMBERLEY PLUMBING	REPAIR HOT WATER SYSTEM 16 HIBISCUS, WHITE GUM TOILETS	1,030.42
EFT109304	27/5/10	EAST KIMBERLEY HARDWARE	VARIOUS HARDWARE ITEMS – INCLUDING PALLET CEMENT	1,576.80
EFT109305	27/5/10	ENZED SERVICE CENTRE DARWIN	P469 - HYDRAULIC HOSE REPAIRS	407.61
EFT109306	27/5/10	FUJI XEROX AUSTRALIA P/L	VARIOUS PHOTOCOPIER CHARGES	922.07
EFT109307	27/5/10	GUERINONI & SON	GRADER HIRE FIREBREAKS KNX, WATER CART & FLOAT	18,235.25
EFT109308	27/5/10	IAN DEMPSEY	SALARY PACKAGING REIMBURSEMENT	808.30
EFT109309	27/5/10	JSW HOLDINGS PTY LTD	CONCRETE PRAM RAMPS – BARRINGTONIA AVE	638.88
EFT109310	27/5/10	KIMBERLEY PARTY HIRE	HIRE OF EQUIPMENT GOVERNOR GENERAL VISIT	54.00
EFT109311	27/5/10	KIMBERLEY WASTE SERVICES	KNX & WYN REFUSE COLLECTION	59,721.65
EFT109312	27/5/10	KUNUNURRA SECURITY SERVICE	CALLOUT CHARGES	136.00
EFT109313	27/5/10	KIMBERLEY COMMUNICATIONS	TV AERIAL & TUNE IN TV 23 BOOBIALLA & FOGGER REPAIRS	208.00
EFT109314	27/5/10	KUNUNURRA COURIERS	NEVERFAIL SPRING WATER	18.50
EFT109315	27/5/10	KUNUNURRA FURNISHINGS	BACKCARE FIRM ORTHO ENSEMBLE QUEEN-SIZE BED	1,049.00
EFT109316	27/5/10	LESTER BLADES	ADVERTISING & RECRUITMENT DIRECTOR OF INFRASTRUCTURE	6,325.00
EFT109317	27/5/10	MEGAN HUNT	VARIOUS CLEANING SITES WYNDHAM 10/05/10 - 14/05/10	1,208.63
EFT109318	27/5/10	OFFICE NATIONAL KUNUNURRA	CORK BOARDS FOR YOUTH CENTRE	626.00
EFT109319	27/5/10	ORD RIVER ELECTRICS	FINANCE CHARGE	10.00
EFT109320	27/5/10	P & C WELDING AND CONSTRUCTIONS	DEMOLITION WYN PICTURE GARDENS	23,716.00
EFT109321	27/5/10	PIERCE POOL SUPPLIES	SWIMMING POOL ACCESS WHEELCHAIR	2,265.00

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT109322	27/5/10	ROCKALONG STONEMWORK	PRESENT FOR GOVERNOR GENERAL VISIT	125.00
EFT109323	27/5/10	SALLY JOHNSON	CLEANING OF VARIOUS TOILETS - WYNDHAM	2,400.00
EFT109324	27/5/10	THINKWATER	VARIOUS RETICULATION ITEMS	641.27
EFT109325	27/5/10	TOLL EXPRESS	FREIGHT	1,093.58
EFT109326	27/5/10	TOP END MOTORS	P474 LOADER- AIR CONDITIONER REPAIRS	1,593.90
EFT109327	27/5/10	TOTAL EDEN KP PUMPS	CHLORINE	1,085.04
EFT109328	27/5/10	TROPICAL PEST CONTROL	TERMITE INSPECTION - HISTORICAL SOCIETY BUILDING	264.00
EFT109329	27/5/10	TUCKERBOX/RETRAVISION	VARIOUS ITEM PURCHASED APRIL 2010	2,282.72
EFT109330	27/5/10	UHY HAINES NORTON (WA) PTY LTD	AUDIT FEE FOR PSS EXPANSION OF EKYS 2008/09	3,520.00
EFT109331	27/5/10	URBIS PTY LTD	CONSULTANTS TOWN PLANNING AND REGIONAL DEVELOPMENT	4,489.38
EFT109332	27/5/10	VANDERFIELD MACHINERY PTY LTD	JOHN DEER 997 Z TRAK MOWER – KNX AIRPORT	25,616.58
EFT109333	27/5/10	WA HINO SALES	300 SERIES 716 CREW CAB TRUCK - WYNDHAM	55,909.41
EFT109334	27/5/10	WA LOCAL GOVERNMENT ASSOC	ADVERTISING	2,857.43
EFT109335	27/5/10	ZEBRA ROCK GALLERY	TROPHIES FOR TRIATHALON	420.00
TOTAL MUNI EFT PAYMENTS				1,022,483.96

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
39540	6/5/10	HORIZON POWER	ELECTRICAL CHARGES VARIOUS LOCATIONS	4,494.25
39541	6/5/10	LG SUPER	SUPERANNUATION CONTRIBUTIONS	263.77
39542	6/5/10	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	353.15
39543	6/5/10	REST SUPER	SUPERANNUATION CONTRIBUTIONS	566.51
39544	6/5/10	STATEWIDE SUPER TRUST	SUPERANNUATION CONTRIBUTIONS	160.53
39545	6/5/10	TELSTRA	TELSTRA CHARGES	1,729.35
39546	6/5/10	TASPLAN	SUPERANNUATION CONTRIBUTIONS	84.73
39547	6/5/10	VISION SUPER	SUPERANNUATION CONTRIBUTIONS	1,010.64
39548	6/5/10	WATER CORPORATION	VARIOUS LOCATIONS - WATER CHARGES	291.50

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
39549	13/5/10	AUST COMMUNICATIONS AUTHORITY	BROADCASTING	392.00
39550	13/5/10	PETTY CASH KNX OFFICE	PETTY CASH	145.90
39551	13/5/10	DEPARTMENT OF TRANSPORT	INCORRECT PAYMENT RECEIVED OF MDL COMMISSION	116.46
39552	13/5/10	HORIZON POWER	ELECTRICITY CHARGES VARIOUS LOCATIONS	40,447.78
39553	13/5/10	HORIZON POWER NON ENERGY	POWER SUPPLY FOR RETIC SOLENOIDS	1,641.00
39554	13/5/10	MIDLAND TROPHIES	MEDALLIONS LAKE ARGYLE SWIM	100.10
39555	13/5/10	T & L WESTWOOD	SLASHER HIRE FIREBREAKS CROSSING FALLS AREA	660.00
39556	13/5/10	TELSTRA	MOBILE PHONE CHARGES APRIL 2010	1,366.51
39557	13/5/10	WATER CORPORATION	WATER USAGE VARIOUS LOCATIONS	1,554.10
39558	20/5/10	PETTY CASH W.N.C.	PETTY CASH	58.50
39559	20/5/10	HORIZON POWER	ELECTRICITY CHARGES	40.22
39560	20/5/10	MAGSHOP	4WD ACTION SUBSCRIPTION 10/11	62.50
39561	20/5/10	WATER CORPORATION	REFILL WYN SWIM POOL	6,933.10
39562	27/5/10	DEPT. HEALTH WASTE WATER MGMNT	WASTE WATER APPLICATION	70.00
39563	27/5/10	GELGANYEM LTD	REFUND FOR BARRAMUNDI EVENTS PACKAGE DA 64/10	280.00
39564	27/5/10	ORION SOLAR PTY LTD	LIGHTING FOR LINK PATH	60,640.00
39565	27/5/10	WATER CORPORATION	WATER CHARGES	1,558.40
TOTAL MUNI CHEQUE PAYMENTS				125,021.00

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
37	31/5/10	BRUCE HARDING	REFUND HOUSING BOND BOOBIALLA WAY, KUNUNURRA	1,000.00
38	31/5/10	DOUGLAS ALEXANDER	REFUND HOUSING BOND 16 HIBISCUS STREET, KUNUNURRA	1,000.00
39	31/5/10	GELGANYEM LTD	REFUND BOND HIRE OF PETER REID HALL 18-19/05/10	100.00
TOTAL TRUST CHEQUE PAYMENTS				2,100.00

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
500037	18/5/10	TRUST DPI CLEARING	TRANSPORT CLEARING 13/5/10	16,758.25
500038	31/5/10	TRUST DPI CLEARING	TRANSPORT CLEARING 24/5/10	10,506.10
500039	31/5/10	TRUST DPI CLEARING	TRANSPORT CLEARING 27/5/10	4,114.25
500040	31/5/10	TRUST DPI CLEARING	TRANSPORT CLEARING 31/5/10	2,148.75
TOTAL TRUST EFT PAYMENTS				33,527.35

DATE	NAME	DESCRIPTION	AMOUNT
3/05/2010	PAYROLL	ONE OFF PAY	2,719.08
5/05/2010	PAYROLL	PAYROLL	151,213.68
19/05/2010	PAYROLL	PAYROLL	153,414.89
TOTAL PAYROLL PAYMENTS			307,347.65

DATE	NAME	DESCRIPTION	AMOUNT
25/5/10	DIRECT DEBIT	RENT 12/33 KONKERBERRY DRIVE, KUNUNURRA	2,036.66
17/5/10	DIRECT DEBIT	RENT 4 BOOBIALLA WAY, KUNUNURRA	2,491.67
20/5/10	DIRECT DEBIT	RENT 20 BARRINGTONIA WAY, KUNUNURRA	2,426.66
4/5/10	DIRECT DEBIT	RENT 9B PLUM COURT, KUNUNURRA	1,300.00
18/5/10	DIRECT DEBIT	RENT 9B PLUM COURT, KUNUNURRA	1,300.00
3/5/10	DIRECT DEBIT	RENT 11 KWINANA STREET, WYNDHAM	1,235.00
24/5/10	DIRECT DEBIT	RENT 19B BOOBIALLA WAY, KUNUNURRA	1,540.00
May-10	DIRECT DEBIT	BANK FEES	196.10
May-10	DIRECT DEBIT	BPOINT	135.57
3/5/10	DIRECT DEBIT	VISA PAYMENT	555.00
May-10	DIRECT DEBIT	MASTERCARD	20,301.35
May-10	DIRECT DEBIT	MERCHANT FEE	563.78
6/5/10	DIRECT DEBIT	WESTNET P/L	1,184.24
TOTAL DIRECT DEBIT PAYMENTS			35,266.03

12.2.2 MONTHLY FINANCIAL REPORT

DATE:	22 June 2010
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Gill Old, Manager Financial Service
REPORTING OFFICER:	Jo-Anne Ellis, Director Corporate Services
FILE NO:	60.14.02
ASSESSMENT NO:	N/A

PURPOSE

For Council to note and accept the Monthly Financial Report for May 2010.

BACKGROUND

Council is required to prepare Monthly Financial Reports as required by the Local Government (Financial Management) Regulations 1996.

STATUTORY IMPLICATIONS

Section 6.4 Local Government Act 1995
Regulation 34, Local Government (Financial Management Regulations) 1996.

POLICY IMPLICATIONS

No policy implications apply in the preparation of this report.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Key Result Area 5 – Governance
Council's financial position and forward planning is sound.

COMMUNITY CONSULTATION

No community consultation was required in the preparation of this report.

COMMENT

Comments in relation to budget to actual variances are included as a note in the Financial Report.

ATTACHMENT

Monthly Financial Report for May 2010.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council accepts the Monthly Financial Report for the month of May 2010.

COUNCIL DECISION

Minute No: 9190

Moved: Cr K Wright

Seconded: Cr D Ausburn

That Council accepts the Monthly Financial Report for the month of May 2010.

CARRIED UNANIMOUSLY: (7/0)



Shire of Wyndham East Kimberley

Monthly Financial Report 2009/2010

As at 31 May 2010

Presented to Council 22 June 2010

- Statement of Financial Activity
- Note to Statement of Financial Activity (Net Current Asset Position)
- Note to Statement of Financial Activity (Explanation of Material Variances)
- Note to Statement of Financial Activity (Budget Remaining to Collect/Spend)
- Monthly Report on Investment Portfolio (Cash)

Shire of Wyndham East Kimberley						
Statement of Financial Activity						
Year to Date Actual v Year to Date Budget						
as at 31 May 2010						
	YTD Budget 2009-10		YTD Actual 2009-10		YTD Variance 2009-10	
	\$	\$	\$	\$	\$	%
Revenues		10,529,758		9,857,640		
General Purpose Funding	3,473,767		3,500,572		26,805	1%
Governance	146,214		218,627		72,413	50%
Law, Order And Public Safety	57,142		57,469		327	1%
Health	13,151		45,068		31,917	243%
Education And Welfare	114,000		102,217		(11,783)	-10%
Housing	137,655		126,479		(11,176)	-8%
Community Amenities	1,436,198		1,440,405		4,207	0%
Recreation And Culture	825,660		540,689		(284,971)	-35%
Transport	3,702,373		3,321,011		(381,362)	-10%
Economic Services	274,201		294,866		20,665	8%
Other Properties And Services	349,397		210,236		(139,161)	-40%
Expenses		(14,988,504)		(13,874,020)		
General Purpose Funding	(376,513)		(364,787)		11,726	-3%
Governance	(954,341)		(879,553)		74,788	-8%
Law, Order And Public Safety	(421,006)		(440,422)		(19,416)	5%
Health	(275,327)		(268,365)		6,962	-3%
Education And Welfare	(374,996)		(307,090)		67,906	-18%
Housing	(305,980)		(281,233)		24,748	-8%
Community Amenities	(3,117,099)		(2,430,183)		686,916	-22%
Recreation and Culture	(3,644,720)		(3,213,944)		430,776	-12%
Transport	(4,790,441)		(4,452,283)		338,158	-7%
Economic Services	(543,250)		(432,619)		110,631	-20%
Other Property and Services	(184,831)		(803,541)		(618,710)	335%
Adjustments for Cash Budget Requirements						
Adjustments and Accruals		1,772,351		2,013,343		
<i>(Profit)/Loss on Asset Disposals</i>	(295,276)		(88,137)		207,139	-70%
<i>Movement in Accruals and Provisions</i>	(224,618)		(224,618)			0%
<i>Depreciation on Assets</i>	2,292,245		2,326,098		33,853	
Purchase of Non-Current Assets		(13,578,876)		(7,306,666)		
<i>Purchase Land Held for Resale</i>	(42,000)		(41,851)		149	0%
<i>Purchase Land and Buildings</i>	(5,472,029)		(1,567,685)		3,904,344	-71%
<i>Purchase Infrastructure Assets - Roads</i>	(3,811,375)		(2,197,214)		1,614,161	-42%
<i>Purchase Infrastructure Assets - Parks</i>	(68,900)		(81,887)		(12,987)	19%
<i>Purchase Infrastructure Assets - Footpaths</i>	(97,150)		(87,516)		9,634	-10%
<i>Purchase Infrastructure Assets - Drainage</i>	(248,800)		(103,089)		145,711	-59%
<i>Purchase Infrastructure Assets - Other</i>	(2,246,416)		(1,715,551)		530,865	-24%
<i>Purchase Plant and Equipment</i>	(1,379,710)		(1,409,577)		(29,867)	2%
<i>Purchase Furniture and Equipment</i>	(212,496)		(102,296)		110,200	-52%
Capital Income		11,865,487		8,191,541		
<i>Grants / Contributions for Development of Assets</i>	11,329,887		7,915,776		(3,414,111)	-30%
<i>Proceeds from Disposal of Assets</i>	439,600		276,438		(163,162)	-37%
<i>Proceeds from Sale of Land Held for Resale</i>	96,000		(673)		(96,673)	-101%
Debentures		1,888,667		(448,610)		
<i>Repayment of Debentures</i>	(1,034,348)		(1,014,610)		19,738	-2%
<i>Proceeds from New Debentures</i>	2,906,000		566,000		(2,340,000)	-81%
<i>Self-Supporting Loan Principal Income</i>	17,015				(17,015)	-100%
Reserves		301,800		90,574		
<i>Transfers to Reserves (Restricted Assets)</i>	(508,870)		(167,949)		340,921	-67%
<i>Transfers from Reserves (Restricted Assets)</i>	810,670		258,523		(552,147)	-68%
<i>Add Estimated Surplus/(Deficit) July 1 B/Fwd</i>	5,526,799	5,526,799	5,526,796	5,526,796	(3)	0%
<i>Less Estimated Surplus/(Deficit) June 30 C/Fwd</i>	8,443,137	8,443,137	9,163,979	9,163,979	720,842	9%
Amount Required to be Raised from Rates	5,125,655	5,125,655	5,113,380	5,113,380	(12,275)	0%

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity

For the Period Ended 31 May 2010

	YTD Actual 2009/10 \$	Brought Forward 1 July 2009 \$
Net Current Assets	\$	\$
<i>Composition of Net Current Asset Position</i>		
Current Assets		
Cash - Unrestricted	3,816,010	6,140,740
Cash - Reserves	6,648,131	6,738,705
Cash - Restricted Unspent Grants	5,113,908	-
Investments - Restricted		
Receivables	1,178,457	1,174,211
Self Supporting Loans	-	1,118
Inventories	39,705	6,387
Land Held for Resale	-	-
	16,796,212	14,061,161
<i>Less</i>		
Current Liabilities		
Payables	(984,102)	(1,795,659)
	(984,102)	(1,795,659)
<i>Less</i>		
Restricted Reserves		
Cash	(6,648,131)	(6,738,705)
Investments		
Net Current Asset Position	9,163,979	5,526,796

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity
For the Period Ended 31 May 2010

Explanation of Material Variances

Variances +/- \$50,000

Operating

Recurrent Revenue - Excluding Rates

Governance:

Strategic project planning funding for Kimberley Zone received that was not included in budget (\$100K), offset by income received in June instead of May for Zone Shire for contribution (\$25K).

Recreation and Culture:

Foreshore Leases underachieved due to delays in land tenure (\$47K). Wyndham Picture Gardens grant budget forecasted earlier than achieved. East Kimberley Development Package project tied to expenditure. (\$150K). Sport Masterplanning Grant (\$25K) and Club Development Grant (\$50K) budget forecast earlier than receipt, some received in June

Transport:

Kununurra Regional Airport revenue for landing fees, head taxes and screening fees forecast earlier than received (\$308K). Internal journals yet to occur for profit on sale of assets for Airport (\$89K).

Other Property and Services:

Internal journals yet to occur for profit on sale of plant assets (\$150K).

Recurrent Expenditure

Governance:

Conferences members overspent (\$22K), but some reallocation of expenses incurred for Zone may be required to offset underspend (\$11K). Governance salaries and wages underexpended, this is partially offset by higher administrative overheads. Salary and wages expenses in other areas will offset (\$69K). Administration Building loan not yet drawn therefore interest costs forecasted not incurred (\$13K). Asset Management expenditure delayed due to position vacancy earlier than anticipated (\$19K).

Education and Welfare:

Wyndham Childcare Centre salaries and wages underexpended, this is partially offset by higher administrative overheads. Salary and wages expenses in other areas will offset (\$32K). Kununurra Childcare Centre loan interest showing underspend due to accrual entries and credit for restructure of loan. This will correct itself at the end of the financial year (\$24K).

Community Amenities:

Tip Maintenance expenditure overspent year to date (\$46K) offset by Refuse Collection under spent (\$85K) pending receipt of contractor invoices. Overspend and underspend expected to offset each other at end of financial year. Town planning salaries current overspend (\$32K) offset by salaries and wages in other areas. Youth underspend against year to date forecast (\$89K) primarily in area of salaries is tied to grant revenue (including Crime Prevention Initiative). Community Development and Other Community Amenities salaries underspend (\$25K) offset by salaries and wages expenses in other areas. Weaber Plain Flood Mitigation underspent (\$517K) tied to external funding. Street tree planting underspend (\$9K).

Recreation and Culture:

Celeston project delayed (\$30K). Ord River Sports Club Masterplanning Study underspent (\$41K) against year to date estimated pending receipt of invoices. Salaries for Recreation and Sport, Kununurra Leisure Centre, Wyndham pool and Wyndham Recreation Centre combined underspent against year to date (\$48K) is offset by salary and wages expenses in other areas. Peter Reid Memorial Hall Building Maintenance underspent against year to date (\$16K). Kununurra Leisure Centre expenses overspend against year to date projections (\$35K). Kununurra Pool Maintenance underspent against year to date forecast (\$15K). Wyndham Oval Building maintenance underspent against year to date projection (\$6K). Wyndham and Kununurra foreshores and boat ramps underspent (\$17K), potential savings. Library Joint Use Contribution invoices not yet received (\$42K). Club Development underspent due to vacancy (\$28K) tied to grant income. Wyndham Picture Gardens refurbishment project budget estimated earlier than expenditure (\$183K). Parks, gardens and grounds maintenance underspent against year to date forecast (

Transport:

Rural Road Maintenance underspend against year to date (\$59K) pending receipt of invoices. Wyndham Urban Road Maintenance overspend against annual budget (\$32K). Kununurra Urban Road Maintenance underspend against year to date budget (\$103K). East Kimberley Regional Airport (\$91K) and Wyndham Airport (\$25K) operational budgets forecast earlier than actual expense due to staff priorities being given to other capital projects, expected to correct over time. Consultancy fees and Technical Services for both Airports underspent against year to date budget (\$61K), this is offset by an overexpenditure against Other Expenses for East Kimberley Regional Airport (\$42K) and possible journals for incorrect postings are being investigated. Budget expected to be achieved by end of financial year. Aerodrome plant and vehicle expenses underspent (\$38K). Building maintenance on Airport house underspent against year to date projection (\$12K). Passenger screening expenses underspend (\$16K) pending receipt of invoices.

Economic Services:

Annual Grants are under expended (\$13K) due to timing of distribution compared to budget. Salaries, overheads and vehicle expenses for Economic Services and Building Control under expended (\$76K) due to vacancies, offset by salary and wages expenses in other areas.

Other Property and Services:

Public Works Overheads exceeds the recovery of the overheads against jobs (\$463K). This is a timing issue due to the delay in finalisation of construction projects for posting of overhead costs. Plant costs under recovered against plant expenditure (\$129K) expected to correct by end of year. Town Planning Scheme Review underexpended (\$9K).

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity

For the Period Ended 31 May 2010

(Continued)

Capital

Adjustments and Accruals

Profit/loss on disposal of assets transactions yet to occur (\$207K).

Capital Expenditure and Revenue

Purchase Infrastructure Assets (Land and Buildings)

Kununurra Leisure Centre stage upgrade expenditure delayed pending receipt of funding (\$30K). Bastion toilet underspend against year to date forecast (\$20K). Waterlily place project delayed pending review of costings and options (\$3.1M) tied to Royalties for Regions funding. Capital improvements Kununurra Childcare expenses incurred earlier than forecast (\$29K). Administration building land acquisition pending settlement expected pre 30 June 2010 (\$483K). Staff housing underspent against budget forecast (\$15K). Kununurra Landfill Shed not commenced (\$50K). Airport terminal upgrade underspent against forecast (\$199K). Airconditioning upgrade Kununurra Leisure Centre not commenced (\$60K).

Purchase Infrastructure Assets (Roads)

Carlton Hill Road upgrade underspend (\$24K) overheads yet to be applied. Crossing Falls Road and Packsaddle Road shoulder repairs (\$66K) not commenced. Ski Beach Access Road budget forecast earlier than expenditure (119K) surveying commenced. Kalumburu Road resheet not commenced (\$584K). Road reseals townsite not commenced (\$160K). Weaber Plains Road, Research Station Road, Cato Court, Egret Close construction budgets forecast earlier than expense (\$661K).

Purchase Infrastructure Assets (Drainage)

Riverfarm Road drainage upgrade not expended pending approval for increase in funding (\$44K). Konkerberry Drive and Barding Loop subsoil drainage budget earlier than expenditure (\$88K).

Purchase Infrastructure Assets (Other)

Wyndham Pool Upgrade year to date underspent (\$67K) pending receipt of invoices. Kununurra Airport car park modifications less than predicted year to date budget (\$16K) pending invoices. Wyndham BMX track project delayed (\$13K). Town Entry Statements budget forecast earlier than expenditure (\$45K) pending invoices. RPT Taxiway Upgrade budget forecast earlier than expenses (\$183K). Street light upgrades pending contractor (\$27K). Wyndham Recreation Jetty and Community Oval underspent against year to date projections (\$40K). Bridge Maintenance (\$93K) and Multipurpose Courts (\$38K) underexpended against budget.

Purchase Infrastructure Assets (Furniture and Equipment)

Kununurra and Wyndham Youth fitouts under expend (\$85K) delayed by staff recruitment. Fully externally funded. Synergy Implementation (IT) underexpended against year to date forecast budget (\$15K). Server and Network Upgrades underspent pending receipt of invoices (\$11K).

Grants/Contributions to Development of Assets

Royalties for Regions funding not yet released (\$1.1M). Regional and Local Community Infrastructure funding received in full before forecast (\$57K). Country Housing Authority Grant final payment pending (\$50K). Youth Grants not yet received (\$55K) tied to expenditure. Multipurpose Courts grants forecasted not yet received (\$191K). Regional Airport Development Scheme funding will be received on completion of project (\$234K). Wyndham BMX Track funding not received (\$5K). Roads funding not received by budget forecast (\$1.8M). Developer contributions for parking adjusted for works done by developer (\$32K).

Proceeds from Disposal of Assets

Sale of 16 Kimberley Street pending settlement expected pre 30 June 2010 (\$175K).

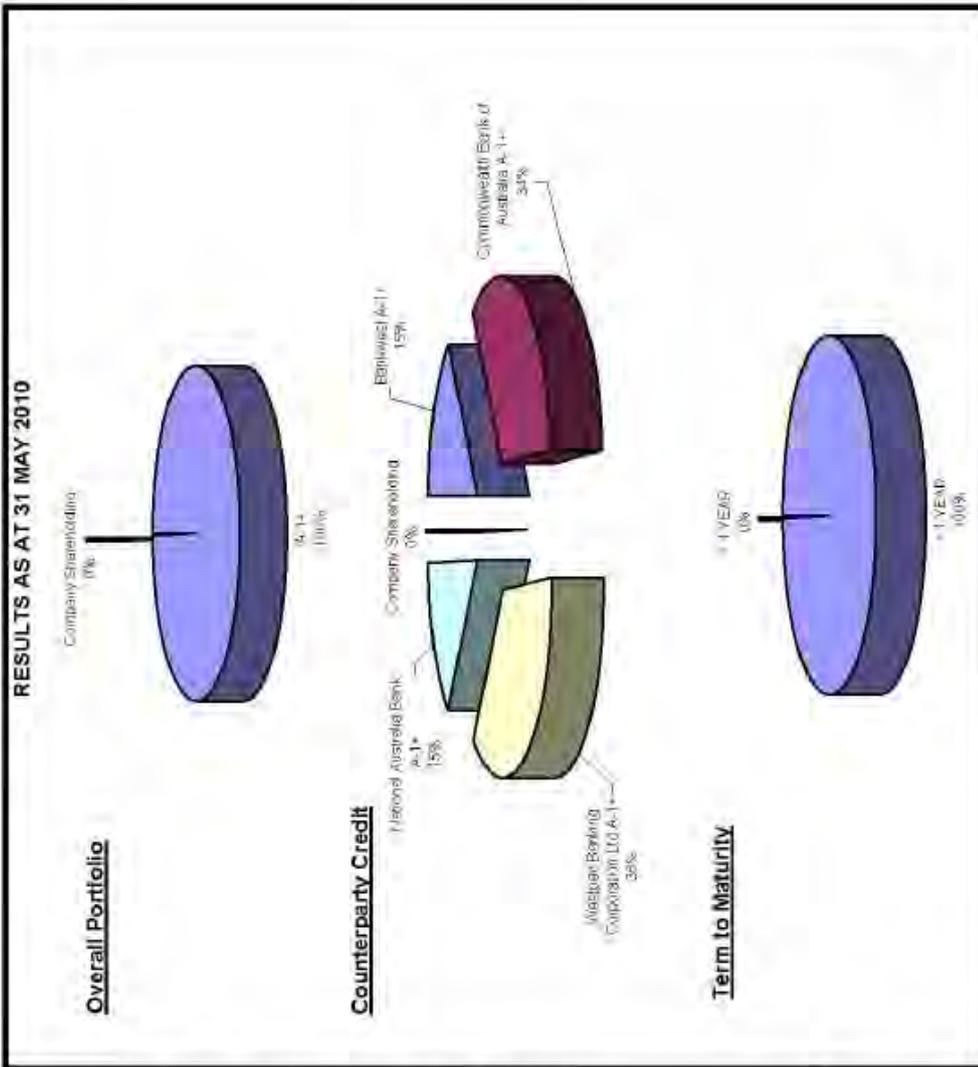
Proceeds from Sale of Land Held for Resale

Land at East Kimberley Regional Airport subdivision process delayed affecting sale (\$96K).

Debentures and Reserves

Full amount forecast in budget for refinancing Childcare loan not required, impacting loan and reserve transfer (\$55K). Self supporting loan for Ord River Sports Club not proceeding (\$70K) and Waterlily Place development loan (\$925K) delayed pending review of project. Loan for administration building land (\$490K) and Staff Housing (\$800) pending drawdown pre 30 June 2010. Transfers to and from Reserve funds occurring later than estimated due to ongoing projects (\$212K).

MONTHLY REPORT ON INVESTMENT PORTFOLIO (CASH)



INVESTMENT POLICY F17			
Overall Portfolio Limits*			
S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %	Managed Funds Maximum %
AAA	A-1+	100%	100%
AA	A-1	100%	100%
A	A-2	50%	50%
NOTE: *S&P refers to Standard & Poor's (S&P) agency.			
Counterparty Credit Framework*			
S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %	Managed Funds Maximum %
AAA	A-1+	45%	50%
AA	A-1	35%	45%
A	A-2	20%	40%
Term to Maturity Framework*			
Overall Portfolio Term to Maturity Limits			
Portfolio % < 1 year	100% max	40%	nil
Portfolio % > 1 year			60%
Portfolio % > 3 year			30%
Portfolio % > 5 year			25%
Individual Investment Maturity Limits			
ADI	5 years		
Non ADI	3 years		
NOTE: *ADI refers to an authorised Deposit Institution (authorised under the Banking Act 1958)			

EXPLANATION OF VARIANCES:

Company shareholding (non S&P rated or ADI) represents less than 1% of investment portfolio. Council minute 8314 of 18 August 2008 provides instruction to sell shareholding. Council minute 8812 of 15 September 2009 instructs that status of shares be re-examined in six months time. Council minute 8057 of 16 March 2010 confirms Councils intention to sell, requested listing with Company for disposal and reviewing status in twelve months if still held. A Council decision is required for the disposal of the shares.

12.2.3 DIFFERENTIAL RATES 2010/11

DATE:	22 June 2010
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Jo-Anne Ellis, Director Corporate Services
REPORTING OFFICER:	Jo-Anne Ellis, Director Corporate Services
FILE NO:	61.22.17
ASSESSMENT NO:	N/A

PURPOSE

To endorse and approve the advertisement of proposed Differential Rate in the Dollar and the Minimum Rates for 2010/11.

BACKGROUND

Before Council can impose differential rates in the dollar, Council must advertise the proposed differential rate for a minimum period of 21 days. The advertising period can occur up to two months prior to adoption of the Budget. This period of advertising allows rate payers the ability to consider the proposed rates in the dollar and make any submissions prior to Council adopting the proposed rate as part of the Budget adoption process.

Additionally, under the Local Government Act, Council must seek permission from the Minister of Local Government to raise the differential rate where the highest differential rate is more than twice the lowest differential rate.

Advice in recent years from the Western Australian Local Government Association (WALGA) has alerted Councils to the issue that CPI is a good measure of a household's ability to pay but is not a good measure of the increasing costs of a Local Government. The Local Government Cost Index is considered a more appropriate measure as it is a combination of CPI and the Construction Index. CPI is 3.4% and LGCI is 1.9% increase in the year to March 2010. Additionally, the Systemic Sustainability Study commissioned by WALGA, noted that some Local Governments were not increasing rates by a sufficient amount and this was causing issues with their ability to maintain ageing and deteriorating infrastructure.

The May 2010 Economic Briefing from WALGA reported that the average weekly earnings in the private sector grew by 3.2% in the year to November 2009, while the public sector recorded growth of 12% over the corresponding period. Given the large proportion of wages of total Local Government expenditure this has had a significant impact on total costs.

STATUTORY IMPLICATIONS

Local Government Act 1995

6.33. Differential general rates

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

6.35. Minimum payment

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.
- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.
- (3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —
 - (a) 50% of the total number of separately rated properties in the district; or
 - (b) 50% of the number of properties in each category referred to in subsection (6),on which a minimum payment is imposed.

- (4) A minimum payment is not to be imposed on more than the prescribed percentage of —
 - (a) the number of separately rated properties in the district; or
 - (b) the number of properties in each category referred to in subsection (6),
 unless the general minimum does not exceed the prescribed amount.
- (5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.
- (6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —
 - (a) to land rated on gross rental value;
 - (b) to land rated on unimproved value; and
 - (c) to each differential rating category where a differential general rate is imposed.

6.36. Local government to give notice of certain rates

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.
- (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).
- (3) A notice referred to in subsection (1) —
 - (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;
 - (b) is to contain —
 - (i) details of each rate or minimum payment the local government intends to impose;
 - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and
 - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;
 and
 - (c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.

- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.
- (5) Where a local government —
 - (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or
 - (b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),

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

POLICY IMPLICATIONS

Council Policy F7 – Significant Accounting Policies
Council Policy – CP/FIN- 3200 - Strategic Rating Policy

FINANCIAL IMPLICATIONS

A general increase of 5.5% is recommended to take into account the increase in the LGCI in the previous twelve months, the increase in wages costs and the need to keep ahead of rising costs generally. This general rate increase needs to be adjusted in some rating categories to implement the Strategic Rating Policy.

A general rate increase of 5.5% would raise increased rates revenue of \$289,495 based on current valuations, over and above what would be raised if no increase was imposed.

Implementation of the Strategic Rating Policy and the proposed rate in the dollar and minimum rate will increase rate revenue by \$316,848, based on current valuations, over and above what would be raised if no increase was imposed.

STRATEGIC IMPLICATIONS

Key Result Area 5 – Governance
Goal 2 – Financial Management
Strategy 2

COMMUNITY CONSULTATION

The public comment and submission process is designed to ensure consultation with the community and ratepayer base.

The act of advertising these rates in the dollar and minimums does not prohibit Council amending these rates or minimums at Budget Adoption following the period of public comment. The purpose of advertising is to give ratepayers the ability to comment and make a submission prior to the rates being imposed.

COMMENT

Council adopted a Strategic Rates Review Report in April 2010. This report details the legislative framework, current rating practices, principles of rating, alternate rating structures and recommendations for change.

The Strategic Rates Review Report identified that there was scope to increase the rates in the dollar for UV Mining and UV Pastoral when comparing the rate in the dollar raised by the Shire of Wyndham East Kimberley to neighbouring Councils.

Council also adopted a Strategic Rating Policy in April 2010. The policy identifies GRV and UV Differential Rates on the following basis:

- GRV Town site, properties in gazetted town sites.
- GRV Other, Discounted GRV rate for GRV rated properties outside gazetted town sites.
- UV Rural Residential, lifestyle property on a small rural holding within close proximity to an urban centre.
- UV Pastoral, properties under a pastoral lease valuation.
- UV Mining, Mining Tenements.
- UV Other, UV properties that do not fit into category above, generally agriculture.

The policy includes transitional provisions for properties currently rated as UV Rural Agriculture 1 and UV Rural Agriculture 2 to transition these two rate codes to the same value and levy the rates as UV Other.

A general rates increase of 5.5% is recommended with variation to this to align with previous rating levels to the Strategic Rating Policy adopted in April 2010.

Recommendation:

- GRV Town Sites - increase by 5.5%.
- GRV Other - equal to the GRV Town Sites rate discounted to 80%.
- UV Pastoral and UV Mining - increase by 10%. This is greater than the general rate increase to progress the implementation of the Strategic Rates Review Report recommendations.
- UV Rural Residential - 5.5% increase on the current rate code UV Rural Living.
- UV Rural Agriculture 2 – no change as this is the higher of the two Rural Agriculture rate in the dollars.
- UV Rural Agriculture 1 – 10% increase to commence transition to UV Other.
- UV Other – a rate half way between UV Rural Agriculture 1 and UV Rural Agriculture 2.
- Minimum rates increase by 5.5% rounded to \$830.00 for all except UV Mining.
- UV Mining minimum rate increase by 10% to \$1,100.00.

The rates in the dollar included in this report are relevant to the rates database as at 14 June 2010. A GRV and UV revaluation needs to be loaded into the rating system prior to the issue of rates and this will impact on the rate in the dollar required to achieve the overall recommended rate increase. These rates in the dollar will be available for budget adoption.

Based on current rates modelling there is one differential rating category that does not comply with section 6.35 of the Local Government Act. UV Mining has 110 assessments and 67 will have minimum rates applied under the current rates model. This is in excess of the 50% allowable under the Act. Approval from the Minister to apply this minimum rate will need to be sought.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

1. That Council endorses and arranges to be advertised for 21 days the following proposed Rate in the Dollar and Minimum Rate for 2010/11:

	Cents in the \$	Min Rate \$
GRV –Town sites	11.8417	830.00
GRV - Other	9.4734	830.00
UV - Rural Agricultural 1	0.4872	830.00
UV - Rural Agricultural 2	0.5729	830.00
UV - Rural Residential	0.7117	830.00
UV - Pastoral	9.1488	830.00
UV - Mining	11.4675	1,055.00
UV - Other	0.5300	830.00

2. That the Minister for Local Government's approval be sought for the imposing of differential rates which are more than twice the lowest differential general rate, in accordance with S6.33(3) of the Local Government Act, 1995 and to impose a minimum charge on UV Mining Category that results in over 50% of the differential rating category being rated a minimum rate.

COUNCIL DECISION

Minute No: 9191

Moved: Cr K Wright

Seconded: Cr J Parker

1. *That Council endorses and arranges to be advertised for 21 days the following proposed Rate in the Dollar and Minimum Rate for 2010/11:*

	Cents in the \$	Min Rate \$
GRV –Town sites	11.8417	830.00
GRV - Other	9.4734	830.00
UV - Rural Agricultural 1	0.4872	830.00
UV - Rural Agricultural 2	0.5729	830.00
UV - Rural Residential	0.7117	830.00
UV - Pastoral	9.1488	830.00
UV - Mining	11.4675	1,055.00
UV - Other	0.5300	830.00

2. *That the Minister for Local Government’s approval be sought for the imposing of differential rates which are more than twice the lowest differential general rate, in accordance with S6.33(3) of the Local Government Act, 1995 and to impose a minimum charge on UV Mining Category that results in over 50% of the differential rating category being rated a minimum rate.*

CARRIED UNANIMOUSLY: (7/0)

12.3 ENGINEERING & REGULATORY SERVICES

No Reports

12.4 DEVELOPMENT

12.4.1 AMENDMENT 18 TO TPS 6 – LOT 3 BARYTES ROAD, WYNDHAM

DATE:	22 June 2010
PROPONENT:	Kimberley Metals Group - Whelans Town Planning
LOCATION:	Lot 3 Barytes Road Wyndham
AUTHOR:	Jennifer Ninnette, Town Planning Officer
REPORTING OFFICER:	Nick Kearns, Director Development Services
FILE NO:	01.2491.02
ASSESSMENT NO:	A2491

PURPOSE

For Council to consider submissions received and final approval of a Town Planning Scheme Amendment, to rezone a portion of Lot 3 Barytes Road, Wyndham.

BACKGROUND

Council, at its Ordinary Council meeting of 17 November 2009 (Item 15.4), decided to initiate Town Planning Scheme Amendment 18 to the Wyndham (Town Site) Planning Scheme No. 6, to rezone the majority of Lot 3 from Special Site – Zoological Gardens and Ancillary Purposes zone and Residential R2 and R5, to Industrial zone. A copy of the initiated Scheme Amendment Map is provided at Attachment 1.

The amendment originated from the Kimberley Metals Group (KMG) needing a suitable site in the Port area to establish ship loading facilities to export bulk iron ore from its proposed Ridges Iron Ore Project.

The amendment will provide for the use and development of the land for Industrial Purposes associated with the stockpiling and loading of iron ore and other raw materials.

A copy of the initiated Scheme Amendment Map is provided at Attachment 1. A copy of the full Amendment documentation is available upon request.

STATUTORY IMPLICATIONS

Planning and Development Act, 2005

Amendments to Town Planning Schemes are required to be undertaken in accordance with the provisions of the *Planning and Development Act, 2005 (as amended)* and the *Town Planning Regulations, 1967 (as amended)*. Council is therefore required to adopt the Amendment for final approval in accordance with Regulations 17(2) and 22(1) of the *Town Planning Regulations 1967 (as amended)*.

Local Planning Strategy

The Shire of Wyndham-East Kimberley Local Planning Strategy (LPS) clearly identifies the expansion of the Port land for industrial uses to the north, including the subject site and adjoining Unallocated Crown Land.

On this understanding, it is accepted that the proposal accords with the Shire's Local Planning Strategy (LPS), which acknowledges the importance of the industry to the region and resultantly seeks to identify and protect the subject land for this purpose.

Town Planning Scheme No 6 - Wyndham Town Site

Under the Shire of Wyndham East Kimberley Town Planning Scheme No 6 – Wyndham Town Site the subject site currently has two zones.

- The land on the western side of Barytes Road zoned Special Site and denoted as Zoological Gardens and Ancillary Purposes, allowing for the use of the site as a crocodile farm; and
- The land on the eastern side of Barytes Road zoned Residential, with and applied R5 and R2 density, and a small portion reserved Parks and Recreation.

The intent of the Scheme Amendment is to replace the existing zones for the purpose of expanding the Port operations and support activities. The exception is the land occupied by the Crocodile Farm, that is to remain Special Site.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The proponent has paid all prescribed fees.

STRATEGIC IMPLICATIONS

The Strategic Plan outlines the following strategic directions:

Key Result Area 2 - Community

To develop the strengths and potential of our community now and into the future through advocacy and leadership, focussed on improved outcomes and addressing social issues in our community.

Key Result Area 3 – Economic Development

Work in partnership with Government, community and industry leaders to promote and provide opportunities for economic and social growth across the Shire, through Town Planning that guides sustainable land use and development.

In consideration of these strategic directions the Amendment facilitates the extension of Wyndham Port and the associated strategic industrial area, which is integral to local economic development and the provision local and regional jobs both during construction and operation.

COMMUNITY CONSULTATION

The amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967*. The amendment was advertised for 42 days from 2 April 2009 to 15 May 2009, with an advertisement placed in the Kimberley Echo newspaper, a sign erected on site, notification available for viewing at the Shire offices, and notices posted to affected and surrounding land owners and relevant service agencies.

Five submissions were received, none of which opposed the amendment. The submissions received are detailed in the Schedule of Submissions at Attachment 2. Of the submissions received, three were from Government agencies which offered no opposition to the proposal, and one was a letter of support from Cambridge Gulf Ltd. The proponent, however, has sought a modification to the proposal being to:

- Reduce the area of land zoned Special Site - Zoological Gardens and Ancillary Purposes to better reflect the area required for the future use of the Crocodile Farm; and
- Include a portion of Lot 3 currently Parks and Recreation reserve in the amendment area to be rezoned to Industrial.

A copy of the submission from Whelans is provided separately at Attachment 3. A copy of the (suggested) modified Scheme Amendment map is provided at Attachment 4.

COMMENT

The proposed rezoning to Industrial zone is essential for the successful extension of the Wyndham Port area and to increase opportunities for a range of additional uses, to be potentially developed within the Port precinct.

The modifications as requested by the proponent are considered appropriate on the basis that:

- The Zoological Gardens has been provided with sufficient area for any expected future expansion, and any potential land use conflict can be addressed at such time as a development application for the adjoining Industrial is made; and
- The Parks and Recreation reserve is no longer required if the adjoining residential land is rezoned Industrial, and is otherwise redundant.

It is recommended that the Council finally adopt Amendment 18 to Town Planning Scheme 6 as modified.

ATTACHMENTS

- 1 – Initiated Scheme Amendment Map
- 2 – Schedule of Submissions
- 3 – Submission from Whelans
- 4 – Modified Scheme Amendment Map

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Supports the modifications to Amendment 18 to the Shire of Wyndham East Kimberley Town Planning Scheme No. 6 – Wyndham Townsite as requested by Whelans Town Planning.
2. Pursuant to Section 75 of the Planning and Development Act 2005, adopts Amendment 18 to the Shire of Wyndham East Kimberley Town Planning Scheme No. 6 – Wyndham Townsite, as modified, to rezone a portion of Lot 3 Barytes Road Wyndham from “Zoological Gardens and Ancillary Purposes” zone, “Parks and Recreation” reserve, and “Residential R2” zone and “Residential R5” zone, to “Industrial” zone.
3. Authorises the Shire President and the Chief Executive Officer to execute the relevant documentation pursuant to Regulation 22(1) of the Town Planning Regulations 1967 (as amended).
4. Forwards the Schedule of Submissions and a copy of each submission to the Western Australian Planning Commission together with three copies of the signed and sealed Amendment Documents for endorsement pursuant to Regulation 22(2) of the Town Planning Regulations 1967 (as amended).
5. Requests that the Honourable Minister for Planning and Infrastructure grants final approval to Amendment 18 of Town Planning Scheme No. 6 – Wyndham Town Site.

Cr R Dessert left the meeting room at 6:26pm for Council to vote if he should leave the room given he had declared a proximity interest in this Item.

COUNCIL DECISION

Minute No: 9192

Moved: Cr D Ausburn

Seconded: Cr J Moulden

That Cr R Dessert remain in the meeting room for this item.

CARRIED UNANIMOUSLY: (6/0)

Cr R Dessert returned to the meeting room at 6:26pm.

COUNCIL DECISION

Minute No: 9193

Moved: Cr J Moulden

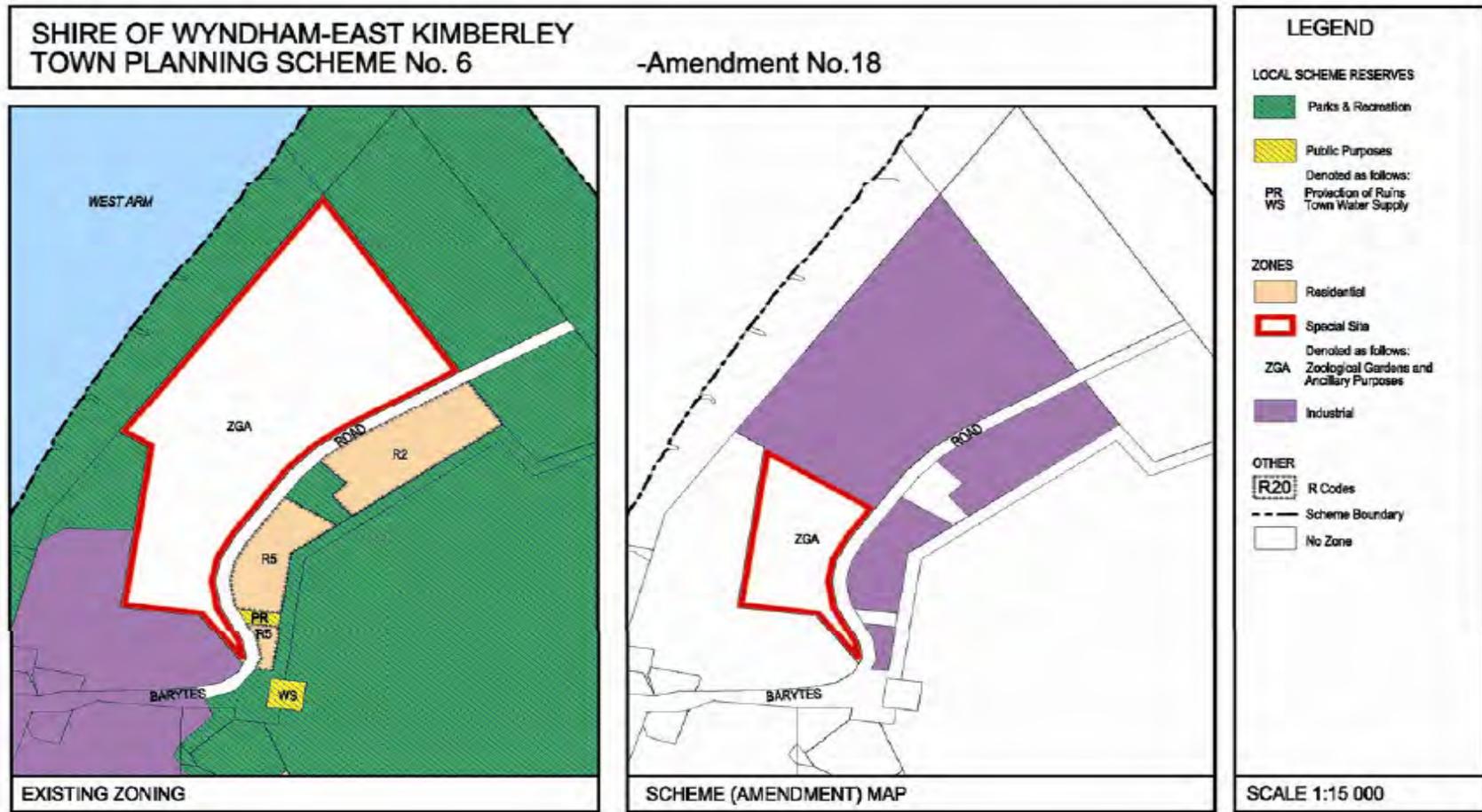
Seconded: Cr K Wright

That Council:

- 1. Supports the modifications to Amendment 18 to the Shire of Wyndham East Kimberley Town Planning Scheme No. 6 – Wyndham Townsite as requested by Whelans Town Planning.**
- 2. Pursuant to Section 75 of the Planning and Development Act 2005, adopts Amendment 18 to the Shire of Wyndham East Kimberley Town Planning Scheme No. 6 – Wyndham Townsite, as modified, to rezone a portion of Lot 3 Barytes Road Wyndham from “Zoological Gardens and Ancillary Purposes” zone, “Parks and Recreation” reserve, and “Residential R2” zone and “Residential R5” zone, to “Industrial” zone.**
- 3. Authorises the Shire President and the Chief Executive Officer to execute the relevant documentation pursuant to Regulation 22(1) of the Town Planning Regulations 1967 (as amended).**
- 4. Forwards the Schedule of Submissions and a copy of each submission to the Western Australian Planning Commission together with three copies of the signed and sealed Amendment Documents for endorsement pursuant to Regulation 22(2) of the Town Planning Regulations 1967 (as amended).**
- 5. Requests that the Honourable Minister for Planning and Infrastructure grants final approval to Amendment 18 of Town Planning Scheme No. 6 – Wyndham Town Site.**

CARRIED UNANIMOUSLY: (7/0)

ATTACHMENT 1



13051071110 SCHEME AMENDMENT.DGN

ATTACHMENT 2

**SHIRE OF WYNDHAM-EAST KIMBERLEY
TOWN PLANNING SCHEME NO. 6**

Amendment No. 18: Rezoning portion of Lot 3 Barytes Road Wyndham from;
 • **Special Site – Zoological Gardens to Industrial;**
 • **Residential R2 and Residential R5 to Industrial**

Schedule of Submissions

1. SUBMISSION NO. 2. NAME & ADDRESS	OBJECTION OR SUPPORT	SUMMARY OF RESPONSES (all comments typed as received)	COMMENTS
RESPONSE 1 Tony Chafer CGL Lot 2 Barytes Road	2.1.1.1. 2.1.1.2.	Fully support the rezoning of any land in this area to Industrial or Port purposes.	Noted.
RESPONSE 2 Horizon Power GPO Box P1145 PERTH WA 6844	Comment	Horizon Power would like to inform you that we have no comment or objections.	Noted.
RESPONSE 3 Telstra	Comment	At this point Telstra has no objection to make regarding the amendment.	Noted.

<p>1. SUBMISSION NO.</p> <p>2. NAME & ADDRESS</p>	<p>OBJECTION OR SUPPORT</p>	<p>SUMMARY OF RESPONSES (all comments typed as received)</p>	<p>COMMENTS</p>
<p>RESPONSE 4</p> <p>Keith Williams Whelans PO Box 99 MT HAWTHORN WA 6915</p>	<p>Support</p>	<p>1. The Parks and Recreation land on the south eastern side of Barytes Road should be modified to show this land as Industrial. This land was rezoned to P + R when the land was rezoned to Residential, to provide 10% Public Open Space, as required for residential land development. This zoning is superfluous to the proposed Industrial zoning.</p> <p>2. The boundary of the Zoological gardens is modified to reduce the total area zoned for this purpose. This will protect the zoological gardens site, while maximising the portion of the site able to be subdivided for Industrial land uses.</p>	<p>1. Noted. It is considered appropriate to rezone the Parks and Recreation land to Industrial, and include this in the Amendment.</p> <p>2. Noted. Extension of the land to be rezoned Industrial to the south is considered appropriate on the basis that the Zoological Gardens has been provided with sufficient area for any expected future expansion. Any potential land use conflict can be addressed at such time as a development application for the adjoining Industrial is made.</p>
<p>RESPONSE 5 (LATE)</p> <p>Department of Water PO Box 625 KUNUNURRA WA 6743</p>	<p>Comment</p>	<p>The Department of Water has no objections to the proposed rezoning of land.</p>	<p>Noted</p>

ATTACHMENT 3



Our refs: 18857-08
22 May 2010

Chief Executive Officer
Shire of Wyndham East Kimberley
PO Box 614
KUNUNURRA 6743

ATTN: Ian D'Arcy

Dear Ian,

ADVERTISED PLANNING SCHEME AMENDMENT - LOT 3 BARYTES ROAD, WYNDHAM

We act on behalf of the owner of the above described property, and respectfully request Council modify the proposed Scheme amendment to Town Planning Scheme No 7 - Kununurra and Environs currently being advertised. The following modifications are requested.

1. The Parks and Recreation land on the south eastern side of Barytes Road should be modified to show this land as Industrial. This land was rezoned to P+R when the land was rezoned to Residential, to provide 10% Public Open Space, as required for residential land development. This zoning is superfluous to the proposed Industrial zoning.
2. The boundary of the Zoological Gardens is modified to reduce the total area zoned for this purpose. This will protect the zoological gardens site, while maximising the portion of the site able to be subdivided for Industrial land uses.

We have attached a revised zoning plan to demonstrate this proposed modification to the zoning, as well as a subdivision plan to demonstrate how the Industrial subdivision would occur.

Please do not hesitate to contact me if you have any enquiries relating to this matter.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Keith Williams'.

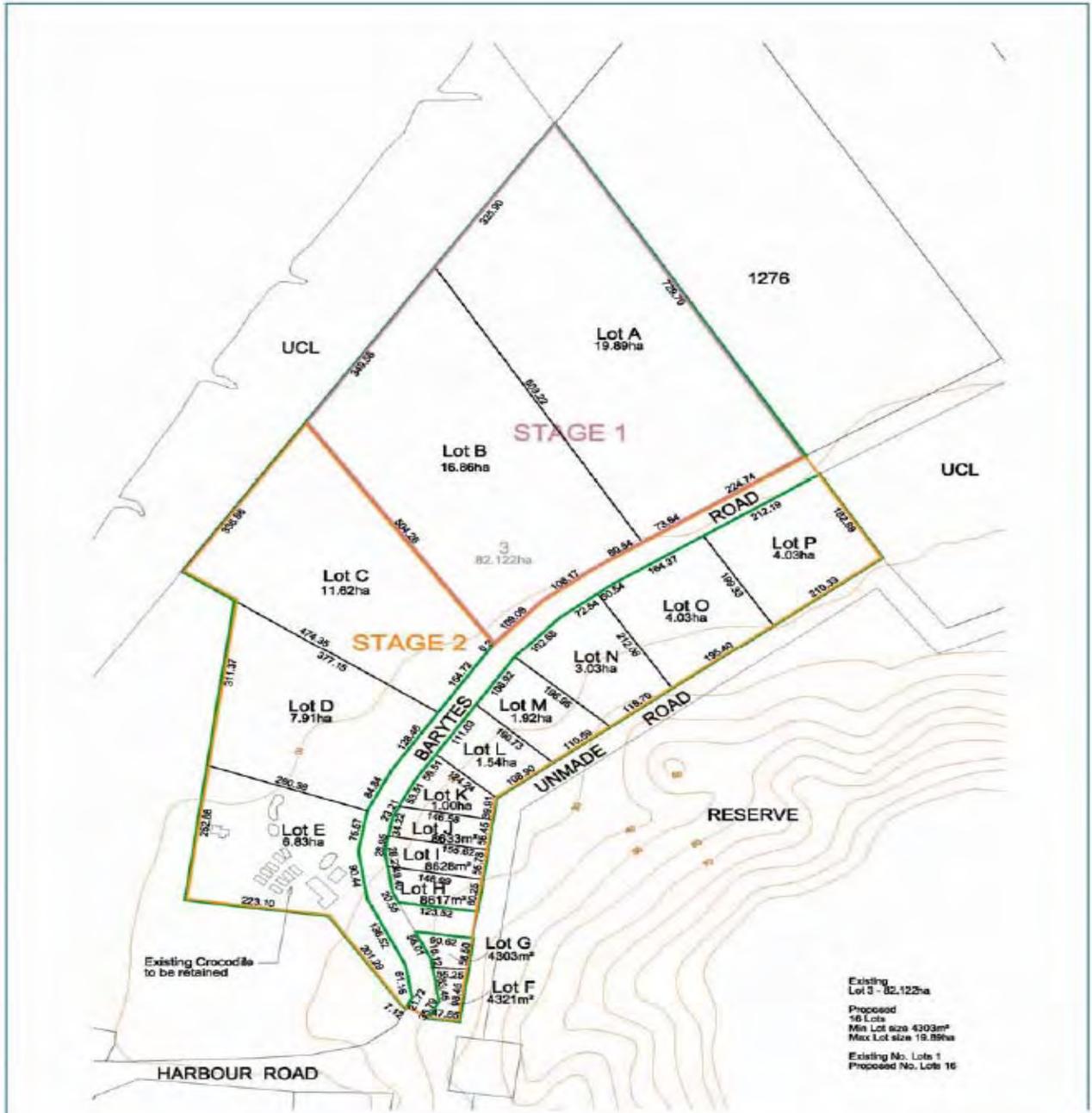
Keith Williams
Senior Town Planner
Town Planning

encl.

HEAD OFFICE:
133 Scarborough Beach Road, Mount Hawthorn WA 6016
PO Box 99, MOUNT HAWTHORN WA 6015
T: 08 9442 1211 F: 08 9444 3907
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PERTH | KALGOOLIE | KARRATHA | BROOME | KUNUNURRA
WHELANS (WA) PTY LTD ACN 074 263 741
ASSOCIATED OFFICES: ADELAIDE | MELBOURNE | SYDNEY | BISSALE

SURVEYING | MAPPING | GIS & PLANNING



Existing
Lot 3 - 82,122ha
Proposed
16 Lots
Min Lot size 4303m²
Max Lot size 19.89ha
Existing No. Lots 1
Proposed No. Lots 16

Job Number: 13027
Sheet Name: 13027-4
Scale: 1:4000 @ A3
Date: 11 March 2010
Drawn By: DJF
Checked by: JKW
File: Projects\1313027\subdiv\sheeting_4.dwg
Design: 1313027-03-proposed-subdiv.dwg
All dimensions and areas are subject to survey.
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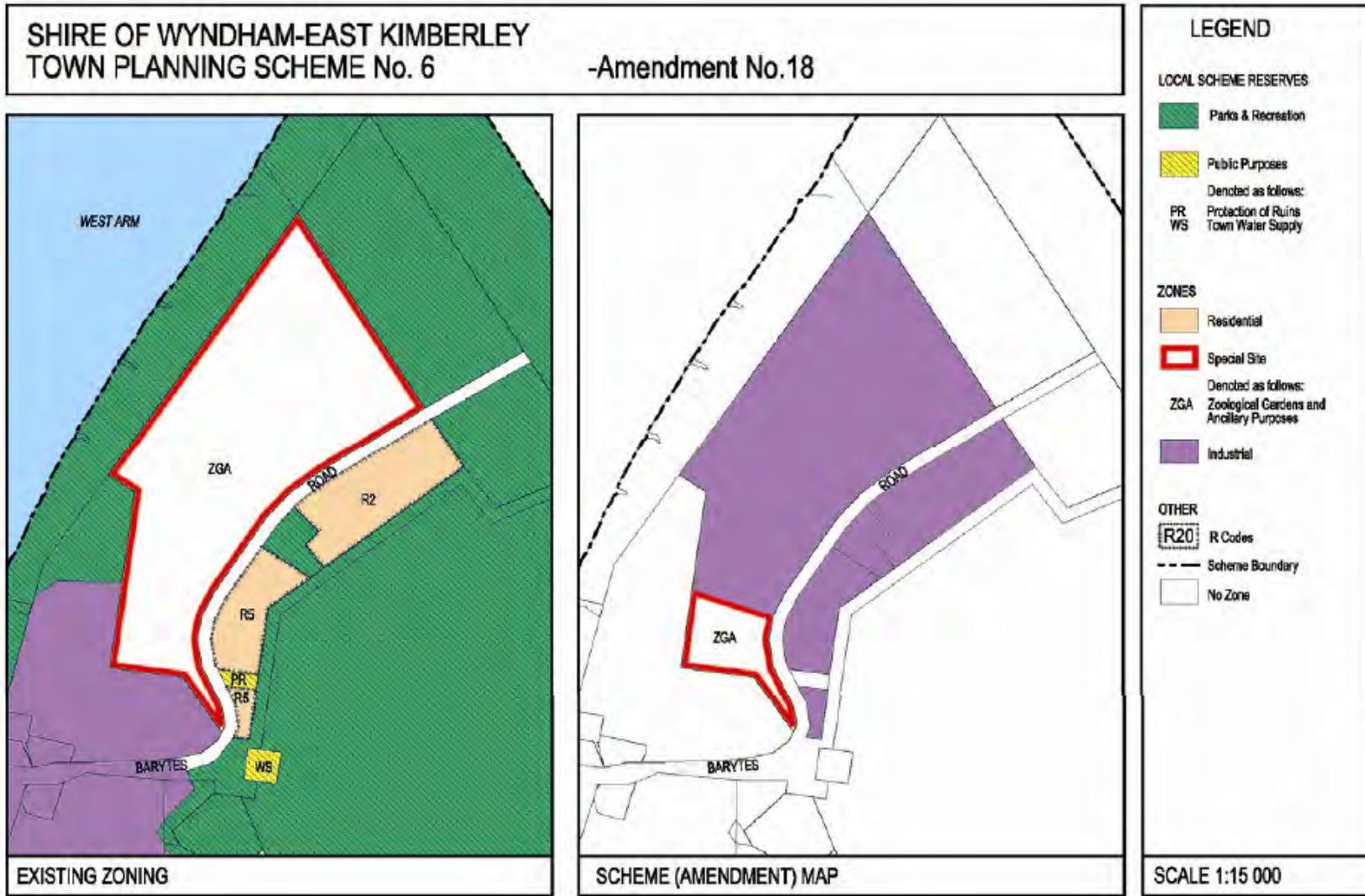


**PROPOSED SUBDIVISION
LOT 3 BARYTES ROAD
WYNDHAM**

122 Buntingford Street, Geelong, Victoria 3220
PO Box 114, WYNDHAM VIC 3281
1300 6442 1211 F: 08 4444 8957
www.wyndham.vic.gov.au www.whelans.com.au

whelans
TOWN PLANNING

ATTACHMENT 4



12.4.2 AMENDMENT 34 TO TPS 7 – LOT 100 FARM HILL ROAD, KUNUNURRA

DATE:	22 June 2010
PROPONENT:	Neville Jones - Whelans Town Planning
LOCATION:	Lot 100 Farm Hill Road Kununurra
AUTHOR:	Nick Kearns, Director Development Services
REPORTING OFFICER:	Nick Kearns, Director Development Services
FILE NO:	43.31.34
ASSESSMENT NO:	A54

PURPOSE

For Council to consider the submissions received and the final approval of a Town Planning Scheme Amendment, to recode land at Lot 100 Farm Hill Road, Kununurra.

BACKGROUND

Council, at its meeting of 15 September 2009 (Item 12.4.3), decided to initiate Town Planning Scheme Amendment 34 to the Kununurra (and Environs) Planning Scheme, to recode land at Lot 100 Farm Hill Road, Kununurra from Conservation/Environmental Protection Reserve to Special Site zone.

Town Planning Scheme Amendment 34 had been initiated to reflect the recently amalgamated lot boundaries, which meant that land had been included in both the Special Site – Airport zone, and the Conservation/Environmental Protection Reserve.

Approval of the amendment will enable the landowner to use the land for the purpose of an airstrip.

A copy of the advertised amendment documentation is provided at Attachment 1.

STATUTORY IMPLICATIONS

Planning and Development Act, 2005

Amendments to Town Planning Schemes are required to be undertaken in accordance with the provisions of the *Planning and Development Act, 2005 (as amended)* and the *Town Planning Regulations, 1967 (as amended)*. Council is therefore required to adopt the Amendment for final approval in accordance with Regulations 17(2) and 22(1) of the *Town Planning Regulations 1967 (as amended)*.

Local Planning Strategy

The land is identified as Airport under the Local Planning Strategy, which is consistent with the proposal.

Town Planning Scheme No 7 – Kununurra and Environs

Due to the reconfiguration of lot boundaries through the amalgamation process, the former Lots 505 and 1010 and now Lot 286 and part Lot 100 is zoned Special Site – Airport. The balance of Lot 100, however, is reserved for Conservation.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The proponent has paid all prescribed fees.

STRATEGIC IMPLICATIONS

Key Result Area 3 – Economic Development

Work in partnership with Government, community and industry leaders to promote and provide opportunities for economic and social growth across the Shire through Town Planning that guides sustainable land use and development.

COMMUNITY CONSULTATION

The amendment was advertised in line with the requirements of the *Town Planning Regulations 1967*. The amendment was advertised for 42 days from 15 April 2010 to 28 May 2010, with an advertisement placed in the Kimberley Echo, signage onsite and notification available for viewing at the Shire offices; and notices posted to affected and surrounding land owners and relevant service agencies.

Five submissions were received, none of which opposed the amendment. The submissions received are detailed in the Schedule of Submissions at Attachment 2.

COMMENT

Amendment 34 has been processed in line with the requirements of all applicable legislation and has been referred and publicly advertised with no opposing submissions. The proposal represents a minor change to the coding of land in this area and generally addresses an anomalous situation where the land is affected by two controls. The change to the coding will provide the proponent with ability to better use the land, for an airstrip, including being able to obtain all appropriate consents.

It is recommended that the Council finally adopt Amendment 34 to Town Planning Scheme 7 as advertised.

ATTACHMENTS

- 1 – Amendment documentation will be provided under separate cover by the Reporting Officer.
- 2 – Schedule of Submissions.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Pursuant to Section 75 of the Planning and Development Act 2005, adopts Amendment 34 to amend the Shire of Wyndham East Kimberley Town Planning Scheme No. 7 - Kununurra and Environs, by recoding portion of Lot 100 Farm Hill Road from Conservation/Environmental Protection reserve to Special Site zone, denoted as Airport.
2. Authorises the Shire President and the Chief Executive Officer to execute the relevant documentation pursuant to Regulation 22(1) of the Town Planning Regulations 1967 (as amended).
3. Forwards the Schedule of Submissions and a copy of each submission to the Western Australian Planning Commission together with three copies of the signed and sealed Amendment documents for endorsement pursuant to Regulation 22(2) of the Town Planning Regulations 1967.
4. Requests that the Honourable Minister for Planning and Infrastructure grants final approval to Amendment 34 to the Shire of Wyndham East Kimberley Town Planning Scheme No. 7 - Kununurra and Environs.

COUNCIL DECISION

Minute No: 9194

Moved: Cr K Wright

Seconded: Cr J Moulden

That Council:

- 1. Pursuant to Section 75 of the Planning and Development Act 2005, adopts Amendment 34 to amend the Shire of Wyndham East Kimberley Town Planning Scheme No. 7 - Kununurra and Environs, by recoding portion of Lot 100 Farm Hill Road from Conservation/Environmental Protection reserve to Special Site zone, denoted as Airport.**
- 2. Authorises the Shire President and the Chief Executive Officer to execute the relevant documentation pursuant to Regulation 22(1) of the Town Planning Regulations 1967 (as amended).**
- 3. Forwards the Schedule of Submissions and a copy of each submission to the Western Australian Planning Commission together with three copies of the signed and sealed Amendment documents for endorsement pursuant to Regulation 22(2) of the Town Planning Regulations 1967.**
- 4. Requests that the Honourable Minister for Planning and Infrastructure grants final approval to Amendment 34 to the Shire of Wyndham East Kimberley Town Planning Scheme No. 7 - Kununurra and Environs.**

CARRIED UNANIMOUSLY: (7/0)

ATTACHMENT 2

SHIRE OF WYNDHAM-EAST KIMBERLEY TOWN PLANNING SCHEME NO. 7

Amendment No. 34: Recoding of Lot 100 Farm Hill Road Kununurra from Conservation/Environmental Protection Reserve to Special Site zone.

Schedule of Submissions

SUBMISSION NO. NAME & ADDRESS	OBJECTION OR SUPPORT	SUMMARY OF RESPONSES	COMMENTS
RESPONSE 1 Tourism WA PO Box 68 BROOME WA 6725	Support	No comment or objection.	Noted.
RESPONSE 2 Horizon Power GPO Box P1145 PERTH WA 6844	Support	No comment or objection.	Noted.
RESPONSE 3 Department of Environment and Conservation PO Box 942 KUNUNURRA WA 6743	Support	No comment or objection.	Noted.
RESPONSE 4 Department of Water PO Box 625 KUNUNURRA WA 6743	Support	No objection. Advice provided with respect to domestic licensing for water and for groundwater quality.	Noted. Comments provided will be forwarded to the proponent.
RESPONSE 5 Telstra Locked Mail Bag 3573 BRISBANE QLD 4001	Support	No objection.	Noted.

12.4.3 DEVELOPMENT APPLICATION FOR PROPOSED MEDICAL CENTRE – LOT 2429 COOLIBAH DRIVE, KUNUNURRA

DATE:	22 June 2010
PROPONENT:	Lars Moir
LOCATION:	Lot 2429 Coolibah Drive Kununurra
AUTHOR:	Kevin Tang, Town Planning Officer
REPORTING OFFICER:	Nick Kearns, Director Development Services
FILE NO:	01.5836.02
ASSESSMENT NO:	A5836

PURPOSE

For Council to consider an application for planning approval for a Medical Centre, Office and Dwellings at Lot 2429 Coolibah Drive, Kununurra.

BACKGROUND

An application for planning approval was lodged in May 2010, to develop a Medical Centre, Office and Dwellings at Lot 2429 Coolibah Drive, Kununurra.

The property contains an existing dental clinic and medical clinic, with parking for 12 vehicles.

The land is on the south side of Coolibah Drive, approximately 500 metres west of Messmate Way, and opposite the Kununurra Picture Gardens.



Proposal

The applicant proposes to construct a double storey building directly adjacent to the existing dental clinic and medical centre. The ground floor of the building will contain a medical practice with five consulting rooms, while the first floor will contain an office with an area of 225 square metres and two (apartment style) dwellings.

A copy of the application and plans is provided at Attachment 1.

The existing medical centre will be converted to office space and be separately tenanted, and the existing dental clinic will remain.

The applicant proposes to add an additional eight on-site car parking bays, and to provide any balance parking (not provided) off-site by a cash-in-lieu payment, which would fund the construction of car parking within the road reserve opposite the property, in front of the Kununurra Picture Gardens.

Councillors may be aware that the landowner has an arrangement with the Baptist Fellowship next door to use car parking, associated with an earlier approval, however, this is not a formal arrangement, and in any case is not critical for the purpose of evaluating the current proposal.

STRATEGIC IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

The land is zoned Town Centre under the Kununurra and Environs Town Planning Scheme.

The objectives of Town Centre zone are:

- (a) To zone adequate land for the continued development of a main commercial and community facility centre for the town;*
- (b) To prepare and implement an overall Town Centre Strategy to guide and promote development; and*
- (c) To apply appropriate development and land use controls to ensure the development is to a satisfactory standard.*

A Medical Centre and Office is a permitted use in the zone, however, multiple dwellings are only permissible at the discretion of Council. Additional consent from Council is also required with respect to car parking.

Development standards are described for Consulting Rooms (Medical) at Part 5.3 of the Town Planning Scheme, shown in the table over. Additional standards are detailed for development in the Town Centre zone for use of upper floors, service areas, grouped residential development and landscaping.

Development Standards

Use	Street setback	Side setback	Rear setback	Parking
Consulting Rooms	7.5 m (nil in town centre zone)	1 m	6 m	Four spaces per practitioner
Office	9 m (nil in town centre zone)	BCA (As determined by Building Codes Australia)	BCA (As determined by Building Codes Australia)	One bay for every 40 m ² GFA or part thereof
Dwellings	N/a	6.3m	3.6m	1 spaces per dwelling*

* Note reduced requirement allowable at Clause 7.2 R-Codes, for reciprocal use of parking.

A total of 29 parking bays are required for the proposal, inclusive of the reduction in parking associated with the existing medical centre becoming an office, and allowing reciprocal use of parking for the proposed dwellings.

POLICY IMPLICATIONS

Development Control Policy DC4 – Car Parking Provision for Commercial Development is relevant to the proposal. It states that cash-in-lieu payments should not *...be treated as an alternative to car parking if car parking cannot be provided in a realistic vicinity of the development site, and ...development should not have a deleterious impact upon car parking in vicinity* – to the site.

The Shire has recently exhibited an updated car parking policy – Local Planning Policy 14 Car Parking, which is more detailed than DC4, but is yet to be formally reviewed and considered by Council and for that reason, has not been used for the purpose of evaluating this proposal. Nevertheless, the policy anticipates this type of proposal.

FINANCIAL IMPLICATIONS

The applicant has paid all fees.

The Town Planning Scheme requires all money received as a cash-in-lieu contribution for parking to be paid into a separate car parking fund, which can only be used to acquire and construct public parking. Use of this fund for the development of car parking across the road, as suggested by the proponent, nonetheless, will have implications for the Shire's capital works program.

COMMUNITY CONSULTATION

The proposal was referred to the Kununurra Progress Association having regard to the construction of parking within the road verge in front of the Kununurra Picture Gardens. They have since indicated agreement with the proposal, subject to maintaining the current access between Lots 603 and 604 and some minor considerations in relation to the actual layout – ingress/egress etc. Their submission is provided at Attachment 2.

COMMENT

The proposal meets all specified development standards relevant to development within the Town Centre zone, and which are relevant to the establishment of a Medical Centre, Office and for dwellings.

The building responds well to the opportunities and constraints of the site, with attractive and practical architectural features that give consideration to climate and the environment.

A total of 29 car bays are required. The applicant has agreed to meet this requirement by increasing the number of on-site parking bays from 4 to 12 and to provide cash-in-lieu for an additional 17 parking bays which would be constructed on the land opposite, in line with an approved parking plan and taking into account the views of the Kununurra Progress Association.

Additional conditions are required for materials and finishes, landscaping, plant and equipment, and for drainage.

It is recommended the application be approved subject to conditions.

ATTACHMENTS

- 1 – Application and plans.
- 2 – Submission from Kununurra Progress Association.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council grant planning consent for the proposed Medical Centre on Lot 2429 Coolibah Drive, Kununurra, subject to the following conditions:

- 1) Prior to the development starting, amended plans must be submitted and approved by the Shire. The plans must be generally in accordance with the plans submitted with the application but modified to show an additional 8 on-site car parking bays, and be inclusive of all materials, colours and finishes;
- 2) A minimum of 29 car parking bays shall be provided for the development;

- 3) Prior to occupation of the buildings, areas set aside for parking and access must be constructed, drained and line marked to the satisfaction of the Shire;
- 4) Seventeen parking bays shall be provided by way of cash in lieu to the satisfaction of Shire. The payment shall be in accordance with the following requirements:
 - a. The cash in lieu payment shall not be less than the estimated cost to the local government of providing and constructing the parking spaces required by the Scheme plus the value of that area of the land which would have been occupied by the parking spaces;
 - b. The estimated cost of the land shall be determined by the Valuer General or by a licensed valuer appointed by the local government;
 - c. The estimated construction cost per parking space as determined by the local government or by a person nominated by the local government who is competent in the field of engineering; and
 - d. The payment shall be made to the local government prior to first occupation of the building.
- 5) A landscaping plan being submitted prior to the occupation of building with all land indicated as landscaped area on those plan(s) being developed and maintained thereafter to the approval of the local government;
- 6) Roof downpipes must not openly discharge onto the ground or paved surface. All downpipes must discharge into a suitable piped stormwater drainage system;
- 7) All plumbing pipes shall be ducted within the walls of the building;
- 8) No site earthworks or development shall occur that will cause additional runoff of stormwater to adjacent properties; and
- 9) All stormwater drainage shall be designed and constructed at the applicant's cost and in accordance with the requirements of local government and the current Australian Rainfall and Run-off Manual. Details on the proposed method of controlling the discharge are to comply with conditions [i] or [ii] as applicable. The preferred method for the subject site is to be determined in consultation with the Shire's Infrastructure staff prior to the submission of a building application:
 - (a) Stormwater run-off from roof and or other paved/impervious areas from the site shall be collected and discharged into Council's drainage system. Details on the proposed method of control and disposal of stormwater from the site, including access roads, parking areas and roofs are to be confirmed with the Infrastructure staff and submitted with the building application; and

- (b) Stormwater retention of run-off from roof and or other saved/impervious areas shall be provided on site. The design is to ensure the discharge of stormwater from the developed site is so as to restrict discharge to that which existed prior to development. Design overflow from soak wells and site drainage shall ensure no discharge onto or through adjoining properties. Details on the site specific design of control and disposal of stormwater from the site are to be submitted with the preparation of a building application.

Moved: Cr D Ausburn
Seconded: Cr J Parker

That the Officer's Recommendation is moved with the following amendment:

Remove 6) - Roof downpipes must not openly discharge onto the ground or paved surface. All downpipes must discharge into a suitable piped stormwater drainage system.

Cr K Wright proposed the following amendment:

That the Officer's Recommendation is moved with the following additional amendments:

Remove 6) - Roof downpipes must not openly discharge onto the ground or paved surface. All downpipes must discharge into a suitable piped stormwater drainage system.

Include 4) e. - A contribution for future maintenance of the new public parking spaces, being 20% of the value of the cash in lieu payment.

COUNCIL DECISION

Minute No: 9195

Moved: Cr D Ausburn

Seconded: Cr J Parker

That Council grant planning consent for the proposed Medical Centre on Lot 2429 Coolibah Drive, Kununurra, subject to the following conditions:

- 1) Prior to the development starting, amended plans must be submitted and approved by the Shire. The plans must be generally in accordance with the plans submitted with the application but modified to show an additional 8 on-site car parking bays, and be inclusive of all materials, colours and finishes;***
- 2) A minimum of 29 car parking bays shall be provided for the development;***
- 3) Prior to occupation of the buildings, areas set aside for parking and access must be constructed, drained and line marked to the satisfaction of the Shire;***
- 4) Seventeen parking bays shall be provided by way of cash in lieu to the satisfaction of Shire. The payment shall be in accordance with the following requirements:***
 - a. The cash in lieu payment shall not be less than the estimated cost to the local government of providing and constructing the parking spaces required by the Scheme plus the value of that area of the land which would have been occupied by the parking spaces;***
 - b. The estimated cost of the land shall be determined by the Valuer General or by a licensed valuer appointed by the local government;***
 - c. The estimated construction cost per parking space as determined by the local government or by a person nominated by the local government who is competent in the field of engineering;***

- d. The payment shall be made to the local government prior to first occupation of the building; and*
- e. A contribution for future maintenance of the new public parking spaces, being 20% of the value of the cash in lieu payment.*
- 5) A landscaping plan being submitted prior to the occupation of building with all land indicated as landscaped area on those plan(s) being developed and maintained thereafter to the approval of the local government;*
- 6) All plumbing pipes shall be ducted within the walls of the building;*
- 7) No site earthworks or development shall occur that will cause additional runoff of stormwater to adjacent properties; and*
- 8) All stormwater drainage shall be designed and constructed at the applicant's cost and in accordance with the requirements of local government and the current Australian Rainfall and Run-off Manual. Details on the proposed method of controlling the discharge are to comply with conditions [i] or [ii] as applicable. The preferred method for the subject site is to be determined in consultation with the Shire's Infrastructure staff prior to the submission of a building application:
 - (a) Stormwater run-off from roof and or other paved/impervious areas from the site shall be collected and discharged into Council's drainage system. Details on the proposed method of control and disposal of stormwater from the site, including access roads, parking areas and roofs are to be confirmed with the Infrastructure staff and submitted with the building application; and*
 - (b) Stormwater retention of run-off from roof and or other paved/impervious areas shall be provided on site. The design is to ensure the discharge of stormwater from the developed site is so as to restrict discharge to that which existed prior to development. Design overflow from soak wells and site drainage shall ensure no discharge onto or through adjoining properties. Details on the site specific design of control and disposal of stormwater from the site are to be submitted with the preparation of a building application.**

CARRIED: (5/2)

FOR: Cr D Ausburn
Cr J Parker
Cr J McCoy
Cr R Dessert
Cr K Wright

AGAINST: Cr J Moulden
Cr F Mills

J Ellis and K Apperley left the meeting room at 6:39pm.

ATTACHMENT 1

PROPOSED NEW MEDICAL CENTRE

LOT 2429 COOLIBAH DRIVE

KUNUNURRA

DEVELOPMENT APPLICATION REPORT



PREPARED BY:



Mark Phillips Architect
PO Box 1873
Kununurra WA 6743
Ph: (08) 91 691 206
markphillips@westnet.com.au

ON BEHALF OF:

Lars Moir
PO Box 398
Kununurra WA 6743
Ph: 0428 243 071
larsmoir@bigpond.com

DOCUMENT CONTROL:

Revision No.	Description	Date Issued
A	Draft for comment	04/05/2010
B	Preliminary Submission to Shire	05/05/2010

DRAFT

INTRODUCTION

This report and the associated drawings relate to the proposed development of a new building to accommodate a new Medical Centre on the ground floor at lot 2429 Coolibah Drive, Kununurra; and incorporating two temporary doctor's residential units and commercial office space on the first floor.

BACKGROUND

Lars Moir (the proponent) owns the site and has built a Dental Surgery on the premises which has been operating since 2000, and includes space for visiting consultants such as optometrists and chiropractors. In 2006 Lars recognized the increasing need to provide a Medical Centre in Kununurra, to relieve the medicals burden on the hospital and to provide a consultant aged care service. Lars arranged for a transportable building to house consulting and treatment rooms suitable for two General Practitioners (GP's) on the site as a temporary measure. The increasing number of patients attending the surgery has demonstrated that there is a clear need to expand to 3 GP's as soon as possible, and that there is also a requirement to consolidate disparate local health services and to provide the flexibility to accommodate visiting health consultants. Lars has consequently made a decision to develop doctors consulting rooms and offices for allied health, which are currently not being addressed by the new hospital extension development, and Lars is in the process of seeking separate funding assistance to that end.

CONCEPT BUILDING DESIGN



IMAGE 1: FRONT FACADE FROM COOLIBAH DRIVE

DRAFT

The ground floor of this project is dedicated to the Medical Centre to ensure disabled access for patients. The concept design incorporates 3 x Doctors Consulting Rooms, with 2 x multipurpose consulting rooms that may be used by allied health disciplines such as Physiotherapy and Chiropractor, but can be used for additional GP's as the need arises. The other rooms on the ground floor serve the consulting rooms, and include the patient waiting area, treatment room, sterilisation room, administration office areas, and staff room.

The advantage of the site is the co-location with the dental surgery and the hospital across the road - consolidating the health "precinct" that already exists in the area. The Medical Centre is also close by to the ambulance service for emergency patient transfer to the hospital if required.

It is considered that a reasonable proportion of patients are visitors to Kununurra during the tourist season, with little time to wait for the public hospital system, and that the Medical Centre will therefore have a "busy season". Given the ongoing accommodation shortage in Kununurra, it is proposed to build 2 x Doctor's residential units above the Medical Centre, to enable the surgery to attract and accommodate locum doctors during the busy season to service the influx of tourists, and also continue to provide a consistent service to local patients.

One of the challenges for this project is to provide separation between the Doctor's residential area and the Medical Centre for work-life balance of the residents. The concept design indicates a new separate driveway to the "residential area" so that the residents don't have to interact with colleagues and patients when they are off duty. The separate driveway also makes use of the large (7 metres wide) sewer easement on the South Western boundary. The roof to the second storey is split into 2 planes to allow high level windows to provide natural light and ventilation deep into the residential and office areas.



IMAGE 2: FRONT FACADE FROM COOLIBAH DRIVE

Another challenge for this project will be getting natural light and ventilation into the consulting rooms on the ground floor where the Medical Centre and Dental Surgery buildings are situated close together. The design solution for this is to provide a heavily landscaped breezeway or "light well" between the two buildings, with the landscaping providing a measure of privacy to the windows of the consulting rooms. The gap between the buildings could be said to be reminiscent of a Kimberley gorge, with lush vegetation and a dry creek bed to discharge stormwater at ground level.

DRAFT

IMAGE 3: LANDSCAPED BREEZEWAY BETWEEN THE EXISTING AND NEW BUILDINGS

The Medical Centre and the existing Dental Surgery are connected by a common verandah, to tie in the existing pedestrian access from the existing car park and the new building. The verandah has a new canopy roof entry that projects out toward the footpath and makes a clear entry statement for the precinct; and leads visitors to the office on the second floor via the main staircase that rises up through the breezeway. A lift is provided for disabled access to the office, adjacent to the stairs.

An important concept in the design of a health care building is to retain as much as possible the natural elements such as natural light, ventilation and landscaping in a clinical environment. The front verandah provides access to these natural elements, and incorporates planting that is intended to extend into the building itself to assist in filtering and oxygenating the air inside, and provide a healthy, living environment. However the front verandah is open to the street, and privacy is often important to health-care patients. The facade of the verandah is lined with a framework of timber screens that provides an opportunity to see out and be part of street life but also be afforded a measure of privacy from the outside. The slatted screens could be said to reflect horizontal layers of the porous geological formations around Kununurra, and symbolic of the process of erosion that forms the ubiquitous Kimberley Gorge.

DRAFT

IMAGE 4: THE FRONT VERANDAH ACTS AS THE MAIN ENTRY AND CIRCULATION SPACE BETWEEN BUILDINGS

It is proposed to use a combination of colorbond custom orb cladding and roof sheet with selected areas of splitface blockwork, to compliment the timber screens. The timber screens may be a recycled plastic composite or an aluminium "look-alike" product for durability and maintenance. It is intended to use a suspended concrete slab for the first floor in order to satisfy fire separation requirements and increase acoustic separation between areas.

CONCEPT SITE PLANNING

The proponent, Lars Moir, is investing in this development to provide access to private medical facilities for the town of Kununurra, and is currently seeking funding support through the National Rural and Remote Health Infrastructure Program.

Through this development application process Lars is requesting in-kind support from council in the form of consent for a cash-in-lieu contribution to off-site parking for 17 parking spaces to achieve a total of 34 bays required for this development. Without which, this project will be unable to progress further.

This project is ideally located to take advantage of the opportunity to provide parking in the large road reserve opposite the site, adjacent to the Picture Gardens. It is proposed that Lars will provide the cash-in-lieu contribution for the parking required for this project, and the Shire will develop the car park as part of their works program. The Picture Gardens committee has been approached with the proposal and recognise that it will be an advantage for them to have a paved car park available for after-hours use by the Kununurra Picture Gardens patrons. The design of this car park will consider pedestrian access and management across Coolibah drive for patients.

The Site has a right of access easement over a portion of Lot 2430 to enable access to the existing parking on site. For confirmation of easement details please refer to easement document No NH268050-H268057. It is proposed to use the sewer easement on the other side of the site as a driveway access to the residential units as discussed above.

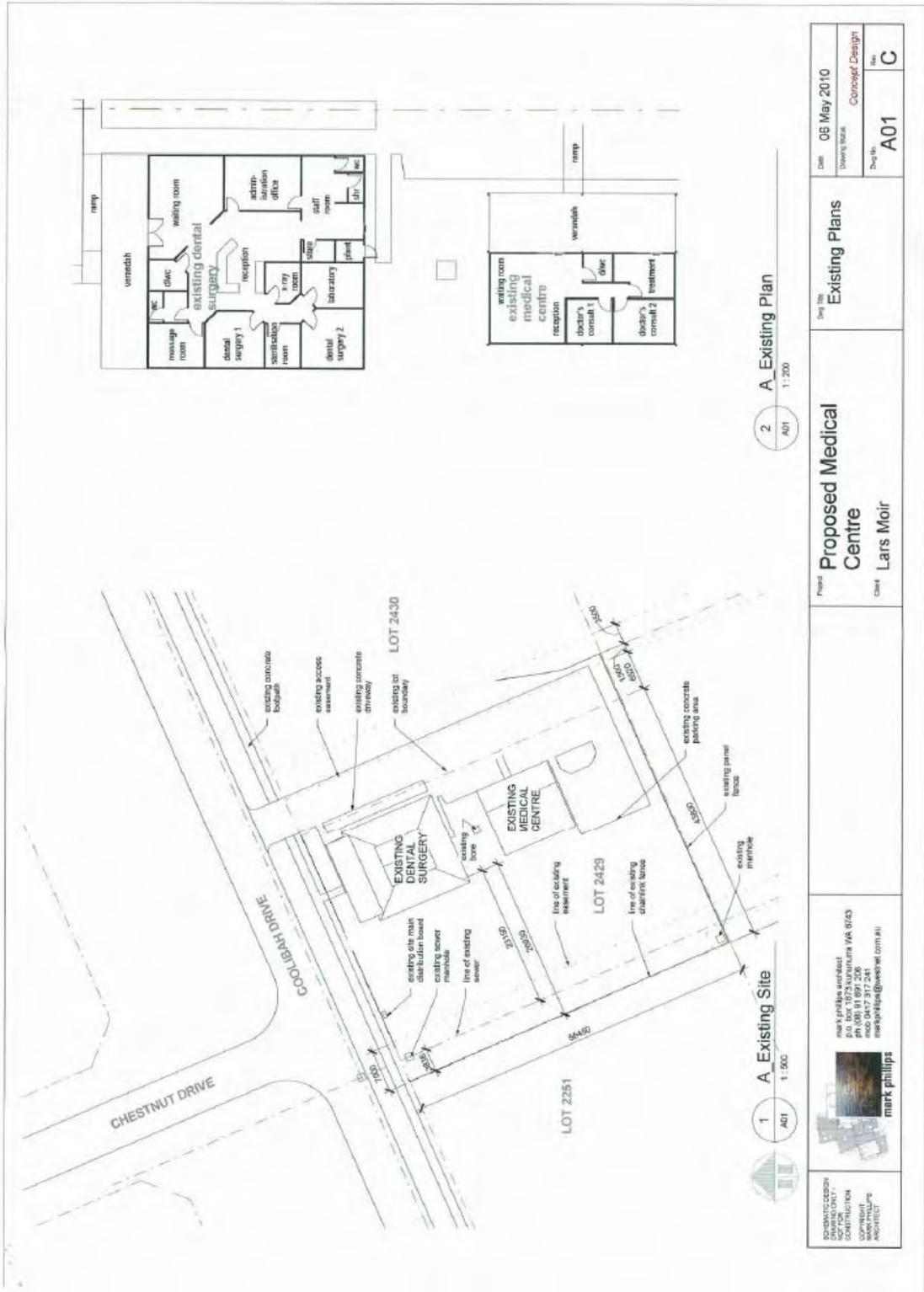
DRAFT

It is intended that the existing Dental Surgery building will remain as it is, and the existing Medical Centre transportable to be used as an alternative health practitioners' clinic (such as massage, aromatherapy etc) to complement the existing "health precinct".

At this stage it is intended to build the site up to allow Stormwater to drain towards the road, however this may not be preferable adjacent to existing buildings with stumps on site. This will be investigated further in the next stage of project documentation, and the stormwater drainage will be designed in consultation with shire engineering staff as required. It is intended to use the breezeway as a stormwater feature to remove stormwater runoff from between the existing and new roofs.



IMAGE 5: MAIN ENTRY TO THE VERANDAH



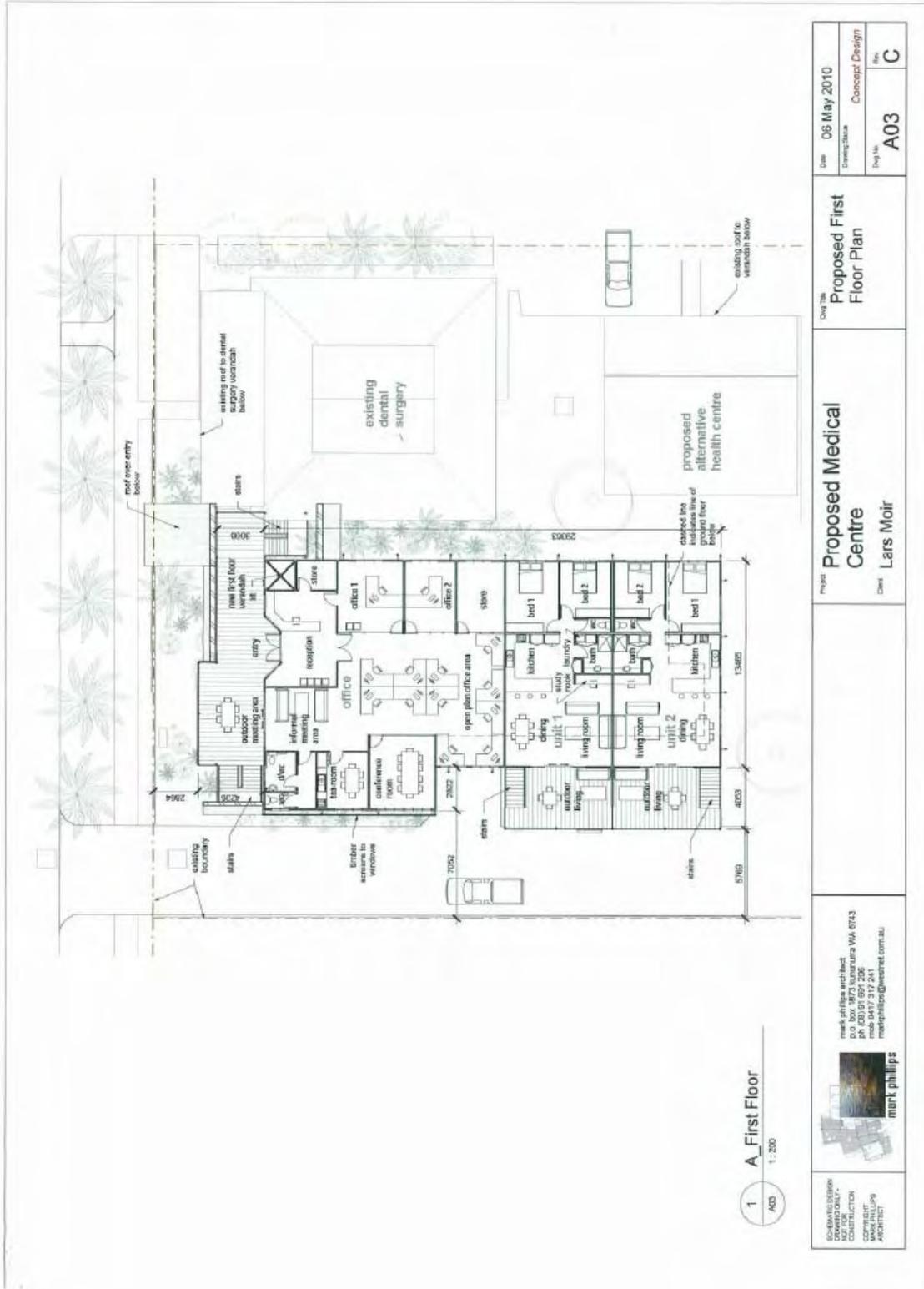
2 A Existing Plan
A01 1:200

1 A Existing Site
A01 1:500

PROJECT Proposed Medical Centre LARS MOIR	DRAWING NO. A01	DATE 05 May 2010
PROJECT NO. CM4	DRAWING NO. A01	DATE 05 May 2010
PROJECT NO. CM4	DRAWING NO. A01	DATE 05 May 2010

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KENNEDY-CORBETT
 CONSULTANTS
 CONSULTING ENGINEERS
 ARCHITECTS



Date 06 May 2010
 Drawing Status Concept Design
 Project No A03
 Rev C

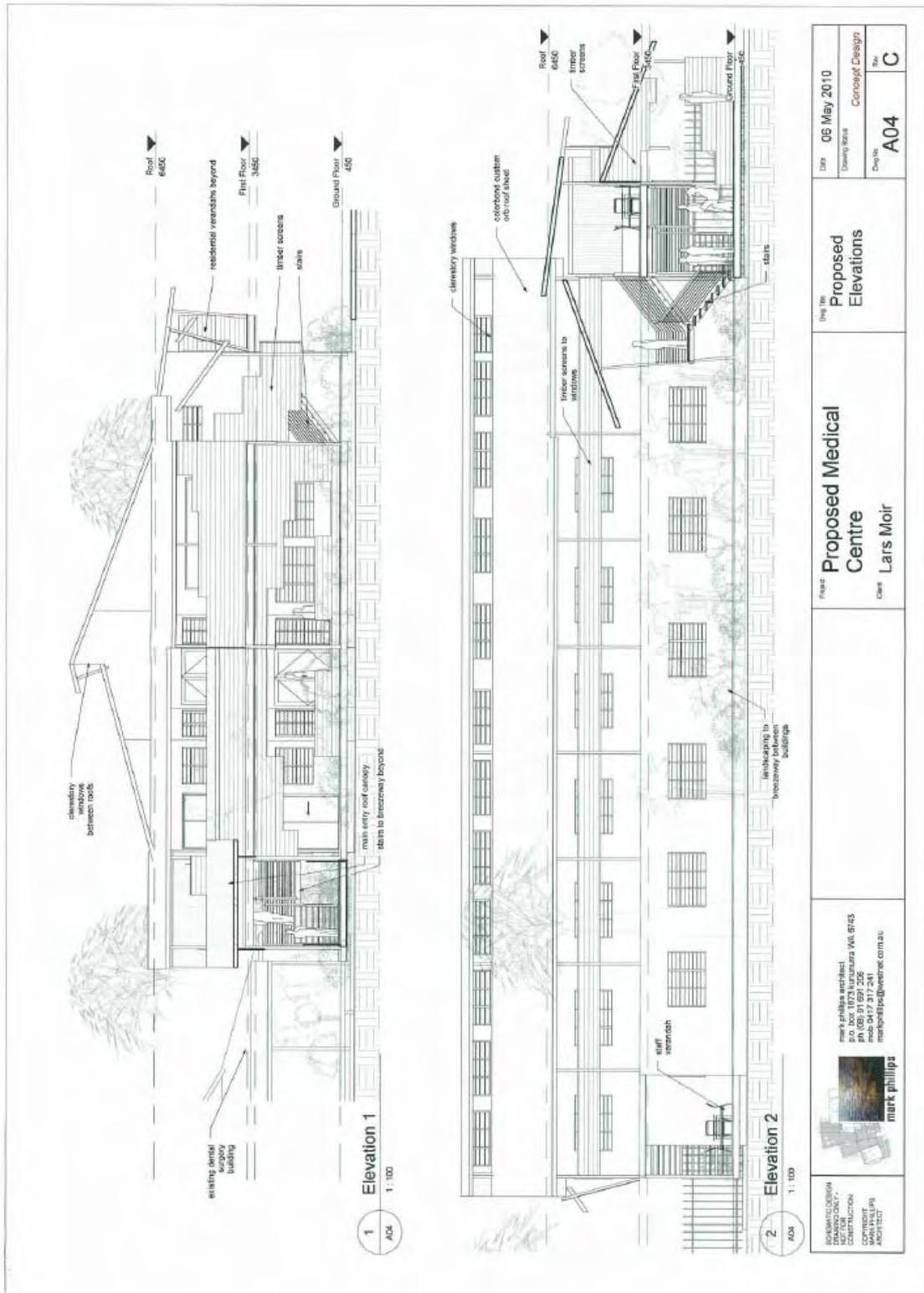
Project Proposed First Floor Plan

Proposed Medical Centre
 Client Lars Moir

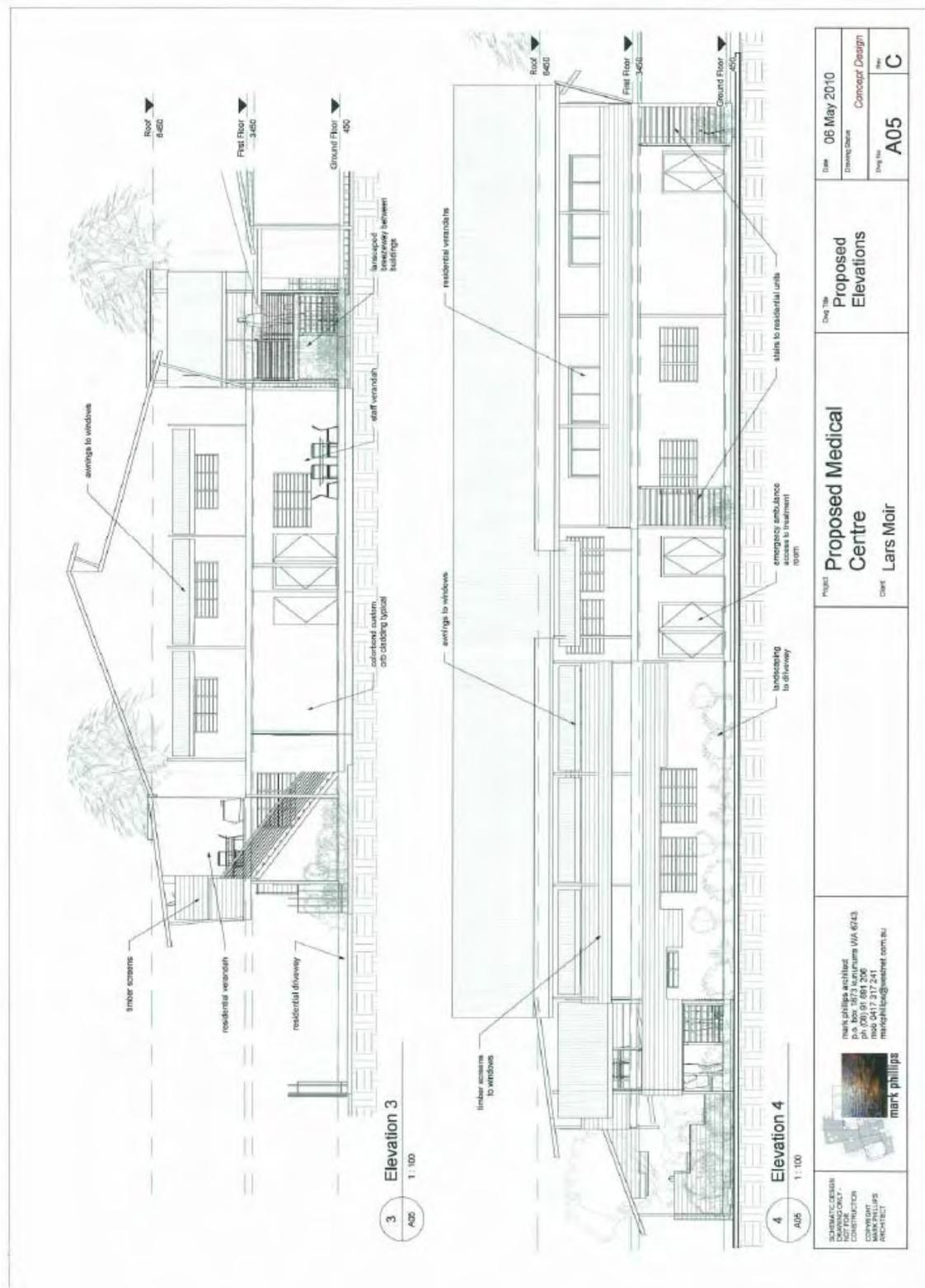
mark philips architect
 p.o. box 9873 nururua WA 6743
 ph 080 01 897 206
 markphilips@westnet.com.au



SCHEMATIC DESIGN
 DRAWING ONLY -
 NOT FOR CONSTRUCTION
 COPYRIGHT
 MARK PHILIPS
 ARCHITECT



SCHEMATIC DESIGN EXHIBITION ONLY CONSTRUCTION CONTRACT STAMPING ARCHITECT	 mark phillips mark phillips architect P.O. Box 1073 Kurunzura WA 6743 PH (08) 97 977 206 mark@k1p2@bwinet.com.au	Project Proposed Medical Centre Client Lars Moir	File No Proposed Elevations	Date 06 May 2010
				Design Series Concept Design
		Drawing No A04	Revision C	



3 Elevation 3
A05 1:100

4 Elevation 4
A05 1:100

mark phillips ARCHITECTS 100/102 BRIDGEMAN DRIVE, BRISBANE QLD 4000 TEL: (07) 3211 3141 FAX: (07) 3211 3141 WWW: MARKPHILLIPS ARCHITECTS.COM.AU		Project Proposed Medical Centre Lars Moir Client	Prop Proposed Elevations	Date 06 May 2010
				Drawing Code Concept Design

ATTACHMENT 2

Shire of Wyndham East Kimberley

Proposed Medical Centre – Lot 2429 Coolibah Drive, Kununurra

TO: THE CHIEF EXECUTIVE OFFICER
(PO Box 614, Kununurra WA 6743)

SUBMISSION ON PROPOSED MEDICAL CENTRE – LOT 2429 COOLIBAH DRIVE, KUNUNURRA
SUBMISSIONS CLOSE ON 28 MAY 2010

- SUPPORT**
- DISAGREE**
- INDIFFERENT**

COMMENTS:

A copy of the letter and proposed plans have been tabled to the Committee of the Kununurra Progress Association as owners of Lots 603 and 604 Coolibah Drive.

In supporting the proposal, the Kununurra Progress Association requests Council to consider the following requests:

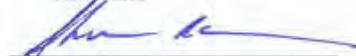
1. an entrance to be maintained from the Coolibah Carpark to Lot 603 AS WELL AS Lot 604.
2. that an access point be located on Chestnut Drive and that the parking access be maintained as ONE WAY with TWO WAY access from central crossover.
3. that parking be angle parking - angled towards the north-east direction to prevent viewing of the screen by those "squatting" in the car park area.
4. that the verge in front of Lot 604 be converted to carparking at the same time - with additional egress adjacent to the Country Club common boundary.
5. that the existing relocated boob trees be preserved or relocated at proponents/council expense to a location of KPA choice.
6. additional dense screen planting adjacent to property boundary/carpark at proponents/council expense to the satisfaction of the KPA.

To clarify the requests, enclosed is a marked up copy of the proposed plan.

NAME (Optional): Sharon McLachlan

ADDRESS (Optional): President
Kununurra Progress Association
PO Box 66
Kununurra

SIGNATURE:



DATE: 21.05.10

12.4.4 KUNUNURRA STRATEGIC DIRECTIONS REPORT (ENQUIRY BY DESIGN)

DATE:	22 June 2010
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Kununurra Town Site
AUTHOR:	Nick Kearns, Director Development Services
REPORTING OFFICER:	Nick Kearns, Director Development Services
FILE NO:	43.04.44
ASSESSMENT NO:	N/A

PURPOSE

For Council to endorse the Kununurra Strategic Directions report, incorporating the Kununurra Strategic Land Use Plan and the Town Centre Development Concept Plan, as informed by the Enquiry by Design (EbD), for a 30 day advertising period as previously resolved at the 6 April 2010, Special Council Meeting.

BACKGROUND

Council sought a strategic planning review in, early 2009, in response to numerous issues which needed to be addressed by virtue of the Ord Development Project and East Kimberley Development Package. This resulted in an Enquiry by Design (EbD) process being undertaken in July 2009, the outcomes of which were displayed and advertised for comment. Following consideration of the submissions, a modified document was presented to Council for consideration in November 2009.

At the 6 April 2010 Special Council Meeting (Item 4.1), Council considered a schedule of modifications to the Enquiry by Design Concept Plan and Strategy Plan, and decided to:

1. *Endorse the schedule of modifications to the Enquiry by Design Concept Plan and Strategy Plan;*
2. *Forward the schedule of modifications to LandCorp and Urbis Planning Consultants and request the Enquiry by Design document and respective Concept and Strategy Plans be amended in accordance with the endorsed modifications; and*
3. *Consider the amended document prior to proceeding to readvertise the Enquiry by Design document for a period of 30 days. All submissions received during advertising will be presented to Council for final consideration prior to adoption of the Enquiry by Design document.*

Following the Special Council Meeting, Shire officers met with LandCorp representatives to discuss the changes and how these may be incorporated into the document.

Although there was broad consensus on the changes, there were some matters which were identified as requiring further consideration. These matters have been discussed in order to address the concerns of staff and elected members whilst considering issues of process and development priorities. This report will focus on these amendments and provide options for moving forward.

A copy of the updated Kununurra Strategic Directions report is available under separate cover.

STRATEGIC IMPLICATIONS

The EbD process is a non-binding strategic planning exercise that seeks to balance the Shire's various objectives and priorities and inform decision making. The outcomes will present a long term vision and possible path for achieving the desired outcomes, providing valuable information and direction for future development and land use.

Although the document will have no formal status under the Planning and Development Act the information will be used to inform the new Local Planning Scheme, which will assign changes in zoning to facilitate future town centre and town site growth. It will also assist in discussions and negotiations with various State Government agencies and utilities.

STATUTORY IMPLICATIONS

There are no specific statutory implications that apply to the EbD process.

POLICY IMPLICATIONS

There are no specific policy implications that apply to the EbD process, although the document itself, once finally adopted, will represent a strategic direction for the preparation of a number of new policies.

FINANCIAL IMPLICATIONS

The project has been funded by LandCorp.

COMMUNITY CONSULTATION

The EbD process has provided extensive consultation with key stakeholders and members of the public, through a range of forums, workshops and by public display. Upon modification to the document and associated plans, further consultation will be undertaken with the local community through a 30 day advertising period, before being presented to Council for final adoption.

COMMENT

A process and document such as this will only ever reflect a particular point in time, particularly when the highly dynamic nature of development in the East Kimberly is taken into account. How such a document can assist is as a reminder of key themes and objectives such that individual decisions can be weighed against a broader vision. The fact that the document was borne from a rigorous and participatory process will give it credibility which is important given its potential as a lobbying tool for key infrastructure decisions and for major projects, however the document will need to be seen as 'big picture' and subject to change.

Report Title and Structure

The process followed by Council in this project has generally evolved beyond a traditional EbD, which would normally be confined to the outcomes of the

consultation leading up to and during the workshop. In considering changes beyond those raised in the consultation process and to reflect the documents' broader function as a strategic planning document and guiding tool, it is recommended that the EbD outcomes report and associated plans be re-titled to 'Kununurra Strategic Directions: Development Concept Plan and Strategic Land Use Plan (as informed by the Kununurra Enquiry by Design)'. Minor modifications to the structure and language of the report have been made in keeping with this format.

Referral and Adoption

Whilst unfortunate, it is acknowledged that the WAPC are not likely to endorse the report. Regardless of this, it is appropriate for the Shire to develop its own broad vision and adopt the document as a policy position to guide decision making on land use, infrastructure and design matters.

Changes to Development Concept and Land Use Plan

The following schedule focuses on the amendments to the report and associated plans reflecting the outcome of discussions with LandCorp representatives and the report authors.

<p>Wastewater Treatment Plant Site</p>  	<p>In accordance with Council's resolution the WWTP site is shown as 'Future Urban Development', given the need for protection of the airport and existing light industrial uses within the mixed business area east of Ivanhoe Road.</p> <p>The identification of appropriate noise and height limitation buffers for the airport will need to be identified based on the ultimate development scenario for the airport. This requires the preparation of an airport master plan. The report has been modified to incorporate these considerations.</p> <p>A Mixed Business edge to the WWTP site, along Ivanhoe Road, is also described on both the Development Concept Plan and the Strategic Land Use Plan, as per Council's recommendation. The implementation plan identifies big box retail and showrooms as appropriate uses in this Mixed Business area.</p> <p>Council's comments regarding another potential location for the WWTP adjacent to the airport have been included in the report, and the plans have been modified accordingly. The report notes that the relocation of the</p>
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WWTP will consider a variety of locations, and be subject to more detailed site investigations, including consideration of an airport master plan and odour modelling for sites adjacent to the airport. The locations shown on the Strategic Land Use Plan are marked as indicative only.

Mixed Business Precinct

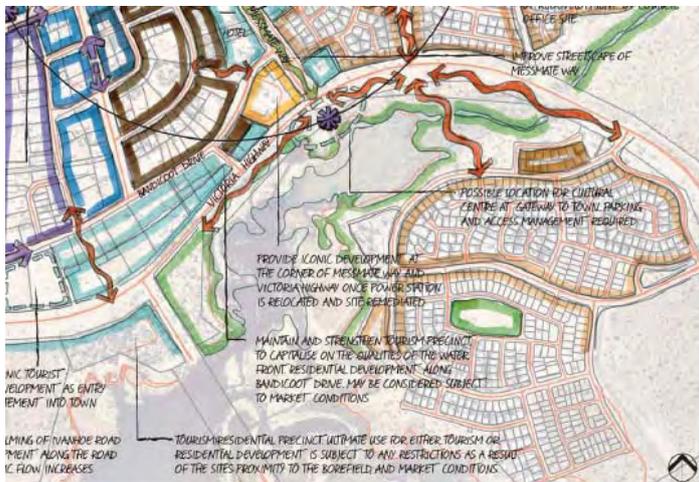


Council's preferred interim development option for the Mixed Business Precinct has been included as the preferred development outcomes for the precinct.

The proposed change to the Residential use along Bandicoot Drive in favour of Tourism, has also been included. The need to provide flexibility to also accommodate residential development in this area has been added. This is based on the identified objective to consolidate the town centre, the need for various forms of housing and the potential for integrated developments.

On this basis the report recommends that tourism **and/or** residential development along Bandicoot Drive may be considered subject to market conditions.

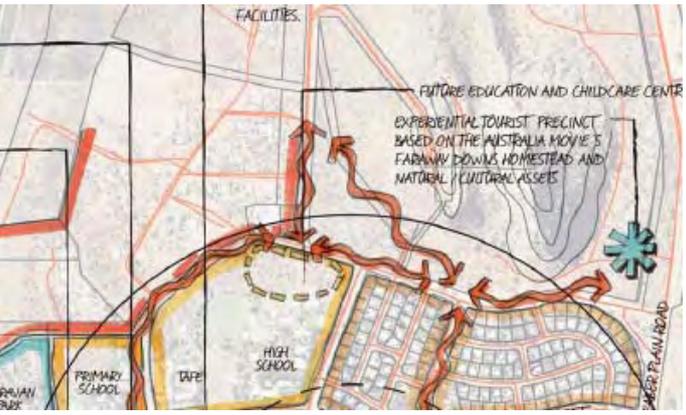
Cultural Centre and Tourism Precinct south of Victoria Highway



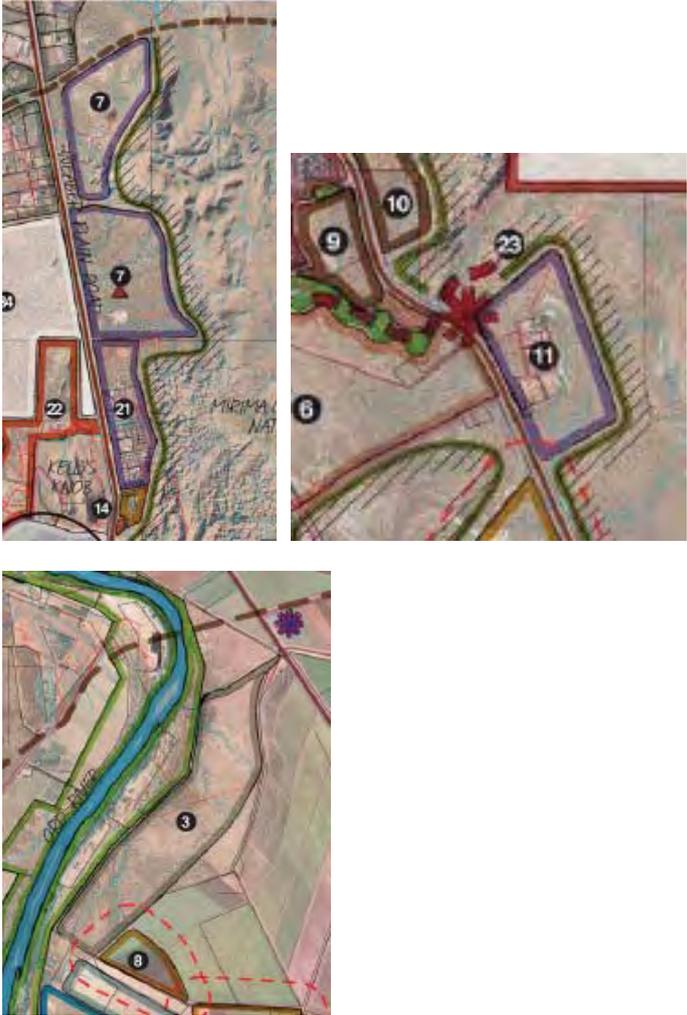
As per Council's recommendation, the proposed Visitors Centre annotation has been amended to 'Cultural Centre' in both the Development Concept Plan and the Strategic Land Use Plan.

Similar to the tourism uses on Bandicoot Drive, the land on the southern side of Victoria Highway (including the Kimberleyland Caravan Park) is also identified for residential/tourism purposes.

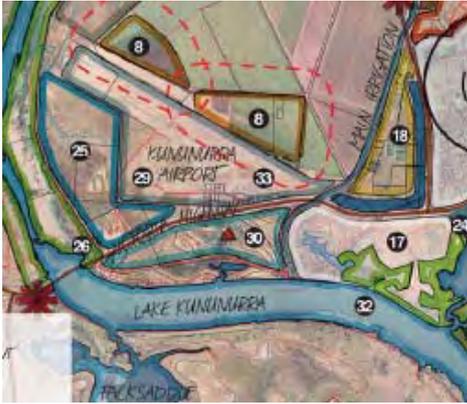
It is acknowledged that the ultimate use of this area for either tourism or residential development would be subject to market conditions and any restrictions in place as a result of the sites proximity to the borefield.

	<p>Options for future development of the existing borefield site will need to consider noise and height limitations associated with airport flight paths and concurrent borefield/water treatment (Lake Kununurra) investigations.</p>
<p>Messmate Way</p>  <p>RETAIL CORE - DETAILED PLAN</p>	<p>Council's concerns regarding maintenance of the living stream along Messmate Way is acknowledged, however the need to address water quality entering Lilly Creek must also be addressed. On this basis the reference to 'living stream' has been removed and the recommendation in the implementation plan has been amended to:</p> <p>"Undertake feasibility and environmental investigations for implementation of a series of compensation basins and mechanical treatments to enable water quality improvements and maintenance to minimise adverse water quality impacts on Lily Creek Lagoon."</p> <p>The Development Concept identifies a more general recommendation for the stormwater treatment improvements along Messmate Way.</p>
<p>Education Precinct</p> 	<p>As per Council's recommendation, the DCP acknowledges the future provision of child care facilities within the Education Precinct.</p> <p>The strong preference of stakeholders was to consolidate the maintain activity within the existing precinct.</p> <p>Based on advice from the Education Dept no additional secondary school is envisaged for Kununurra even should forecast populations be achieved.</p> <p>Current population forecasts indicate potential demand for an additional primary school only. A future primary school may be located in the town's south eastern growth corridor, in order to efficiently service this catchment. The site in Lakeside is not</p>

	<p>considered to be feasible given drainage issues.</p> <p>The report therefore recommends that a future Primary School site be located in either Drovers Rest or East Lily Creek to service South East Kununurra.</p>
Shire offices	<p>A key theme recurring throughout the EbD process and feedback was a preference to maintain and consolidate activity within the existing town centre. However the outcomes of the consultation undertaken by the Shire on this issue have been documented in the report and that it was from this process that the 2 potential sites were identified.</p> <p>The priority status of this recommendation has been altered to High given Council's indication of the urgency of addressing this matter.</p>
Aged care accommodation within the Civic Precinct	<p>The design intent of the Civic Precinct, in particular the health component (hospital site) is to strengthen and increase the efficiency of this site. It is recognised that the hospital site currently has surplus land. This land may be redeveloped to accommodate future health needs.</p> <p>Based on Council's recommendation the need for additional aged care accommodation within close proximity to services is recognised in the report, however this type of development can be accommodated within the identified infill residential areas in the precinct.</p> <p>A specific land use classification or zoning is not considered necessary in this instance as aged housing is encouraged within residential zones. Furthermore, it is understood that there may be demand for a range of aged accommodation (in terms of scale and form) which should not be excluded and contemporary practice does not support large institutional forms of accommodation. The need deliver aged accommodation has</p>

	<p>therefore been acknowledged without limiting potential forms or location.</p>
<p>Shire depot site</p> 	<p>Council's recommendation to depict the proposed relocation of the Shire depot has been incorporated into the Strategic Land Use Plan (notation number 29).</p>
<p>Industrial land</p> 	<p>The annotation for the Bull Run Road area describes the Composite and Light Industrial components as per Council's recommendation. However the general 'Industry' identification on the plan for this area will be maintained, for consistency with other industrial areas where the Composite and Light Industrial components have not been distinguished.</p> <p>The report has been amended to include reference to the extractive industries that are to be located/relocated onto area 7, north of area 21. Any future land use change would only apply post extractive industry on the site therefore short to medium term industrial land supply is required for 2011 and beyond.</p> <p>Upon further examination, land on the eastern side of Weaber Plain Road adjacent to the future bypass is currently zoned Industry (labelled 7 on the Strategic Land Use Plan). There is rationale to maintain this zoning given the potential to accommodate uses associated with transport and logistics. This site also has the potential to accommodate Composite Industry or Light Industry. Rural residential may</p>

	<p>also be considered, subject to the demand for industrial uses. The report and plan has been amended to reflect this preferred planning outcome for the Weaber Plain Road precinct.</p> <p>It is likely that future industrial land requirements can be accommodated within the areas identified above. On this basis the rural land that was previously identified for industrial development to the east of the Ord River (area 3) has been changed to Rural Residential, as recommended by Council.</p>
<p>Borefield</p> 	<p>The objective of having consideration be given to a range of locally appropriate solutions to potable water for Kununurra has been acknowledged, however current legislation does not allow extraction of drinking water from water bodies used for recreational purposes. For this reason water extraction from Lake Kununurra would require legislative change or closure of recreational functions.</p> <p>On this basis, Council's preference for the feasibility assessment of water extraction from Lake Kununurra has been shown as a potential option, to be considered as well as the potential for relocation (annotation number 32). Further the Strategic Land Use Plan implementation plan recommends that both options for water supply are pursued concurrently to minimise risk factors and time delays should either option be unfeasible. The priority status of this action has been changed to High on recommendation from Council.</p> <p>The ultimate use of the borefield site for either tourism or residential development would be subject to market conditions and any restrictions in place as a result of the sites proximity to any remaining water treatment/extraction operation in this area. Annotation to this affect has been incorporated into the</p>

	<p>report.</p> <p>Upon further examination, the borefield site is also located within the approaches to the airport. It is likely that redevelopment of this area may be impacted by aircraft noise and height contours. The report identifies this as an important consideration for planning of this area.</p>
<p>Additional Future Urban Development site</p> 	<p>In accordance with the principle for a consolidated town site, land north of the ALT land and south of the existing Rural Residential land along Weaber Plain Rd, has been identified as an option for future development. The development capability of this land is unknown, and the determination of appropriate land uses would be subject to more detailed structure planning and investigations.</p> <p>Similar to the recommendation for the ALT lands, the report recommends that planning for this land be considered and initiated. This amendment is supported, as it represents a significant potential 'infill' opportunity.</p>
<p>Golf Course Precinct</p> 	<p>In accordance with Council's recommendation to retain the Golf Course, this parcel of land has been changed from Residential to Tourism/Recreation within the Strategic Land Use Plan. However the ability to accommodate 'sleeved' residential development is also acknowledged in the report.</p> <p>This is supported as the community identified this area as having potential for residential development, and this represents an appropriate balanced response.</p>

ATTACHMENTS

1 – Kununurra Strategic Directions report will be provided under separate cover.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Endorses the 'Kununurra Strategic Directions: Development Concept Plan and Strategic Land Use Plan (as informed by the Kununurra Enquiry by Design)' for the purposes of public advertising for 30 days;
2. Advertises the draft document via notice in the local newspaper and display in the Kununurra Shire Office and Public Library; and
3. Advises LandCorp accordingly.

Cr K Wright proposed an amendment to the Officer's Recommendation.

Remove the word 'Council' and 'Endorses' from the Officer's Recommendation.

Moved: Cr K Wright
Seconded: Cr D Ausburn

Cr K Wright withdrew his proposed amendment.

Cr D Ausburn proposed an amendment to the Officer's Recommendation.

That the Kununurra Strategic Directions: Development Concept Plan and Strategic Land Use Plan be put out for public comment.

Cr D Ausburn withdrew her proposed amendment.

Cr K Wright proposed an alternate motion:

That Council defer this item to a Briefing Session.

COUNCIL DECISION

Minute No: 9196

Moved: Cr K Wright
Seconded: Cr R Dessert

That Council defers this item to a Briefing Session.

CARRIED UNANIMOUSLY: (7/0)

Council decision was different to the Officer's Recommendation as Council decided that it required further time to review the document and discuss changes that it still has concerns with.

K Apperley returned to the meeting room at 6:42pm.

J Ellis returned to the meeting room at 6:44pm.

12.5 COMMUNITY SERVICES

12.5.1 COUNCIL POLICIES – COMMUNITY DEVELOPMENT

DATE:	22 June 2010
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Karyn Apperley, Director Community Development
REPORTING OFFICER:	Karyn Apperley, Director Community Development
FILE NO:	36.02.01
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider adoption of strategic policies in relation to the provision of community development activities, community services and community facilities and repeal of existing Council policies which are of an administrative nature as per Council's "*Guidelines for policy development and review of the Council Policy Manual*".

BACKGROUND

At the Ordinary Council Meeting of 17 November 2009, Council adopted the "*Guidelines for policy development and review of the Council Policy Manual*" (Minute 8910).

The Community Development directorate has been reviewing and developing policies and procedures/work instructions to implement the Council's "*Guidelines for policy development and review of the Council Policy Manual*".

At the Council Briefing Session of 2 June 2010, two new draft Council Policies were presented and two existing Council Policies were identified for repeal and replacement with Administrative Policies.

STATUTORY IMPLICATIONS

As per the *Local Government Act 1995, Section 2.7*:

The Role of the Council;

- (1) The council —
 - (a) directs and controls 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.

POLICY IMPLICATIONS

All policies of Council should be of strategic relevance, regularly reviewed and easily accessible. Policies adopted by Council should be strategic, with operational matters being the subject of Administrative Policies approved by the Chief Executive Officer. Council's "*Guidelines for policy development and review of the Council Policy Manual*" provides the structure and format of Council Policies, Administrative Policies, Procedures/Work Instructions as well as Delegations and Sub Delegations.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this report.

STRATEGIC IMPLICATIONS

Council adopts policies for the effective governance of the organisation. These policies provide the strategic guidance to the organisation, to be up to date, regularly reviewed and to be readily available so that Councillors and Staff are aware of and can adhere to the adopted policies of Council.

COMMUNITY CONSULTATION

Community consultation is not required in regard to this report.

COMMENT

Council is responsible for the strategic governance of the organisation and the CEO is responsible for the administration of the organisation. Therefore the policies that Council adopts should have a strategic focus. Some policies that have previously been adopted by Council have an administrative focus.

As a result of Council's adopted Guidelines for the structure, format and responsibility of the Council Policy Manual and to implement the new structure of the Council Policy Manual, the following Council Policies have been developed in relation to the core business of Council's Community Development directorate:

Draft Council Policy CP-CD-01 – Community Services Policy (refer Attachment 1).

Draft Council Policy CP-CD-02 – Council Community Facilities Policy (refer Attachment 2).

In addition, Council Policy CMS2 – Annual Grants Scheme (last reviewed and amended on 17 November 2009) has been re-formatted and re-numbered as CP-CD-03 (refer Attachment 3) to comply with the Council's adopted "*Guidelines for policy development and review of the Council Policy Manual*".

Under Council's "*Guidelines for policy development and review of the Council Policy Manual*", Council Policy R 2 – Council Facilities (refer Attachment 4) and Council Policy R 4 – Seasonal Oval Hire Fees (refer Attachment 5) are of an administrative focus. These two Council policies require repeal and subsequent replacement by Administrative Policies AP-CD-R01 – Seasonal Oval Use Policy and AP-CD-R02 – Shire Facility Casual Use Policy.

ATTACHMENTS

- 1 - Draft Council Policy CP-CD-01 – Community Services Policy
- 2 - Draft Council Policy CP-CD-02 – Council Community Facilities Policy
- 3 - Council Policy CP-CD-03 – Annual Grants Scheme (formerly CMS2 – unchanged)
- 4 - Council Policy R 2 – Council Facilities
- 5 - Council Policy R 4 – Seasonal Oval Hire Fees

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Adopts draft policies CP-CD-01 – Community Services Policy and CP-CD-02 – Council Community Facilities Policy.
2. Adopts former Council Policy CMS2 as CP-CD-03 – Annual Grants Scheme (unchanged).
3. Repeals Council Policy R 2 – Council Facilities and Council Policy R 4 – Seasonal Oval Hire Fees to enable Officers to replace these policies with Administrative Policies as per Council's adopted "*Guidelines for policy development and review of the Council Policy Manual*".

Moved: Cr K Wright
Seconded: Cr J Moulden

Cr K Wright proposed an amendment to the Officer's Recommendation:

That the last dot point being 'aboriginal people' from the 6 groups listed in Draft Policy CP-CD-01 be removed.

Lost: 4/3

FOR: Cr K Wright
Cr J Moulden
Cr R Dessert

AGAINST: Cr J McCoy
Cr D Ausburn
Cr J Parker
Cr F Mills

COUNCIL DECISION

Minute No: 9197

Moved: Cr J Parker

Seconded: Cr J Moulden

That Council:

- a. **Adopts draft policies CP\COM-3580 – Community Services Policy and CP\COM-3581 – Council Community Facilities Policy.**
- b. **Adopts former Council Policy CMS2 as CP\COM-3582 – Annual Grants Scheme (unchanged).**
- c. **Repeals Council Policy R 2 – Council Facilities and Council Policy R 4 – Seasonal Oval Hire Fees to enable Officers to replace these policies with Administrative Policies as per Council’s adopted “Guidelines for policy development and review of the Council Policy Manual”.**

CARRIED: (5/2)

FOR:
Cr D Ausburn
Cr J Parker
Cr J McCoy
Cr J Moulden
Cr F Mills

AGAINST:
Cr K Wright
Cr R Dessert

Council decision was different from the Officer’s Recommendation as the policy numbering was updated in accordance with the organisations standard policy numbering.

Cr J Moulden requested, and Cr J Parker endorsed the following comment of Cr K Wright’s that “all Councillors were gutless” be recorded.

ATTACHMENT 1 – Draft Council Policy – FOR ADOPTION



Shire of Wyndham East Kimberley **Council Policy: CP-CD-01** **Community Services Policy**

OBJECTIVE:

Statement of intent

Council aims to enhance and support communities through the provision of adequate, equitable and accessible services and facilities, and to ensure that these services and facilities are managed efficiently and effectively.

This policy supports Council's objectives:

- To foster a cohesive social and cultural life for residents by allocating resources in a fair, socially inclusive and sustainable way.
- To provide facilities and services for the benefit of the region, its residents and visitors.
- To plan for future local government service requirements of the region.

The policy and associated procedures are designed to provide guidance on circumstances under which Council will develop and operate community services.

POLICY:

Scope & Limitations

For the purposes of this policy, Community Services can be defined as services and facilities targeted to support the general community, or particular groups within the community including but not limited to:

- children and youth
- older people
- women
- people with disabilities
- people from culturally and linguistically diverse backgrounds
- Aboriginal people

Services and facilities include but are not limited to child care centres, youth services, community care services, cultural programs, libraries, sport/recreation and leisure facilities as well as social planning, community consultation and community development activities.

The priority for the provision of services and facilities will be established in the administrative policies and procedures referenced to this policy.

Background

Responsibilities and community expectations of Council's Community Development division have grown significantly in recent years with further demands on services and facilities anticipated in line with regional expansion and community diversification.

This policy establishes links between the planning processes required of Council to meet community needs and expectations, and the actual delivery of services or facilities.

The Director Community Development is responsible for the implementation, planning and development components of this policy; the Community Development team is responsible for the direct service provision components.

Guiding Statement

The following principles reflect Council’s commitment to the development of social and community infrastructure:

- To research and document the social needs of the community.
- To directly deliver selected community services when Council resolves to do so.
- To ensure an appropriate range of facilities exist to enable community services to develop and operate effectively.
- To support the development and/or maintenance of a diverse range of external services delivered by the community-based sector.

Outcomes

To improve community access and inclusion through the delivery of a range of effective Community Services guided by:

- Community and social planning.
- Collaboration with other government agencies.
- Direct service or facility provision and management.
- Provision of community buildings.
- Community development and support networks.
- Support for community-managed groups and services.

GOVERNANCE REFERENCES

Statutory Compliance	Local Government Act 1995, Sections 3.1 and 3.18.
Industry Compliance	
Organisational Compliance	Guidelines for policy development and review of the Council Policy Manual (adopted by Council 17 November 2009, Minute 8910).
Process Links	Administrative Policies and Procedures/Work Instructions

POLICY ADMINISTRATION

Directorate		Officer Title		Contact:	
Community Development		Director Community Development		Ext: 141	
Date Effective					
Date Adopted		Last Reviewed		N/A	
Risk Rating		Review Cycle	Annual	Next Due	
Low					

ATTACHMENT 2 – Draft Council Policy – FOR ADOPTION



**Shire of Wyndham East Kimberley
Council Policy Number: CP-CD-02
Council Community Facilities Policy**

OBJECTIVE:

Statement of intent

To provide guidance in the management and operations of Shire community facilities and equipment. This guidance will consider the needs of both the community and the Shire of Wyndham East Kimberley both at the present day and into the future.

The 5 key principles considered are:

- Equity: Fair and equal access and charges for all users of Shire facilities.
- Capacity to Pay: Fair pricing with consideration of the ability of an individual, group or organisation to pay the fee in reasonable circumstances.
- Community Benefit: The benefit gained through use of the facility including but not limited to; social interaction, physical activity, education, personal development.
- Compliance: Operating within all relevant regulations and laws by both the Shire and users of the facilities.
- Transparency and Accountability: Management practices and operations will be conducted in an open and accountable manner.

POLICY:

Scope & Limitations

This policy covers council facilities, infrastructure and equipment such as community buildings, sporting facilities and parks.

For the purposes of facility and equipment hire, the definitions of user groups are:

Not for profit/Non government:

Where the sum of income generated by the activity is equal to or less than the total cost of the hire fee or other applicable fee.

or

Registered as not for profit with the ATO

or

Incorporated sporting groups or community service organisations (as defined by their constitution).

Commercial/Government/Private:

All groups not classified as Not for Profit as defined above

or

All Government Agencies

or

Any private function not hired on behalf of a group or organisation

Youth Service Providers:

All groups that deliver service targeting young people within the age range of 10 to 24

and

Must be defined as Not for profit/Non Government

or

Specific registered youth agencies

Evidence of above user group status may be requested by the Shire.

Background

Community Facilities are in most cases run at a cost to Council. The provision of these facilities is essential to the community and therefore it is acknowledged that a level of subsidy is necessary.

It is therefore important to ensure that Councils ongoing commitment to providing good quality Community Facilities is documented, and that a desired level of service provision is maintained.

Guiding Statement

All Shire Community Facilities will:

- Operate within all relevant regulations and laws.
- Maintain a high level of Occupational Health and Safety at all times
- Have fees and charges reviewed by Council annually. Fees and charges should promote equitable access to all user groups while providing a satisfactory level of cost recovery.
- Set opening hours and conditions of use are to ensure the efficient operation of the facility, while promoting maximal usage by the community.
- Consider a variety of user groups and the needs of the community as a whole.
- Give consideration to disability access
- Maintain a high level of cleanliness both internally and externally.
- Promote usage to all members of the community
- Safely provide the service that it is designed for
- Plan for the future needs of the community
- Be aesthetically pleasing
- Represent the Shire in a positive and professional manner

Outcomes

Shire community facilities will be functional, allowing safe usage for the purposes of their design enabling users to provide a wide range of quality services, events and activities. Fees should ensure that the community assists with the cost of providing the facility while not being prohibitive.

GOVERNANCE REFERENCES

Statutory Compliance	Local Government Act 1995, Sections 3.1 and 3.18.
Industry Compliance	WA Department of Health Code of Practice for the design, construction, operation management and maintenance of Aquatic Facilities
Organisational Compliance	Guidelines for policy development and review of the Council Policy Manual (adopted by Council 17 November 2009, Minute 8910).
Process Links	AP-CD-R01 Seasonal Oval Use Policy and AP-CD-R02 Shire Facility Casual Use Policy. Adopted Fees and Charges Standard Operating Guidelines

POLICY ADMINISTRATION

Directorate		Officer Title			
Community Development		Director Community Development			
Date Effective		Last Reviewed		N/A	
Date Adopted		Review Cycle	Annual	Next Due	
Risk Rating	Low				

ATTACHMENT 3 – Existing Council Policy – RE-FORMATTED



Shire of Wyndham East Kimberley **Council Policy Number: CP- CD- 03** **Annual Grants Scheme**

OBJECTIVE:

The objective of the Annual Grants Scheme is to provide consistent, equitable and accessible funding opportunities for local community based organisations for the purposes of community and economic development activities, events and projects.

POLICY:

Scope & Limitations

Each year the Shire will invite submissions from the community. These funds are non-recurrent funding and applications will be received in two rounds with submission closing dates of 30 May and 30 September each year.

Background

The purpose of this funding is to offer not for profit community, sporting, cultural, environmental, service groups and associations and not for profit economic development organisations financial assistance to foster high quality programs, community events, facilities and services that provide benefit to the community of the Shire of Wyndham East Kimberley.

Guiding Statement

Administration and resourcing

- Council shall make an allocation for Annual Grants within each annual budget. This funding pool shall be an amount of \$120,000 in 2008/09 and shall be increased inline with the adopted rate increase each subsequent year.
- The distribution of the funds shall be via an application process. The process shall involve the following:
 - Annual Grants will be promoted through direct distribution to community organisations annually, promotion in the local newspaper and on community radio broadcasts. Application forms and additional information will be available from the Shire Offices and on the Shire's website.
 - Annual Grants shall be assessed on the following criteria:
 - Demonstrated need for funding.
 - Benefits to the community, including community development and/or economic development outcomes.
 - Demonstrated partnerships and ability to source additional funds and/or partnerships.
 - Demonstrated community support for the organisation and the project or activities planned.
 - The organisation's demonstrated ability or capacity to achieve measurable outcomes for the community.
 - Demonstration of links to Council's Strategic Direction and Objectives.
 - The Annual Grants will be decided by Council decision based on recommendations from the Grants Assessment Panel
 - The Grants Assessment Panel will consist of:
 - A minimum of 2 Councillors
 - Director Community Development
 - One other Shire staff member as appropriate

- Projects, activities and events should be in keeping with Council's Strategic Direction and Objectives as noted in Council's Strategic Plan.
- All recommendations of the Grants Assessment Panel will be referred to a Briefing Session and then presented to Council for consideration.
- All organisations receiving community grants will be required to expend and acquit the funds within 12 months of the grant being approved at an Ordinary Council Meeting.

Limitations

- Community organisations or events where the primary purpose is to promote political beliefs.
- Community organisations or events where the primary purpose is to promote religious beliefs or where people are excluded on religious grounds.
- Individuals (or sponsorship of cash prizes for individuals or teams).
- Activities or events that are the core responsibility of a state or federal government department, though contribution to components that expand on the core responsibilities may be considered.
- Projects that have already been completed or are currently in progress.
- Funds not to be used for trophies, prizes, insurance or operational expenses (including loan repayments) incurred in the conduct of community activities.
- Applicants must seek other funding where available.
- Applications must be submitted on Council's prescribed forms.
- Council employees, equipment or facilities may be used in lieu of cash distribution and costed against the relevant ledger folio.
- All works are to be completed to the satisfaction of Council.
- Organisations will be limited to one successful application for funds per financial year.
- Council does not intend the Grants to be utilised for monetary profit, but that they help not for profit to achieve their objectives and provide benefits to the community.
- Applicants must provide evidence of their own contribution (financial and in-kind) as well as contributions from other sources towards the project.
- Applicants seeking capital/building funding for a project need to ensure that the project relates to crown reserve or land owned or vested in the Shire of Wyndham East Kimberley (or at Council's discretion).

Outcomes

Local community based organisations will be provided with consistent, equitable and accessible funding opportunities to support community and economic development activities, events and projects.

GOVERNANCE REFERENCES

Statutory Compliance	Local Government Act 1995 Section 6.2
Industry Compliance	
Organisational Compliance	
Process Links	Annual Grants Scheme Procedures/ Work Instructions Annual Grants Application Form

POLICY ADMINISTRATION

Directorate		Officer Title		Contact:	
Community Development		Director Community Development		Ext:141	
Date Effective	17/06/2008	Last Reviewed		17/11/2009	
Date Adopted	17/06/2008				
Risk Rating	Low	Review Cycle	Annual	Next Due	17/11/2010

**ATTACHMENT 4 – Council Policy R2 – FOR REPEAL
AND REPLACEMENT WITH ADMINISTRATIVE POLICY**

POLICY No:	R2
DIVISION:	Recreation
SUBJECT:	Council Facilities
REPORTING OFFICER:	Director Development Services
ENABLING LEGISLATION:	Local Government Act

OBJECTIVE:

To ensure that the Council's facilities are operated in a manner that offers a high level of service and realise maximum income opportunities.

POLICY:

- Fees & Charges shall be in accordance with schedule of fees as adopted by the Council.
- Sale & Hire of recreation equipment will be limited to that relating to the services provided (ie; swimming goggles, squash balls etc)
- Prices of hire & sales of goods will be according to current market trends and allowing for freight costs.
- Sound equipment is for hire subject to remaining within the Shire boundaries.
- Tables, chairs, furniture etc are generally unavailable for hire except in special circumstances.
- The grand piano to remain in the Leisure Centre complex.
- Opening hours for the Leisure Centre and pools and conditions of use are to be set to ensure the efficient operation of the facilities.

ADOPTED: 17/07/1997
REVIEWED:
AMENDED:

**ATTACHMENT 5 – Council Policy R4 – FOR REPEAL
AND REPLACEMENT WITH ADMINISTRATIVE POLICY**

POLICY No:	R4
DIVISION:	Recreation
SUBJECT:	Seasonal Oval Hire Fees
REPORTING OFFICER:	Executive Manager Corporate and Community Services
ENABLING LEGISLATION:	Local Government Act

OBJECTIVE:

To outline the principles and process used for determining Seasonal Fees and Charges for Ovals within the Shire.

POLICY:

The Shire of Wyndham East Kimberley will implement a charging system that ensures the fees and charges for oval use are equitable between users and based on a clear system of objectives and principles. Amounts will be set in accordance with the schedule of Fees and Charges adopted by Council on an annual basis.

Charging Principles

In order to ensure equitability in charging throughout the Shire, the fee is charged with the following principles:

- Users should contribute something towards the operating and maintenance cost of the recreational facilities they are using so that ratepayers do not bear the total cost;
- Fee concessions will be provided for promotion of the following:
 - Junior sports (50% discount);
 - Newly formed sports groups (25% discount);
- A percentage of the total cost of operating and maintenance expenditure should be recouped;
- The charging system should encourage optimal use of facilities/grounds; and,
- That charges relate directly to usage.

Charging System

The system for oval hire fees is based on:

- The length of the booking;
- The number of players/participants;
- The number of sessions per week oval is required for;
- The cost of providing the facility/service.

The following formula is used to calculate the seasonal oval hire fee for use of half an oval within the Shire of Wyndham East Kimberley:

No of Teams
X
No of players/participants in standard team
X
No of weeks required
X
No of sessions per week including training and games
X
Individual Usage Fee
X
Applicable Discount

Individual Usage Fee is the fee determined by Council which is charged for every player/participant that uses the oval on every session. In order for Council to work towards an increased cost recovery on its ovals within five years, and provided that the operation and maintenance costs of the ovals remain relative, the Individual Usage Fee within the formula will increase as follows:

2005/06 - \$0.25
2006/07 - \$0.30
2007/08 - \$0.35
2008/09 – \$0.40
2009/10 - \$0.45

Applications for use of Shire facilities must be made seasonally on the appropriate booking forms available from Council. Seasonal allocation entitles teams of the approved club or association to the number of sessions per week as stated on their booking form (training or competition) for the period of their booking season only. Bookings outside the normal “season” will be charged at a casual use rate, unless another seasonal booking is made.

Seasonal allocation entitles teams of the approved club or association to use of half of the Kununurra Town Oval, Kununurra Agricultural Oval or the Wyndham Town Oval for training (unless otherwise booked) and full oval usage for games. Appropriate booking applications must be completed for all oval usage.

Light fees for night usage will be charged in addition as per the Shire Schedule of Fees and Charges adopted by Council.

ADOPTED: 16 August 2005
REVIEWED:
AMENDED:

12.5.2 WYNDHAM EARLY LEARNING CENTRE INC. – REQUEST FOR CONSTRUCTION PROJECT MANAGEMENT

DATE:	22 June 2010
PROPONENT:	Wyndham Early Learning Centre Committee Inc.
LOCATION:	Wyndham
AUTHOR:	Karyn Apperley, Director Community Development
REPORTING OFFICER:	Karyn Apperley, Director Community Development
FILE NO:	36.13.36
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider the request from the Wyndham Early Learning Activity Centre (WELA) Committee to consider project management of construction of a new \$1.6 million building for the WELA Centre (refer Attachment 1).

BACKGROUND

The construction of a new facility to accommodate the WELA Centre is currently being managed by the Department of Education. The new facility is to be located on land adjacent to the Wyndham District High School, which is Unallocated Crown Land that is in the process of being transferred to the Minister for Education. The Minister would then issue a long term tenancy lease to the WELA Centre Committee for operation of the service in the building.

In summary, the WELA Centre Committee believes that Shire management of this construction project and location of the building on Shire owned or managed land would provide greater benefit for the WELA Centre and the Wyndham community due to:

- Land tenure and lease arrangements with the Shire provide greater opportunities for future capital and operational funding sources, as a number of funding bodies are reluctant to fund services located on State Government owned land, particularly for capital projects;
- The location of the building on Shire owned or managed land provides for medium and long term development of a Community Service Hub, in keeping with previous concept development by the Shire of a community services collocation facility as a potential addition to Peter Reid Hall.

The location of the WELA Centre and a future community services collocation facility may or may not be best suited to the Peter Reid Hall site, however Committee members have verbally stated that a location in the vicinity of the Peter Reid Hall, Shire Office and Recreation Centre/Pool precinct would be more central and accessible for the Wyndham community than the current site adjacent to the High School. This position is supported by community consultation conducted by the East Kimberley Communities for Children project in late 2008 and early 2009.

The Committee have also written to Minister Grylls (as outlined in the letter of request to the Shire) and have recently issued a press release stating the Committee's preferred project manager is the Shire. A letter from the Hon Gary Gray to the WELA Centre Committee, received 1 June 2010, reiterated that the

WA Department of Education, “as the state agency with primary carriage of the project, will determine arrangements for the construction and ongoing management of the new WELA Centre.” He has also been “assured by the WA Government that extensive consultation has taken place on the proposed design and location of the new WELA Centre.”

STATUTORY IMPLICATIONS

The *Local Government Act 1995* broadly provides for the general function and performance of executive functions including the provision of services and facilities by local government.

Section 3.1 General function

- (1) The general function of a local government is to provide for the good government of persons in its district;
- (2) The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions; and
- (3) A liberal approach is to be taken to the construction of the scope of the general function of a local government.

Section 3.18 Performing executive functions

- (1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.
- (2) In performing its executive functions, a local government may provide services and facilities.
- (3) A local government is to satisfy itself that services and facilities that it provides —
 - (a) integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body;
 - (b) do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and
 - (c) are managed efficiently and effectively.

POLICY IMPLICATIONS

There are no specific policy implications associated with this report.

FINANCIAL IMPLICATIONS

If the Council were to project manage the \$1.6M construction project, consideration of a project management fee would be required to offset the resourcing implications.

STRATEGIC IMPLICATIONS

The Shire is performing well in managing and delivering a number of East Kimberley Development Package projects currently under its auspice and could be well placed to manage this small construction project if delegated to by the Australian or WA State Governments.

The strategic opportunity provided by this facility being located on Shire owned or managed land is the future opportunity to expand the facility into a collocation or community service hub.

Council's Strategic Plan Key Result Area 2 Community is *"To develop the strengths and potential of our community now and into the future"*, which further identifies the objective of *"advocacy and leadership focussed on improved outcomes and services."*

COMMUNITY CONSULTATION

Community consultation was undertaken by the East Kimberley Communities for Children project (auspiced by Save the Children) in late 2008 and early 2009 regarding the location of a new facility. Those consultations and research identified a non-school based site in Wyndham as more accessible and central for the WELA Centre, its service delivery and its clients.

COMMENT

Key considerations are the advanced progress of the project under the Department of Education's management, with site selection and concept floor plan completed, as well as the availability of an alternate suitable site for the WELA Centre building which has capacity for the development of a future community service collocation facility.

The current preliminary building design and floor plan for the WELA building provides opportunities for future additions and co-joining facility development. Consideration of future needs of both the Wyndham community and community service providers would support a collocation facility. Community development practice and evidence of other examples nationally and internationally demonstrate that collocated facilities provide opportunities for improved sustainability through shared resources, including equipment and staff, better service and referral linkages with improved outcomes for clients and more responsive service delivery through partnerships and collaboration.

However, the stated position of both the Australian and WA State governments is for the project to continue to be managed by the WA Department of Education. Should Council wish to pursue the matter of project management then the following addition to or replacement of the Officer's Recommendation may be considered:

"That Council strongly advocates to the Australian and WA State Governments that management of the construction of the \$1.6million WELA Centre be transferred from the WA Department of Education to the Shire of Wyndham East Kimberley and that the location of the new Centre be reviewed."

ATTACHMENTS

1 – Letter of request from WELA

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council acknowledges and supports the Wyndham Early Learning Activity Centre Inc Committee's request for project management of the construction of a new facility if the Australian and/or WA State governments agree to the change in project management.

Cr K Wright proposed an alternate motion to the Officer's Recommendation.

That Council:

1. Strongly advocates to the Australian and WA State Governments that management of the construction of the \$1.6million WELA Centre be transferred from the WA Department of Education to the Shire of Wyndham East Kimberley and that the location of the new Centre be reviewed.
2. Writes to appropriate State and Federal MP's and Minister's to ensure the change in project management and site is implemented.

COUNCIL DECISION

Minute No: 9198

Moved: Cr K Wright

Seconded: Cr D Ausburn

That Council:

- 1. Strongly advocates to the Australian and WA State Governments that management of the construction of the \$1.6million WELA Centre be transferred from the WA Department of Education to the Shire of Wyndham East Kimberley and that the location of the new Centre be reviewed.**
- 2. Writes to appropriate State and Federal MP's and Minister's to ensure the change in project management and site is implemented.**

CARRIED UNANIMOUSLY: (5/0)

Council decision was different to the Officer's Recommendation as Council were of the opinion that the resolution required a stronger advocacy component to the recommendation.

Cr D Ausburn left the meeting room at 7:01pm.

Cr D Ausburn returned to the meeting room at 7:02pm.

Cr J McCoy and Cr J Parker returned to the meeting room at 7:02pm.

Cr F Mills advised Cr J McCoy and Cr J Parker of the Items outcome.

ATTACHMENT 1 – Letter of Request from WELA



Wyndham Early Activity Centre (WELA) Incorporated

PO Box 235 Wyndham WA 6740
Phone: 0891 611 333 fax 0891 612 235
Mobile: 0407 473 287 or 0427 151 128
welacentre@bigpond.com

Tuesday 18th May 2010

Gary Gaffney
Chief Executive Officer
Shire of Wyndham East Kimberley
PO Box 614
Kununurra WA 6743

Dear Gary,

\$1.6M WELA BUILDING MANAGEMENT AND OWNERSHIP CONCERNS

I am writing to you as the Coordinator of Wyndham Early Learning Activity Centre and on behalf of the Management Committee and WELA members. WELA commenced in 2005 as a young Aboriginal Mum's group that felt their needs were not met by both Government and Non Government services in town. In 2006, in partnership with Joorook Ngarni Aboriginal Corporation, WELA became a Communities for Children pilot site as a Community partner with Save the Children.

In late 2009 WELA incorporated as the *Wyndham Early Learning Activity (WELA) Incorporation*. We have been very lucky in that in 2007 we moved into an old transportable building and shed at the back of Wyndham District High School and have a peppercorn lease for 12 years. One of the biggest problems we have had has been is getting funding to renovate and to make the centre safe as we are on State Government Land and have found we could not access funding through most funding bodies.

Over the last 5 years the WELA members (Wyndham families with young children) and staff have talked about what would be needed if we could build a new centre; we also talked to both schools, local Government and other Government and Non Government services about a new WELA centre and how we could all work within the new centre for the best outcome for Wyndham Families. From this we had a plan for **A Community Hub** that, in time and as the community needed, could grow and be added to, e.g. occasional child care, community library/Wyndham Resource Centre (Telecentre), health and well-being centre and a training Hub for young Mums (we currently have a good working partnership with the local TAFE and Community Health).

In 2009 we lobbied the Hon Gary Gray, Office of Northern Australia, with the idea of building the new Centre on crown land with the Shire of Wyndham East Kimberley project leading the building. As you can imagine, we were very happy to be named in the Federal Government's and Regional Development package for the allocation of \$1.6 million for a new WELA Centre.

We then found the new WELA centre had been moved under the Department of Education (DoE). We have had a number of meetings with the DoE team project leading and are now told the new WELA Centre will be owned by the Department of Education and we will most probably be leasing the Centre for a 21 year period. This leaves us in the same situation we are currently in with a centre that cannot grow with the community needs as obtaining funds to further build on State Government land is near to impossible. It also poses the problem that many of the community needs may not fit within the Department of Education priorities and services now and into the future.

On the 7th April 2010 we sent a letter to The Honourable Brendon Gryll outlining our concerns and have not received any response to date. The Department of Education are still moving forward with the plans for the building to go ahead as planned.

To summarise:

We feel that community input and management is only possible if this model sits with the Shire of Wyndham East Kimberley (SWEK). The centre would be better managed and allow for better integration of services across the community under this management model.

We would like to explore the option of the current funding of \$1.6 million to build a new WELA Centre being managed through the SWEK. This would allow for SWEK to manage the project for the benefit of the community and allow SWEK to facilitate the potential for a future community hub development site.

We urgently request SWEK consider moving forward with this proposal for the benefit of the Wyndham community.

We thank you in advance for your support.

Yours sincerely,

Jane Parker
WELA Coordinator

Cc: Shire of Wyndham East Kimberley Councillors

12.6 CHIEF EXECUTIVE OFFICER

12.6.1 USE OF COMMON SEAL

DATE:	22 June 2010
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Bernadette Weaver, Executive Assistant
REPORTING OFFICER:	Gary Gaffney, Chief Executive Officer
FILE NO:	60.14.02
ASSESSMENT NO:	N/A

PURPOSE

For Council to receive this report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 11 May 2010 to 14 June 2010.

Information is presented to inform Council on those documents to which the Shire's Common Seal has been applied. In the time period specified above, the following documents have had the Shire of Wyndham East Kimberley Common Seal applied:

Date of Use	Document	Officer
14/05/2010	Deed of Lease between SWEK and Ord River Sailing Club Incorporated - Lot 504 of Reserve 29297 Kununurra, WA 6743 'Site'	Katya Tripp
27/05/2010	Kaniwal Community Layout Plan No. 1	Ian D'Arcy
31/05/2010	Planning and Development Act 2005 - Resolution Deciding to Amend a Local Planning Scheme - SWEK Town Planning Scheme No. 7 Amendment No. 30 (3 copies)	Nick Kearns
09/06/2010	Department of Regional Development And Lands (RDL) CONTRACT OF SALE - Lot 501 on Deposited Plan 66554 Kununurra	Gill Old
09/06/2010	Department for Communities Application for Exemption for Child Care Worker - Sarah Graham	Karyn Apperley

STATUTORY IMPLICATIONS

Local Government Act 1995

Council's Standing Order Local Law makes reference to the application of the Common Seal.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This report aligns with Council's focus on Governance, Key Result Area 5, in Council's Strategic Plan.

COMMENT

It is the Officer's recommendation that Council formally receive a report on use of the Shire's Common Seal.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 11 May to 14 June 2010.

COUNCIL DECISION

Minute No: 9199

Moved: Cr J Moulden

Seconded: Cr R Dessert

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 11 May to 14 June 2010.

CARRIED UNANIMOUSLY: (7/0)

12.6.2 DELEGATED AUTHORITY REPORT

DATE:	22 June 2010
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Bernadette Weaver, Executive Assistant
REPORTING OFFICER:	Gary Gaffney, Chief Executive Officer
FILE NO:	60.14.02
ASSESSMENT NO:	Nil

PURPOSE

To report to Council on the use of Delegated Authority by Officers for the period 1 May 2010 to 31 May 2010.

BACKGROUND

Use of Council approved Delegated Authority by Officers is reported to Council on a monthly basis.

The attached tables outline use of Delegated Authority by relevant Officers for the above period.

STATUTORY IMPLICATIONS

Local Government Act 1995 - Sect 5.46

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

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This report aligns with Council's focus on Governance, Key Result Area 5, in Council's Strategic Plan.

COMMUNITY CONSULTATION

Not Applicable

COMMENT

The attached report outlines the use of Delegated Authority by relevant Council Officers for endorsement by Council.

ATTACHMENTS

Delegated Authority Report

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the Delegated Authority Report for the period 1 May 2010 to 31 May 2010.

COUNCIL DECISION

Minute No: 9200

Moved: Cr J Moulden

Seconded: Cr J Parker

That Council receives the Delegated Authority Report for the period 1 May 2010 to 31 May 2010.

CARRIED UNANIMOUSLY: (7/0)

ATTACHMENT: DELEGATED AUTHORITY REPORT

BUILDING LICENCES ISSUED UNDER DELEGATED AUTHORITY FOR THE PERIOD 1 TO 31 May 2010

LIC#	DATE RECEIVED	DATE LICENCED	OWNER	BUILDER	LOCATION	DESCRIPTION	NEW/ADD	EST. VALUE	COMMENT / PROCESSING TIME WORKING DAYS -
061/2010	9/04/2010	7/05/2010	Artcoast Pty Ltd	Artcoast Pty Ltd	Lot 368 Gregorii Street Kununurra	Class 1A dwelling with attached Class 10A carport & patio	New	\$424,044.00	18/15 days
062/2010	16/04/2010	10/05/2010	RJ Hextall, MJ Hextall t/a The Paradise Trust	RJ Hextall, MJ Hextall t/a The Paradise Trust	Lot 271 Setosa Pass Kununurra	Class 1A dwelling with attached Class 10A carport & patio	New	\$389,240.00	14/15 days
063/2010	4/05/2010	10/05/2010	Horizon Power (Regional Power Corporation)	Kununurra Maintenance Servicees	Lot 237 Livistona Street Kununurra	Class 10A verandah extension to existing dwelling	Add	\$15,000.00	3/15 days
064/2010	10/05/2010	11/05/2010	Aboriginal Hostels Limited	Norbuilt Pty Ltd	Lot 302 Victoria Highway Kununurra	Class 10B public swimming pool	New	\$220,000.00	1/15 days
065/2010	3/03/2010	12/05/2010	S Allan & C Bailey	S Allan	Lot 26 Ivanhoe Road Kununurra	Class 7B/8 Commercial storage and production shed with ablution and kitchen	New	\$120,000.00	42/15 days
066/2010	21/04/2010	14/05/2010	St Josephs Kununurra - Catholic Education	K R Randall	Lot 970 Coolibah Drive Kununurra	Class 9B - Extension to School - Libarary, Administration & repairs & alterations to classroom blocks	Add	\$1,146,000.00	15/15 days
067/2010	27/04/2010	17/05/2010	Indigenous Land Corporation	Ryan Chinnery t/as RTC Works	Loc 8 "Home Valley Station" Via Gibb River Road Kununurra	Class 1A dwelling with freestanding Class 10A tropical roof	New	\$65,000.00	14/15 days

LIC#	DATE RECEIVED	DATE LICENCED	OWNER	BUILDER	LOCATION	DESCRIPTION	NEW/ ADD	EST. VALUE	COMMENT / PROCESSING TIME WORKING DAYS -
068/2010	7/05/2010	19/05/2010	S Raven & J Kroeger	S Raven & J Kroeger	Lot 1048 (11) Woollybutt Place Kununurra	Class 10A patio	New	\$15,000.00	7/15 days
069/2010	7/05/2010	19/05/2010	Moonamang JV (Landcorp) / Leighton Contractors	James O'Kenny	Lot 396 Weaber Plain Road Kununurra	Class 5 transportable site office & Class 7B/8 transportable crib rooms, ablution and workshop	New	\$350,000.00	7/15 days
070/2010	30/04/2010	20/05/2010	K1 Real Challenge SIA Architects P/L & Northern Aspect Construction	Kristan Pinner t/as Northern Aspect Construction	Lot 244 (8) Emu Apple Street Kununurra	Class 1A dwelling with attached Class 10A garage & patio	New	\$283,470.00	13/15 days
071/2010	12/04/2010	20/05/2010	RJ Hextall, MJ Hextall t/a The Paradise Trust	RJ Hextall, MJ Hextall t/a The Paradise Trust	Lot 276 Setosa Pass Kununurra	Class 1A dwelling with attached Class 10A carport & patio	New	\$381,640.00	27/15 days
BAC 072/2010	4/02/2010	21/05/2010	J Timms & AK Fisher	J Timms & AK Fisher	Lot 106 Weaber Plain Road Kununurra	Retrospective Building Approval Certificate Class 1A dwelling extensions	Exist	\$50,000.00	
073/2010	22/04/2010	21/05/2010	Anglican Church of Kununurra	Anglican Parish of Kununurra	Lot 73 Mangrove Street Kununurra	Class 1A dwelling with attached carport & patio	New	\$245,000.00	20/15 days
074/2010	12/04/2010	21/05/2010	RJ Hextall, MJ Hextall t/a The Paradise Trust	RJ Hextall, MJ Hextall t/a The Paradise Trust	Lot 275 Setosa Pass Kununurra	Class 1A dwelling with attached Class 10A garage & patio	New	\$389,240.00	28/15 days
075/2010	19/05/2010	24/05/2010	Landcorp/ Shire of Wyndham East Kimberley	Ertech Pty Ltd	Lot 505 Coolibah Drive Kununurra	Class 10B subdivisional retaining walls	New	\$363,000.00	2/15 days

LIC#	DATE RECEIVED	DATE LICENCED	OWNER	BUILDER	LOCATION	DESCRIPTION	NEW/ADD	EST. VALUE	COMMENT / PROCESSING TIME WORKING DAYS
076/2010	30/03/2010	26/05/2010	Wyndham Picture Gardens Incorporated	Simon Gray t/as EC Solutions	Lot 1 (Former Lots 1322 & 1134) Civic Way Wyndham	Class 6, 8 and 10A shop, projection booth, store & ablution	New	\$232,947.00	
077/2010	18/05/2010	26/05/2010	Steve Grandison Superannuation Fund	Steve Grandison	Lot 1259 (10) Beefwood Street Kununurra	Class 10A carport	Add	\$4,200.00	5/15 days
078/2010	18/05/2010	27/05/2010	G Michelson & M de Candia	G Michelson & M de Candia	Lot 101 Teal Road Kununurra	Class 1A alterations and additions to existing dwelling	Add	\$70,000.00	6/15 days
079/2010	3/05/2010	28/05/2010	Lloyd Holtum	Lloyd Holtum	Lot 4 (7) Delamere Street Wyndham	Class 10A shed	New	\$28,000.00	
080/2010	21/05/2010	31/05/2010	P Hawkins, J Hawkins, K Hawkins & S Markham	Colin Wilkinson Developments Pty Ltd	Lot 381 Tamarind Meander Kununurra	Class 1A dwelling with attached carport & patio	New	\$405,000.00	5/15 days
081/2010	21/05/2010	31/05/2010	M & R Wilkie	M & R Wilkie	Lot 72 (143) Konkerberry Drive Kununurra	Class 10A non-habitable shed with ablution	New	\$25,000.00	5/15 days
								\$5,221,781.00	

DEMOLITION LICENCES ISSUED UNDER DELEGATED AUTHORITY FOR THE PERIOD 1 TO 31 May 2010

DEMO LIC#	DATE APPLIC RECVD	DATE LICENCED	ASSESS NO.	OWNER	ADDRESS	BUILDER/ DEMOLITION CONTRACTOR	BUILDER ADDRESS	DEMO CLASS (1, 2 or 3)	WAD CLASS/ LIC NO	LOCATION	DESCRIPTION	Comments (Asbestos)
DL 005/ 2010	6/05/2010	7/05/2010	502	Wyndham Picture Gardens Inc	C/- PO Box 73 Wyndham	Peter Bolton - P&C Welding	PO Box 685 Howard Springs NT 0835	1	WAD 219	Lot 1 (Former Lots 1322& 114) Koolama Street Wyndham	Demolition of Class 6/8 Kiosk & projection booth and Class 10A ablution block	Timber frame & asbestos - 2 storey
DL 006/ 2010	17/05/2010	18/05/2010	1345	Department of Housing & Works	99 Plain Street East Perth	Franmor Constructions Pty Ltd	PO Box 702 Kununurra	N/A	N/A	Lot 768 (14) Barringtonia Avenue Kununurra	Demolition of Class 1A dwelling	Timber frame - asbestos clad
DL 007/ 2010	17/05/2010	18/05/2010	1411	Department of Housing & Works	99 Plain Street East Perth	Franmor Constructions Pty Ltd	PO Box 702 Kununurra	N/A	N/A	Lot 1073 (6) Weaber Plain Road Kununurra	Demolition of Class 1A dwelling	Timber frame - asbestos clad

NO SIGN LICENCES WERE ISSUED UNDER DELEGATED AUTHORITY FOR THE PERIOD 1 TO 31 MAY 2010

TOWN PLANNING DELEGATED AUTHORITY FOR THE PERIOD 1 TO 31 MAY 2010

Application / Delegation Number	Approval Type	Date Received	Applicant	Owner	Property Address	Proposed Development	Assessment Number	Approval Date	Comment
44/10	P	7/04/2010	Mount Romance Australia	Tropical Forestry Services	Lot 52 Weaber Plain Road, Kununurra	Signage application	6852	6/05/2010	Approved by Ian D'Arcy
52/10	P	4/05/2010	Bob Carr	Bob and Peter Carr	Lot 1 Great Northern Highway, Wyndham	Placement of Sea container	146	6/05/2010	Approved by Ian D'Arcy
59/10	EP	10/05/2010	Ord Valley Events Incorporated	SWEK	Celebrity Tree Park, Kununurra	Events Application - Diamond Dig	N/A	19/05/2010	Approved by Ian D'Arcy

Application / Delegation Number	Approval Type	Date Received	Applicant	Owner	Property Address	Proposed Development	Assessment Number	Approval Date	Comment
60/10	EP	10/05/2010	Ord Valley Events Incorporated	SWEK	Messmate Way, Kununurra	Events Application - Street Party	N/A	19/05/2010	Approved by Ian D'Arcy
56/10	EP	11/05/2010	Mellen Events	Kununurra Golf Club/SWEK	Kununurra Golf Club, Kununurra	Events Application - Muster Concert	2860	19/05/2010	Approved by Ian D'Arcy
51/10	COU	30/04/2010	Bradley Callanan	Bradley Callanan	Lot 108 Kestrel Street, Kununurra	Proposed Bed and Breakfast	5083	19/05/2010	Approved by Ian D'Arcy
55/10	P	10/05/2010	Jason Lerch	Lerch Family Trust	Lot 104 Kentia Way, Kununurra	Proposed shed and dwelling	7093	24/05/2010	Approved by Ian D'Arcy
53/10	COU	6/05/2010	Amy Ballard	Lorimer Holdings - Lisa Read	Lot 1256 Erythrina, Kununurra	Change of use to Beauty therapy	1178	24/05/2010	Approved by Ian D'Arcy
65/10	IP	19/05/2010	Corina Miceli	SWEK	Kununurra Town site	Application for Itinerant Vendor	N/A	26/05/2010	Approved by Ian D'Arcy
58/10	P	18/05/2010	Lloyd Holtum	Lloyd Holtum	Lot 1167 Delamere Street, Wyndham	Shed	203	26/05/2010	Approved by Ian D'Arcy
47/10	P	15/04/2010	Whelans WA	K & H Harris	Lot 710 Pindan Avenue, Kununurra	Relocation of dwelling for redevelopment	1305	31/05/2010	Approved by Nick Kearns
68/10	COU & EPH	26/05/2010	Trevor Havlin	SWEK	SWEK	Events application - Havlin's Amusements	2153	31/05/2010	Approved by Nick Kearns

COMMUNITY QUICK GRANTS AND IN-KIND REQUESTS ISSUED UNDER DELEGATED AUTHORITY FOR THE PERIOD 1 APRIL TO 31 MAY 2010

APPROVAL DATE	ORGANISATION	PURPOSE OF QUICK GRANT	TOTAL PROJECT COST	AMOUNT REQUESTED	AMOUNT APPROVED
12 April 2010	Bushranger Cadet Unit	Contribution to Ride With Pride – Cycling for Success at School	\$4,900	\$500	\$500
27 April 2010	Kununurra Dragon Boat Club Inc.	Aid in cost of hosting Ord River Boat Marathon	\$33,890	\$500	\$500
27 April 2010	Kununurra Speedway	Assist in printing costs for event program	\$670	\$500	\$500 - \$340 in-kind for printing costs and \$160 cash.
24 May 2010	Clontarf Foundation	Assist with the running costs of the Clontarf Northern Football Carnival	\$7,615	\$500	\$500 in-kind towards venue hire.

12.6.3 FINANCIAL MANAGEMENT REVIEW

DATE:	22 June 2010
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Jo-Anne Ellis, Director Corporate Services
REPORTING OFFICER:	Gary Gaffney, Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	N/A

PURPOSE

To consider the results of the review of the appropriateness and effectiveness of the financial management systems and procedures of the local government.

BACKGROUND

The Chief Executive Officer is required to undertake a review of the appropriateness and effectiveness of the financial management systems and procedures of the local government at least every four years and report the results to Council.

UHY Haines Norton were engaged to undertake the review on behalf of the CEO and to prepare a report detailing the outcomes of the review.

STRATEGIC IMPLICATIONS

Sound financial management systems, procedures and practices are essential for the long term viability of the local government.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996, Regulation 5 (2) (C) Financial Management duties of the CEO.

The CEO is to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews.

POLICY IMPLICATIONS

Various policies apply to financial management practices and procedures. There is no policy directly relating to the requirement to undertake the review as this is a statutory requirement.

FINANCIAL IMPLICATIONS

The cost of the review was funded through Audit Fees in the 2009/10 Budget.

COMMUNITY CONSULTATION

Community consultation is not required in regard to this item.

CONCLUSION/COMMENT

The conclusion in the report by UHY Haines Norton is as follows:

Whilst a number of areas have been noted as requiring attention, we consider the overall effectiveness of the financial management system and procedures of Council are sound and appropriate for Council's current level of operations.

We however express a concern that matters of compliance appear to have experienced a downturn in the level of attention that needs to be applied to them.

Addressing the issues highlighted will help to ensure the controls and procedures established are not compromised in the future and the integrity of the financial management system is maintained.

Recommendations were made in the report in regard to some areas of concern. These have been complied into the document "Actions Required in relation to Financial Management Review May 2010" attached to this agenda. The issue raised, the audit recommendation, management response and actions proposed to address the issue, responsible officers and actions to date are documented. It is recommended that the Audit Committee monitor the status of progress in regard to these actions and report back to Council any concerns in this regard.

ATTACHMENTS

1. Shire of Wyndham East Kimberley – Financial Management Review May 2010. Report by UHY Haines Norton.
2. Actions Required in relation to Financial Management Review May 2010.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Having considered the Shire of Wyndham East Kimberley – Financial Management Review May 2010, acknowledges that the overall effectiveness of the financial management system and procedures of Council are sound and appropriate for Council's current level of operations.
2. Endorses the management comment and actions required in relation to Financial Management Review May 2010 and requests the Audit Committee to monitor the status of these actions and report to Council any ongoing areas of concern.

COUNCIL DECISION

Minute No: 9201

Moved: Cr J Parker

Seconded: Cr J Moulden

That Council:

- 1. Having considered the Shire of Wyndham East Kimberley – Financial Management Review May 2010, acknowledges that the overall effectiveness of the financial management system and procedures of Council are sound and appropriate for Council’s current level of operations.**
- 2. Endorses the management comment and actions required in relation to Financial Management Review May 2010 and requests the Audit Committee to monitor the status of these actions and report to Council any ongoing areas of concern.**

CARRIED UNANIMOUSLY: (7/0)

**SHIRE OF WYNDHAM EAST
KIMBERLEY**

FINANCIAL MANAGEMENT REVIEW
MAY 2010



Financial Management Review

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1.0 OVERVIEW AND SCOPE

The objective of our engagement was to test the financial management system of the Shire of Wyndham East Kimberley and report on the appropriateness and effectiveness of the control environment within, as required by Local Government (Financial Management) Regulation 5(2)(c).

This report summarises in **Section 2.0** the factual findings and observations of our examination and makes recommendations we consider appropriate for the Shire to improve any weaknesses in systems and controls.

As agreed, our examination covered the period July 2009 to March 2010. Our examination included the following financial systems and procedures of Council:

- Bank Reconciliations and Petty Cash
- Trust Fund
- Receipts and Receivables
- Budget
- Rates
- Fees and Charges
- Purchases, Payments and Payables
- Wages and Salaries
- Fixed Assets
- Financial Reports
- Minutes and Meetings
- Annual Electors Meeting
- Plan for the Future of the District
- Registers (i.e. tenders, financial interest, contracts and legal documents)
- Delegations
- Audit Committee
- Insurance
- Storage of Documents/Record Keeping
- Other Matters

We did not necessarily examine compliance with provisions of the Act or Regulations, which were not financial in nature. That is, Parts 2, 4, 8 and 9 of the Act, some provisions of Parts 3 and 5 as well as most regulations (apart from the Financial Management Regulations), which did not impact on the areas examined above.

It should be noted this examination was not an assurance engagement, audit or review in accordance with the Framework for Assurance Engagements, Australian Auditing Standards (ASAs), Auditing Standards on Review Engagements (ASREs) or Standards on Assurance Engagements (ASAEs).

The role of expressing assurance on balances rests with the external audit function and those procedures are carried out separately from this examination with a view to forming an opinion on the financial report (consistent with the requirements of Australian Auditing Standards and Local Government Act 1995) subsequent to the conclusion of the current financial year (30 June 2010).

The objective is to examine the appropriateness and effectiveness of the financial management systems and procedures of the Shire on behalf of the CEO. This report is intended solely to assist the CEO prepare his review for presentation to Council as required by Financial Management Regulation 5 (2) (c). It is not intended to express or imply any assurance. It takes the form of an agreed upon procedures engagement in accordance with Australian Auditing Standards and is in addition to our role as external auditors.

Our examination and this report should be considered on this basis.

2.0 AREAS EXAMINED AND FINDINGS

2.1 BANK RECONCILIATIONS AND PETTY CASH

Bank Reconciliations

An examination of the bank reconciliations and procedures noted they are up to date as well as being prepared regularly and promptly.

Petty Cash

We also examined the petty cash system and procedures and concluded these were being properly controlled and maintained.

2.2 TRUST ACCOUNT

An examination of the trust funds revealed they are regularly reconciled, balanced and reviewed and items placed in trust are per laws and regulations.

2.3 RECEIPTS AND RECEIVABLES

Detailed testing of a number of receipts, judgementally selected, was performed. This included tracing to individual receipts detail, bank deposits and the general ledger to ensure allocation/posting was correctly performed.

The receivables system including the raising of invoices was examined with limited testing in respect to allocation/posting.

Overall testing was completed satisfactorily. Controls and procedures are considered to be operating effectively and are appropriate for Council's current scope of operations.

2.4 BUDGET

The 2009/2010 budget document and documents surrounding budget adoption including the review of the current annual budgets were examined to ensure compliance with regulatory requirements. All statutory requirements were satisfactorily met.

2.5 RATES

Council's rating procedures were examined to ensure they were in compliance with requirements and rates were being imposed correctly. This also included inspection of the rate record, rate notices, instalment notices and valuation reconciliations.

From testing, we concluded the rate record is being properly maintained and rates correctly imposed with the following matter being noted:

- *A manual reconciliation of valuations as per the rates system to the amendment/variations received periodically from the Valuer General was not reviewed by a person more senior than the preparer.*

Recommendation: To help ensure valuations are correctly recorded, the correct amount of rates are charged and the integrity of the rating system is maintained, the manual rolling reconciliation of valuations (both GRV and UV) between the 'rates' system and the Valuer General should be reviewed and evidenced at least monthly by a person more senior than the preparer.

2.0 AREAS EXAMINED AND FINDINGS (Continued)

2.6 FEES AND CHARGES

Fees and Charges imposed at the time of budget adoption were found to be in accordance with legislative requirements with one exception noted:

- Airport tractor operator fees which have yet to be scheduled and advertised.

Recommendation: To help ensure compliance with S 6.19 of the Local Government Act, the implementation of the fee after the adoption of the Budget must be given local public notice.

2.7 PURCHASES, PAYMENTS AND PAYABLES

A number of payments were judgementally selected and testing performed to determine whether purchases were authorised / budgeted and payments were supported, certified, authorised and correctly allocated.

In general, controls and procedures over payments and payables are operating effectively and are appropriate for Council's current scope of operations except:

- *In some instances, it was evident purchase orders had been raised after the invoice was received.*

Recommendation: To help ensure:

- (a) compliance with Council's purchasing policy; and
- (b) all purchases are bona fide and supplied at the quoted price,

we recommend purchase orders be completed, authorised, and raised at the time of ordering goods and/or services.

2.8 WAGES AND SALARIES

A number of individual employees were selected and testing performed to ensure:

- *the employee existed;*
- *the correct rate of pay was used;*
- *non-statutory deduction authorities are on hand;*
- *time sheet properly completed and authorised;*
- *hours worked authorised; and*
- *allocation reasonable and correctly posted.*

The system described to us and its supporting controls were found to be operating effectively.

2.9 FIXED ASSETS AND INVESTMENTS

General

From our examination and discussions with staff, we were satisfied legislative requirements were, where necessary, complied with.

Acquisition and Disposal of Property

Minutes of Council meetings were inspected and general discussions with staff were held to determine compliance with legislative requirements. We noted no areas of non-compliance in relation to the acquisition and disposal of property.

2.0 AREAS EXAMINED AND FINDINGS (Continued)

2.10 FINANCIAL REPORTS

The following reports were examined for compliance with legislative requirements:

- Annual Report;
- Annual Financial Report; and
- Monthly Statement of Financial Activity.

All were found to be of a satisfactory standard and in compliance with legislative requirements.

2.11 MINUTES AND MEETINGS

Council meeting minutes were inspected to ensure compliance with procedures and protocols.

The procedures and protocols surrounding meetings and the quality of minutes were found to be of a satisfactory standard and in accordance with legislative requirements with the following exception :

- *Ordinary Council meeting minutes of 20 October 2009 and Special Council meeting minutes of 27 October 2009 and 3 November 2009 had not been signed after approval by Council resolution adopting them.*

Recommendation: To help ensure compliance with S 5.22(2) of the Local Government Act minutes should be signed by the person presiding at those meetings as soon as practicable following their confirmation.

- *The Special meeting of Council held on 9 March 2010 was certified by the President as an Ordinary meeting of Council and a Special meeting of 1 September 2009 was certified as having taken place on 30 June 2009.*

Recommendation: To help ensure the minutes are an accurate reflection of proceedings, they should be amended.

- *Ordinary and Special council meeting minutes have been certified as correct by the person presiding at the meeting. However certifications are not dated.*

Recommendation: Section 5.22(2) of the Local Government Act requires minutes to be signed by the person presiding at the meeting when the minute is approved. Future minutes should therefore be dated by the presiding officer at the time of certification.

2.12 ANNUAL ELECTORS MEETING

Minutes of this meeting, the relevant Council meeting and the public notice in relation to this meeting were examined to ensure compliance with regulatory requirements, and were found to comply.

2.13 PLAN FOR THE FUTURE

Council's plan for the future of the district for the period 2008-2010 was prepared and adopted in November 2008. From examination of the version appearing on the Shire website it appears that the final document was never published and remains in draft format on the website.

Whilst Council has opted to review this plan annually on a rolling basis, this plan is due for review by June 2010.

We take this opportunity to remind you of the requirement to give local public notice notifying the adoption of the plan for the period specified along with where and when it may be inspected after the review.

2.0 AREAS EXAMINED AND FINDINGS (Continued)

2.14 REGISTERS

Tenders

The Tender register was inspected for compliance and completeness.

This register was found to be of a good standard and complies with the requirements of Local Government (Function and General) Regulations.

Financial Interests

Our examination of the Financial Interest register revealed the following areas of non-compliance:

- *Two Councillors and three employee's Annual Returns contained blank sections.*

Recommendation: To help ensure compliance with Department of Local Government and Regional Development Circular no 18-2005 all sections should be completed. Sections which have no information should be completed "N/A", "Nil", or "Refer to Prior Return" as leaving blanks is not preferred practice.

- *One ex employee's and one ex councillor's Annual Return had not been removed from the register.*

Recommendation: To help ensure compliance with Section 5.88(3) of the Act, as soon as practicable after a person ceases to be a designated employee, the CEO is to remove from the register all returns relating to that person.

- *Six councillors had not completed Annual Returns for the year ended 30 June 2009 and one employee had incorrectly completed the Annual Return for the year ending 30 June 2010.*

Recommendation: To help ensure compliance with Section 5.76 of the Act, a relevant person must lodge with the CEO an Annual Return in the prescribed format by 31 August of that year.

- *The Register of Declarations of Interests is compiled from declaration forms signed at meeting. During our review we noted, on four occasions, the entry failed to describe the interest and on one occasion the type of interest disclosed was incorrectly recorded*

Recommendation: To help ensure the Register of Declarations of Interest summarises the individual declarations accurately, care should be taken when it is compiled.

2.15 DELEGATIONS

The Delegations Register was examined for completeness and compliance and deemed to be satisfactorily maintained and appropriate for Council needs.

Whilst the register appeared to be compliant, delegations will need to be reviewed before 30 June 2010 to comply with regulations governing annual review.

2.0 AREAS EXAMINED AND FINDINGS (Continued)

2.16 AUDIT COMMITTEE

We examined Council's establishment of its audit committee and the constituted membership and found them to be in compliance with the requirements of the Act.

The last meeting with the auditor was held on 12 May 2009.

To help ensure compliance with regulations requiring a meeting with the Auditor at least once every financial year, an audit committee meeting should be held with the Auditor present (either in person or electronically) prior to 30 June 2010.

2.17 INSURANCE

Discussions with staff and inspection of policy documents revealed policies are current and the coverage is currently adequate. Evidence also exists to suggest an annual review of insurance risks occurs.

2.18 STORAGE OF DOCUMENTS/RECORD KEEPING

All minutes and the Financial Interest Register were found to be inadequately stored and in some cases only found after a lengthy search.

Also, the Delegation Register is filed in electronic format and was not able to be properly located when we requested it and required a search by staff.

Recommendation: To help prevent important records from being mislaid, we recommend the procedures for filing and storage be reviewed and the persons accountable for these documents be appropriately trained.

2.19 OTHER MATTERS

Implications of surpluses carried forward

- *The estimate of the surplus to be brought forward contained in the Budget for the year ended 30 June 2010 was exceeded by \$600,000 by the actual 2009 surplus brought forward.*

The same Budget, forecast a further \$ 430,000 would be carried forward to year 2010/11.

These amounts arise from actual and expected Grants exceeding the capacity to undertake and conclude the projects by the end of the financial year.

Continuing to carry forward unexpected works projects may inhibit the Shire's operational capacity and efficiency in the future.

From our experience, this has been an historical problem for the Shire.

Whilst we appreciate a short term solution is difficult we raise this matter for information purposes.

IT Policies and Procedures

- *The following have not been committed to paper to become standard policies and procedures to govern Information Technology being utilised:*
 - *Data management and security*
 - *Daily IT operations*
 - *Acquisition and implementation of software and hardware*
 - *Management of software and hardware configurations*
 - *Disaster recovery*

Recommendation: To help ensure matters are considered and the risks recognised, we recommend policies and procedures be reviewed and documented.

2.0 AREAS EXAMINED AND FINDINGS (Continued)

2.19 OTHER MATTERS (Continued)

Reminders

- *Due to the timing of our visit, the FBT return for the year ended 31 March 2010 had not yet been prepared or submitted.*

We take this opportunity to remind you of the requirement to lodge the FBT return by 21 May 2010.

3.0 FOLLOW UP OF MATTERS RAISED IN 2008/09 AUDIT

The following is a brief summary of those matters noted and raised during the course of the audit for the year ended 30 June 2009 including the reference to part 2.0 of this report where appropriate:

MANAGEMENT LETTER POINTS

Annual and Primary Returns of Councilors and Staff

Upon review of the Financial Interests Register and the Primary and Annual Returns of Councilors and Staff, it was noted various sections of returns were left blank .

In addition, the returns of one employee could not be found in the financial interest register.

As noted at Item 2.14 these errors have reoccurred during our current review.

Convening Electors' Meetings

The CEO did not give at least 14 days local public notice of the special electors meeting held in December 2008 as required by Section 5.29(1)(a) of the Act.

Last year specific. No reoccurrence noted.

Special Council Meeting Minute Not Confirmed

A Special Council meeting held on 2 September 2008 has yet to be confirmed.

Council have at a subsequent meeting approved these minutes.

At Item 2.11 we noted confirmation procedures on some meetings held in the current year were still required.

Major Land Transaction

Land and buildings referred to as Ewin Centre were subject to a contract of sale in the year ended 30 June 2008 and disposed of for \$1,125,000. The proceeds were received in July 2008.

In respect of the Local Government Act 1995 (as amended) and Local Government (Functions and General) Regulations 7 and 8, the transaction is considered to be a major land transaction.

Whilst the transaction was appropriately authorised in the budget, no business plan was prepared. Consequently, no advertising or consideration of the plan occurred.

To help ensure compliance with all statutory provisions, we recommend consideration be given to those requirements when major land transactions occur in future.

This matter requires no further follow up at this stage as the transaction was concluded and related to last year only.

4.0 SUMMARY OF RECOMMENDATIONS / MATTERS NOTED

The following is a brief summary of the recommendations/matters requiring follow up action which were noted during the course of our review:

Rates

- Manual rolling rates reconciliation should be reviewed.

Fees and charges

- Tractor operator fees not scheduled or advertised.

Purchases, Payments and Payables

- Purchase orders be raised at the time of ordering goods or services.

Minutes and Meetings

- Certain meeting minutes remain unsigned.
- Special meeting incorrectly certified and cross referenced to incorrect meeting.
- Ordinary and Special meeting minutes undated.

Plan for the Future

- Draft and not final version on website.

Financial Interest Register

- Annual returns with blanks should be amended.
- Ex employee and ex Councillor's returns should be removed from the register.
- No Annual Returns made by Councillors and one Annual Return incorrectly dated.
- Register of Declarations of Interest incomplete and inaccurate.

Storage of Documents/Record Keeping

- Minutes and Financial Interest Register not securely stored.
- Electronic Documents difficult to find.

Other Matters

- Implications of surpluses carried forward.
- IT policies and procedures to be formalised.

Reminders

- FBT return to be completed and lodged.
- Audit Committee meeting, including attendance by the auditor required to be held prior to 30 June 2010.
- Delegations Register to be reviewed prior to 30 June 2010.

5.0 CONCLUSION

Whilst a number of areas have been noted as requiring attention, we consider the overall effectiveness of the financial management system and procedures of Council are sound and appropriate for Council's current level of operations.

We however express a concern that matters of compliance appear to have experienced a downturn in the level of attention that needs to be applied to them.

Addressing the issues highlighted will help to ensure the controls and procedures established are not compromised in the future and the integrity of the financial management system is maintained.

Attachment 2

Actions Required in relation to Financial Management Review May 2010.

<p>Rates <i>Manual rolling rates reconciliation should be reviewed.</i> A manual reconciliation of valuations as per the rates system to the amendment/variations received periodically from the Valuer General was not reviewed by a person more senior than the preparer.</p> <p><u>Recommendation</u> - To help ensure valuations are correctly recorded, the correct amount of rates are charged and the integrity of the rating system is maintained, the manual rolling reconciliation of valuations (both GRV and UV) between the 'rates' system and the Valuer General should be reviewed and evidenced at least monthly by a person more senior than the preparer.</p> <p><u>Management Response</u> – An end of month file is kept where reconciliations of bank accounts, subsidiary ledgers and system are filed and reviewed. The manual rolling reconciliation of valuations will be added to the month end procedures to ensure it is completed, signed off and reviewed by a more senior officer.</p>		
Action Required:	Responsible Officer(s)	Actions to Date
The manual rolling reconciliation of valuations between the 'rates' system and the Valuer General is to be printed at end of each month and placed in the relevant end of moth file within 4 days of end of month.	Rates Officer	
The manual rolling reconciliation of valuations is to be signed off by a Senior Finance Officer or Manager Finance within 7 days of end of month.	Manager Finance	
<p>Fees and Charges <i>Tractor operator fees not scheduled or advertised.</i> Airport tractor operator fees which have yet to be scheduled and advertised.</p> <p><u>Recommendation</u> - To help ensure compliance with S 6.19 of the Local Government Act, the implementation of the fee after the adoption of the Budget must be given local public notice.</p> <p><u>Management Response</u> – The airport tractor operator hire has only been charged out as part of private works requested from</p>		
Action Required:	Responsible Officer(s)	Actions to Date
Airport tractor operator fees to be included in the schedule of fees and charges.	Airports Manager	Fee has been listed in the draft fees and charges for adoption.
<p>Purchases, Payments and Payables <i>Purchase orders be raised at the time of ordering goods or services.</i> In some instances, it was evident purchase orders had been raised after the invoice was received.</p>		

Recommendation - To help ensure:

(a) compliance with Council's purchasing policy; and
 (b) all purchases are bona fide and supplied at the quoted price,
 we recommend purchase orders be completed, authorised, and raised at the time of ordering goods and/or services.

Management Response – In general most officers with purchasing authority comply with the requirement to issue a purchase order prior to the purchase goods and services. There are however a few employees who do not comply with this requirement. These employees have been reminded of the need to comply with purchasing requirements in the past.

This issue was raised in the results of Audit for the year ending 30 June 2009. Administrative procedures for obtaining, recording and retaining quotes information were developed to assist officers to comply with Councils purchasing policy. In May 2009 a memo and copy of purchasing policy was issued to all staff with purchasing authority detailing the audit findings in relation to purchasing procedures and directing them to comply with the requirement to issue a purchase order prior to ordering of goods and services or their purchasing authority will be revoked.

Action Required:	Responsible Officer(s)	Actions to Date
The May 2009 memo to be updated and reissued.	Director Corporate Services	
Monitoring of purchase orders to be undertaken and reported the Executive Management Team for action.	Director Corporate Services	

Minutes and Meetings

Certain meeting minutes remain unsigned.

Ordinary Council meeting minutes of 20 October 2009 and Special Council meeting minutes of 27 October 2009 and 3 November 2009 had not been signed after approval by Council resolution adopting them.

Recommendation - To help ensure compliance with S 5.22(2) of the Local Government Act minutes should be signed by the person presiding at those meetings as soon as practicable following their confirmation.

Special meeting incorrectly certified and cross referenced to incorrect meeting.

The Special meeting of Council held on 9 March 2010 was certified by the President as an Ordinary meeting of Council and a Special meeting of 1 September 2009 was certified as having taken place on 30 June 2009.

Recommendation - To help ensure the minutes are an accurate reflection of proceedings, they should be amended.

Ordinary and Special meeting minutes undated.

Ordinary and Special council meeting minutes have been certified as correct by the person presiding at the meeting. However certifications are not dated.

Recommendation - Section 5.22(2) of the Local Government Act requires minutes to be signed by the person presiding at the meeting when the minute is approved. Future minutes should therefore be dated by the presiding officer at the time of certification.

<p><u>Management Response</u> – Established Minutes and Agendas procedures have unfortunately not been complied and errors have occurred due to staff changes in the area. A Governance Support Officer role has been created to provide a renewed focus on Minutes and Agendas processes.</p>		
Action Required:	Responsible Officer(s)	Actions to Date
Minutes for Ordinary Council meeting of 20 October 2009, Special Council meeting of 27 October 2009 and 3 November 2009 are to be printed and signed by the presiding member.	Governance Support Officer	
Minutes of the Special meetings of Council held on 9 March 2010 and 1 September 2009 are to be reprinted with correct certifications and signed by the presiding member.	Governance Support Officer	
The minutes template is to be amended to include the date of signing to prompt the presiding member to date the minutes when signing.	Governance Support Officer	
<p>Plan for the Future <i>Draft and not final version on website.</i> Council's plan for the future of the district for the period 2008-2010 was prepared and adopted in November 2008. From examination of the version appearing on the Shire website it appears that the final document was never published and remains in draft format on the website.</p> <p><u>Management Response</u> – The final version of the document has been published but not replaced on the website.</p>		
Action Required:	Responsible Officer(s)	Actions to Date
The final Plan for the Future of the District 2008-10 is to be uploaded to the website.	PA to CEO	
<p>Financial Interest Register <i>Annual returns with blanks should be amended.</i> Two Councillors and three employee's Annual Returns contained blank sections.</p> <p><u>Recommendation</u> - To help ensure compliance with Department of Local Government and Regional Development Circular no 18-2005 all sections should be completed. Sections which have no information should be completed "N/A", "Nil", or "Refer to Prior Return" as leaving blanks is not preferred practice.</p> <p><i>Ex employee and ex Councillor's returns should be removed from the register.</i> One ex employee's and one ex councillor's Annual Return had not been removed from the register.</p> <p><u>Recommendation</u> - To help ensure compliance with Section 5.88(3) of the Act, as soon as practicable after a person ceases to be a designated employee, the CEO is to remove from the register all returns relating to that person.</p> <p><i>No Annual Returns made by Councillors and one Annual Return incorrectly dated.</i> Six councillors had not completed Annual Returns for the year ended 30 June 2009 and one</p>		

employee had incorrectly completed the Annual Return for the year ending 30 June 2010.

Recommendation - To help ensure compliance with Section 5.76 of the Act, a relevant person must lodge with the CEO an Annual Return in the prescribed format by 31 August of that year.

Register of Declarations of Interest incomplete and inaccurate.

The Register of Declarations of Interests is compiled from declaration forms signed at meeting. During our review we noted, on four occasions, the entry failed to describe the interest and on one occasion the type of interest disclosed was incorrectly recorded

Recommendation - To help ensure the Register of Declarations of Interest summarises the individual declarations accurately, care should be taken when it is compiled.

Management Response – The responsibility of the Financial Interest Register has historically been that of the CEO Support Officer. Changes in this role and staff movements has resulted in a lack of compliance in this area. It appears from speaking to Councillors that the returns were completed but were not filed correctly on receipt; further investigation into this is required.

Action Required:	Responsible Officer(s)	Actions to Date
A letter providing guidance in regard to filling out the Annual Return will to be issued with the request to complete the Annual Returns.	PA to CEO	
A review of the Register of Delegations will be undertaken to ensure the register only includes documents relating to current Councillors and employees.	PA to CEO	
Procedures for ensuring the Delegations Register is maintained properly are to be developed and implemented.	PA to CEO	
A reconciliation of Annual Returns for year ended June 2009 is to be undertaken and the returns that are not able to be located are to be requested from the relevant person.	PA to CEO	
All declaration forms signed at meetings will be reviewed by the Chief Executive Officer to ensure the declarations contain adequate disclose of the relevant interest.	Chief Executive Officer	

Storage of Documents/Record Keeping

*Minutes and Financial Interest Register not securely stored.
Electronic Documents difficult to find.*

All minutes and the Financial Interest Register were found to be inadequately stored and in some cases only found after a lengthy search. Also, the Delegation Register is filed in electronic format and was not able to be properly located when we requested it and required a search by staff.

Recommendation - To help prevent important records from being mislaid, we recommend the procedures for filing and storage be reviewed and the persons accountable for these documents be appropriately trained.

Management Response – The previous practice of keeping signed, unbound minutes and the Financial Interest Register in a locked cupboard in the office of the CEO Support Officer changed when staff changes occurred. The audit was conducted shortly after the minutes officer left the Shire

<p>and the location of the signed minutes was not known by the staff assisting audit.</p> <p>The audit was conducted during a process of migration of data from one network drive to a new network file structure. The search for the Delegations Register was to ensure that the latest version was provided to audit as one delegation had been amended since the full review. The new network layout and permissions will assist to ensure data is stored in the correct location and that official versions of documentation is readily available.</p>		
Action Required:	Responsible Officer(s)	Actions to Date
Procedures for proper storage of Minutes waiting to be bound and the Financial Interest Register are to be developed and implemented.	PA to CEO	
The process of data migration is to be completed to ensure all documentation can be easily found.	Director Corporate Services	The IT administrator has requested all staff to migrate data and followed up on a few that are lagging.
<p>Other Matters</p> <p><i>Implications of surpluses carried forward.</i></p> <p>The estimate of the surplus to be brought forward contained in the Budget for the year ended 30 June 2010 was exceeded by \$600,000 by the actual 2009 surplus brought forward. The same Budget, forecast a further \$ 430,000 would be carried forward to year 2010/11. These amounts arise from actual and expected Grants exceeding the capacity to undertake and conclude the projects by the end of the financial year. Continuing to carry forward unexpected works projects may inhibit the Shire's operational capacity and efficiency in the future. From our experience, this has been an historical problem for the Shire. Whilst we appreciate a short term solution is difficult we raise this matter for information purposes.</p> <p><u>Management Response</u> – In the process of calculation of the surplus carried forward all responsible officers were asked to project the estimated spend for the year end. Numerous infrastructure projects were underway and an estimation of expenses between the two years was required. While the total project budget was accounted for in the process the estimate of expenditure to 30 June was not accurate. In September 2010 a budget review was completed that added the unexpended amounts from 2008/09 to 2009/10 budgets.</p> <p>Some unexpended grants occur because the timing of the revenue for particularly operational grants is not matched with the expenditure. Some of this is due to the grant body giving a full year allocation of funding part way through the year.</p> <p>The audit comment and concern in regard to capacity and efficiency is shared by Management. Improved project management practices have been implemented and the 2010/11 Budget will focus on completing carry forward projects without significantly adding to the infrastructure program to enable this to be addressed.</p> <p><i>IT policies and procedures to be formalised.</i></p> <p>The following have not been committed to paper to become standard policies and procedures to govern Information Technology being utilised:</p> <ul style="list-style-type: none"> • Data management and security • Daily IT operations 		

- Acquisition and implementation of software and hardware
- Management of software and hardware configurations
- Disaster recovery

Recommendation - To help ensure matters are considered and the risks recognised, we recommend policies and procedures be reviewed and documented.

Management Response – It is acknowledged that IT policies and procedures are not formalised in writing. The Information Technology Administrator has spent the last 2 years improving the reliability and stability of the IT network. Additional resources are required to enable the focus on documentation of policies and procedures.

Action Required:	Responsible Officer(s)	Actions to Date
Information Technology policies and procedures are to be reviewed and documented.	Director Corporate Services	

12.6.4 REVIEW OF DELEGATIONS REGISTER

DATE:	22 June 2010
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Jo-Anne Ellis, Director Corporate Services
REPORTING OFFICER:	Gary Gaffney, Chief Executive Officer
FILE NO:	60.01.07
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider and adopt the revised Delegations Register.

BACKGROUND

The Local Government Act 1995 allows Council to delegate exercise of certain powers and discharge of duties under the Act to the Chief Executive Officer. These powers and duties may be sub-delegated by the Chief Executive Officer to other Council Officers.

The Local Government Act requires a review of delegations at least once each financial year. Council adopted its delegations in July 2007, they were reviewed in June 2009 and review is required prior to 30 June 2010.

Without delegated authority a large volume of matters would need the full and formal consideration of Council. This would have the effect of delaying services to the community and detracting from the ability of Council to focus on more strategic issues.

STATUTORY IMPLICATIONS

Local Government Act 1995

5.42 Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

** Absolute majority required.*

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

5.43. Limits on delegations to CEO's

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

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;

- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (h) any power or duty that requires the approval of the Minister or the Governor; or
- (i) such other powers or duties as may be prescribed.

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
 - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate,

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

- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) —
“conditions” includes qualifications, limitations or exceptions.

5.45. Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
 - (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
 - (a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - (b) a CEO from performing any of his or her functions by acting through another person.

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

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

STRATEGIC IMPLICATIONS

Nil

COMMENT

In October 2007, the Department of Local Government undertook a probity compliance audit. The audit report identified that unnecessary delegation, duplication of delegations and conversion of delegation to "Acting Through" situations needed to be considered. The following recommendation was made in regard to delegations:

That the Council and CEO undertake a review of delegations with the view of deleting any unnecessary or duplicated delegations. As part of the review reference should be made to the Departments Guideline 17 on Delegations for the purpose of considering substituting delegations for "Acting Through" situations where suitable.

A full review of the delegations register has been undertaken with reference to the above recommendation. The current Delegations Register includes:

- Delegation by Council to the CEO of the exercise of powers or discharge of a duty under the Local Government Act,
- Powers, duties and responsibilities of the CEO specifically included in the Local Government Act,
- Sub-delegations by CEO of Council Delegation and CEO powers, duties and responsibilities under the Act to Officers.

While the Delegations Register should contain these items for completeness Council is only required to adopt the delegations of the exercise of powers or discharge of a duty under the Local Government Act to the CEO.

To achieve this, the structure of the Delegations Register has changed from that presented in previous years.

- Part A – Council Delegations
- Part B – CEO Delegations

Part A includes the delegations of the exercise of powers or discharge of a duty under the Local Government Act to the CEO. This is the document to be adopted by Council.

Part B includes the sub-delegation of the exercise of powers or discharge of a duty under the Local Government Act delegated to the CEO and sub-delegation of the powers, duties and responsibilities given to the CEO in the Act.

The Current Delegations Register has been provided as an attachment to this agenda. The Revised Draft Delegations Register will be provided as a separate attachment to the agenda. This document will highlight how each delegation has been amended. Part A of the document will be the section considered by Council. The unnecessary delegations and those delegations considered to be appropriate for Acting Through have been removed from Part A and placed in another section of the document as relevant.

ATTACHMENTS

1. Local Government Operational Guidelines – Number 17 – Delegations
2. Current Delegations Register
3. The Revised Draft Delegations Register provided as a separate attachment.

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council adopts the draft Delegations Register - Part A - Council Delegations, to replace the Delegations Register adopted in June 2009.

Moved: Cr J Parker

Seconded: Cr J McCoy

Discussion was held on this Item.

Cr J Parker and Cr J McCoy withdrew the motion.

Cr F Mills proposed an alternate:

That this item be deferred to a Briefing Session.

Moved: Cr K Wright
Cr D Ausburn

Cr K Wright and Cr D Ausburn withdrew the motion.

COUNCIL DECISION

Minute No: 9202

Moved: Cr J Parker

Seconded: Cr J Moulden

That Council:

- 1. Adopts the existing delegations register as revised in November 2009.**
- 2. Refers the draft Delegation Register - Part A - Council Delegations to the next Briefing Session.**

CARRIED UNANIMOUSLY: (7/0)

Council decision was different to the Officer's Recommendation as the extent of changes in the draft Delegations Register – Part A – Council Delegations was significantly different to the existing Delegations Register adopted in June 2009.

Delegations

Local Government Operational Guidelines - **Number 17** January 2007



Department of Local Government
and Regional Development
Government of Western Australia

www.dlgrd.wa.gov.au

Delegations

1. Introduction

1. This guideline has been developed in response to enquiries from local governments regarding the nature of delegations, how to go about determining whether to use delegations and other related matters.
2. Within the context of government administration and administrative law, this guideline:
 - Explains the concept of delegation;
 - Explains how delegations relate to or are derived from legislation;
 - Explains and illustrates the associated concept of “acting through”;
 - Provides guidance on determining which powers and duties should be delegated;
 - Explains the procedure for making delegations; and
 - Provides examples of delegations from selected powers and duties set out in the *Local Government Act 1995*.
3. This guideline also contains a listing of various powers and duties in the *Local Government Act 1995* and its associated regulations, and identifies powers and duties capable of delegation and to whom.

2. Definition of “Delegate”

4. The *Macquarie Dictionary Second Edition* (1991), The Macquarie Library Pty Ltd, Macquarie University, New South Wales (Australia), p. 469, defines “delegate” as follows:
 - To send or appoint (a person) as deputy or representative;
 - To commit (powers, duties, etc.) to another as agent or deputy; and
 - To commit powers or duties to others.
5. The *Oxford Shorter English Dictionary Third Edition* (1978), Oxford University Press, Oxford (England), p. 511, defines “delegate” as follows:
 - A person sent or deputed to act for or represent another or others; a deputy, commissioner;

- To send or commission (a person) as a deputy or representative, with power to act for another; and
- To entrust or commit (authority, etc.) to another as an agent or deputy.

6. Justice Wills in *Huth v Clarke* (1890) 25 QBD 391, at 395 stated:

“Delegation, as the word is generally used, does not imply a parting with powers by the person who grants the delegation, but points rather to a conferring of an authority to do things which otherwise the person would have to do himself...[It] is never used by legal writers...as implying that the delegating person parts with his power in such a manner as to denude himself of his rights...[The] word “delegate” means little more than an agent”.

7. The definitions in paragraphs 4 & 5 above and the judicial commentary in paragraph 6 above illustrate that:

- To delegate is to appoint another person to exercise a power or discharge a duty; and
- A delegation does not strip the person making the delegation of the right to exercise the delegated power or discharge the delegated duty.

3. The Nature of Delegation – Decision Making

8. Delegations are most commonly used in organisations where:
 - A particular person has authority to exercise a discretion to enforce a right or discharge a duty on behalf of the organisation;
 - That person or officer has either:
 - (i) a multitude of authorities to exercise a discretion to enforce rights or discharge powers; or
 - (ii) many circumstances in which they have authority to exercise a discretion to enforce rights or discharge duties;
 - The business of the organisation could not be efficiently carried on if that person were to personally exercise their discretion to enforce all the rights or discharge all the duties; and

- Through practical administration, that person needs to appoint other persons to exercise their discretion to exercise powers or discharge duties on behalf of the organisation.
9. Whilst there is a requirement for local government delegations to be authorised by statute (as is explained in paragraph 19 below), there is no limitation (unless expressly stated to the contrary by statute) on appointing a person to *act on behalf* of the local government or the CEO, provided that appointment does not include the power of delegation (paragraph 45 refers).
 10. There is a legal distinction between:
 - the delegation to a person to exercise a right or discharge a duty on behalf of an organisation; and
 - appointing a person to act on behalf of an organisation or another employee of that organisation.
 11. In most circumstances, where a person:
 - Is appointed only to carry out the express instructions of an employee or the governing body of an organisation; and
 - Is provided with only limited discretion in carrying out those instructions,

that appointment does not constitute a delegation and does not need to be formally delegated. Please see paragraphs 13 – 17 which explain the concept of "acting through".
 12. Paragraphs 8 to 11 above illustrate that when determining whether an appointment is a delegation or simply an appointment to act on behalf of another person, it is critical to consider whether or not the person is appointed to exercise a broad discretion to exercise a power or discharge a duty.
- #### 4. The Concept of "Acting Through"
13. In addition to covering delegations, the *Local Government Act 1995* introduces the concept of "acting through". Section 5.45 of the Act states that in relation to delegations, nothing prevents a "local government from performing any of its functions by acting through a person other than the CEO" or "a CEO from performing any of his or her functions by acting through another person". The Act does not specifically define the meaning of the term "acting through". However, the key difference between a delegation and "acting through" is that a delegate exercises the delegated decision making function in his or her own right. The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the "acting through" concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.
 14. For administrative purposes, a person may sign a letter in his or her name on behalf of the CEO while, with delegated powers, the person would sign a letter in his or her own name, in accordance with the delegated authority.
 15. An appropriate method for a council of a local government to make a decision which will be implemented by its officers, is for it to make a policy about particular functions that it performs. In that case there is no need for a delegation as it will be the role of the organisation to implement those policy decisions.
 16. It is critical in understanding the types of functions that are appropriate for "acting through" another person in preference to delegation. This can be demonstrated through the following example. In this case, the Council gives the CEO the power to call tenders subject to certain cost parameters. If that power is delegated, the CEO could call tenders if the CEO believed the cost parameters had been satisfied (even if the Council's opinion was different to the CEO's opinion). However, under an "acting through" arrangement, the CEO could only call tenders if the Council was satisfied about the cost parameters.

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17. There are several advantages in using "acting through" rather than delegation which include:
- it will better suit particular operational processes;
 - it may decrease bureaucratic arrangements;
 - it will reduce additional recording; and
 - it will reduce reporting requirements placed on employees who are given delegated authority.

5. Legislative Powers for Delegations in Local Government

18. The legislation authorising the delegation of certain local government powers or duties and requiring records to be maintained in respect of such delegations, includes the:

- *Local Government Act 1995*;
- *Local Government (Miscellaneous Provisions) Act 1960*; (*Strata Titles Act 1985*);
- *Bush Fires Act 1954*; and
- *Planning and Development Act 2005*.

6. Local Government Act 1995

19. The provisions of the *Local Government Act 1995* which provide for delegations by a local government or its CEO are as follows:

- Section 5.16(1), states:
"Under and subject to section 5.17, a local government may delegate to a committee any of its powers and duties other than this power of delegation."
- Section 5.42(1), states:
"A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43."
- Section 5.44(1), states:
"A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation."

20. The Act has been framed in a way that determines whether powers and duties can be delegated or not. If the term "council" is used then it is the council itself which must carry out that function. If the term "local government" is used then it may be possible to use delegation, subject to any other express powers against delegation or the desirability in using "acting through" where it may be a better way of carrying out the power or duty.

7. Local Government (Miscellaneous Provisions) Act 1960; Strata Titles Act 1995

21. Section 2 of the *Local Government (Miscellaneous Provisions) Act 1960* effectively incorporates the provisions of that Act into the *Local Government Act 1995*, and therefore the delegation provisions of the *Local Government Act 1995* apply to the *Local Government (Miscellaneous Provisions) Act 1960*.

Section 2 states that:

"The *Local Government Act 1995* applies as if the provisions of this Act were in that Act but in construing the provisions of this Act account is to be taken of the meanings they had before the *Local Government Act 1995* commenced."

22. In addition to the delegation powers of the *Local Government Act 1995* which apply to the *Local Government (Miscellaneous Provisions) Act 1960*, section 374(1b) of the *Local Government (Miscellaneous Provisions) Act 1960* provides for a local government to delegate the authority to approve certain plans to its building surveyor, stating that:

"The authority to approve or refuse to approve plans and specifications submitted under [section 374] may be delegated by a local government to a person appointed to the office of building surveyor..."

23. Reference also needs to be made to section 23 of the *Strata Titles Act 1985* which provides for particular delegations to employees.

8. *Bush Fires Act 1954*

24. Section 48 of the *Bush Fires Act 1954* provides for a local government to delegate powers to its CEO, stating that:

"A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act."

9. *Planning and Development Act 2005*

25. *The Planning and Development Act 2005* provides for a system through the Model Scheme Text as a set of general provisions for carrying out the general objects of town planning schemes.

26. Item 11.3.1 of the Model Scheme Text provides for a local government to delegate powers to a committee or its CEO, stating that:

"The local government may...delegate to a committee or the CEO...the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation."

27. Item 11.3.2 of the Model Scheme Text provides for a local government CEO to delegate their powers and duties to another employee, stating that:

"The CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under clause 11.3.1."

10. *Legislative Powers to Delegate Relate Only to the Act In Which They Are Contained*

28. Some local governments have mistakenly attempted to use the legislative powers of delegation contained in one Act to delegate a power or duty contained in another Act.

29. Unless expressly stated to the contrary, a legislative power to delegate only relates to the powers or duties under the Act in which the delegation power is located.

30. It is not possible to, for example, rely on section 5.42(1) of the *Local Government Act 1995* to delegate any of a local government's powers under the *Bush Fires Act 1954* to a CEO. Any delegation by a local government of its powers under the *Bush Fires Act 1954* can only be delegated by the delegation provisions of that Act.

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11. *The Rule Against Sub-delegation*

31. Notwithstanding that only some of the relevant legislation expressly prohibits sub-delegation, the common law prohibits sub-delegation unless it is expressly provided for by legislation.

32. For the avoidance of doubt, an example of sub-delegation is where person A is delegated to exercise a power and they attempt to delegate to person B to exercise the power which was originally delegated to person A.

33. Another example is the *Bush Fires Act 1954*. Unlike the *Local Government Act 1995*, the *Bush Fires Act 1954* does not provide for a CEO to delegate to another employee to exercise the powers delegated by council to the CEO under section 48 of that Act. Therefore, only the CEO may exercise the powers delegated by council to the CEO under that Act.

12. *Statutory Limitations on Delegations*

34. There are limitations on all of the above legislative provisions which provide for the delegation of powers and duties.

35. Many of the limitations relate to sub-delegation. Other limitations include whether the delegation must be in writing, what types of powers and duties can be delegated and what type of majority decision is required to delegate a power or duty.

36. Not all of the limitations can be addressed in this operational guideline, due to their number and detail. However, the majority of the limitation provisions are located close to the provisions which provide for the delegations.

37. As the *Local Government Act 1995* is the Act under which most delegations will be made by local government, this guideline will discuss the limitations on delegations contained within that Act.

13. *Delegations to Committees*

38. Section 5.17 of the *Local Government Act 1995* provides limitations on what powers and duties a local government can delegate to its committees.

39. Section 5.17(1) limits the powers and duties which can be delegated to committees, according to the types of members which constitute the committees eg:

- Council members only;
- Council members and employees only;
- Council members, employees and other persons; or
- Employees and other persons only.

40. Section 5.17(2) prohibits absolutely the delegation of any powers or duties to committees comprised of only persons other than local government council members or employees.

14. Delegations to the CEO

41. Sections 5.43(a) to 5.43(h) of the *Local Government Act 1995* provide limitations on what powers and duties a local government can delegate to its CEO, stating that:

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

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

42. Section 5.43(i) of the Act provides for regulations to prescribe further powers or duties which cannot be delegated to the CEO.

43. The following regulations prescribe powers and duties which cannot be delegated to a CEO:

- (a) Regulation 18G of the *Local Government (Administration) Regulations 1996* prohibits the delegation to a CEO of the powers and duties under:
 - (i) Sections 7.12A(2), 7.12A(3)(a) and 7.12A(4) of the *Local Government Act 1995* (relating to meetings with auditors); and
 - (ii) Regulations 18C and 18D (relating to the selection and appointment of CEOs and reviews of their performance).
- (b) Regulation 6 of the *Local Government (Financial Management) Regulations 1996* prohibits the delegation of the duty to conduct an internal audit to an employee (including a CEO) who has been delegated the duty of maintaining the local government's day to day accounts or financial management operations.

15. Delegations to Other Local Government Employees

44. Section 5.44(1) of the *Local Government Act 1995* provides for the CEO to make delegations to other employees.

45. The obvious main limitation of section 5.44(1) is that it expressly prohibits any sub-delegation of the power to delegate. This means that once the CEO has delegated a power or duty to an employee or employees, that power or duty cannot be on-delegated to other employees.

46. Just as a delegation to a CEO by a council may be done with conditions attached, when delegating to another employee a CEO may attach conditions to the delegation, provided that the CEO does not purport to delegate more powers or duties to the other employee than were delegated to the CEO.

16. Powers Under the Interpretation Act 1984

47. Section 59 of the *Interpretation Act 1984* explains the particular elements of the power to delegate when it appears in various Acts. It states:

“Construction of Power to Delegate

- [1] Where a written law confers power upon a person to delegate the exercise of any power or the performance of any duty conferred or imposed upon him under a written law –
 - (a) such a delegation shall not preclude a person so delegating from exercising or performing at any time a power or duty so delegated;
 - (b) such a delegation may be made subject to such conditions, qualifications, limitations or exceptions as the person so delegating may specify;
 - (c) if the delegation may be made only with the approval of some person, such delegation, and any amendment of the delegation, may be made subject to such conditions, qualifications, limitations or exceptions as the person whose approval is required may specify;
 - (d) such a delegation may be made to a specified person or to persons of a specified class, or may be made to the holder or holders for the time being of a specified office or class of office;
 - (e) such a delegation may be amended or revoked by instrument in writing signed by the person so delegating;
 - (f) in the case of a power conferred upon a person by reference to the term designating an office, such a delegation shall not cease to have effect by reason only of a change in the person lawfully acting in or performing the functions of that office.
- [2] The delegation of a power shall be deemed to include the delegation of any duty incidental thereto or connected therewith and the delegation of a duty shall be deemed to include the delegation of any power incidental thereto or connected therewith.

- [3] Where under a written law an act or thing may or is required to be done to, by reference to or in relation to, a person and that person has under a written law delegated a relevant function conferred or imposed on him with respect to or in consequence of the doing of that act or thing, the act or thing shall be regarded as effectually done if done to, by reference to or in relation to the person to whom the function has been delegated.”

48. It is important to be aware that under these provisions, the delegator retains the power to make decisions if need be, despite the fact that a delegation has occurred.

49. Also, in situations when a number of people occupy a particular office throughout either the day or week (eg ranger officers), a delegation by office enables an employee who occupies that office for the time being, to exercise the powers and duties delegated to that office.

50. A delegation by office will also enable an employee who temporarily occupies an office, say in an acting role whilst the normal occupier of the office is sick, to efficiently exercise the powers and duties delegated to that office, without the need to go through the delegation process again. Care needs to be taken in ensuring that the person has the appropriate qualifications where required.

51. When delegating by office, it is essential to ensure that the office described is a distinctly identifiable office (eg Manager, Corporate Services).

17. Records of Delegations

52. The major requirements to keep records of delegations to committees, CEOs and other employees are contained in sections 5.18 and 5.46 of the *Local Government Act 1995*.

53. In relation to delegations to committees, section 5.18 states that:

“A local government is to keep a register of the delegations made [to committees] under this Division and review the delegations at least once every financial year.”

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54. In relation to delegations to CEOs and other employees, section 5.46 states that:

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."

55. The Registers of delegations to committees and CEOs should include a copy of the minutes which record the delegation (and any conditions) and can be kept in an electronic or paper format. In the case of a delegation from the CEO to an officer the register should also contain a copy of the memorandum of delegation.

56. Obligations are imposed on the recipients of delegated powers and duties. Under section 5.46 of the *Local Government Act 1995*, regulation 19 of the *Local Government (Administration) Regulations 1996* requires delegates to keep a record of each occasion on which they exercise the powers or discharge the duties delegated to them, stating that:

"Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of:

- (a) how the person exercised the power or discharged the duty;
- (b) when the person exercised the power or discharged the duty; and
- (c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty."

57. This provision does not necessarily require the keeping of a register and other efficient record keeping practices would be sufficient. However, it is recommended that such systems provide for accessible accountability of the performance of these tasks.

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18. DELEGATES TO DISCLOSE INTERESTS AND LODGE RETURNS

58. Part 5 Division 6 of the *Local Government Act 1995* (disclosure of financial interests) also applies to delegates of powers and duties.

59. Section 5.71 states that:

"If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:

- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and
- (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.

Penalty: \$10,000 or imprisonment for 2 years."

60. In circumstances where the employee is carrying out a delegated function and the matter relates to his or her own projects, then another officer will need to have the authority to deal with the matter. In addition to the prohibition on delegates exercising the powers or performing the duties delegated to them, sections 5.75 and 5.76 of the *Local Government Act 1995* require employees who have been delegated powers or duties to lodge primary and annual returns. Sections 5.75 and 5.76 state:-

"5.75 Primary Returns

- (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day.
- (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day.
- (3) This section does not apply to a person who:
 - (a) has lodged a return within the previous year; or
 - (b) has, within 3 months of the start day, ceased to be a relevant person.

Penalty: \$10,000 or imprisonment for 2 years.

5.76 Annual returns

- (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year.
- (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year.

Penalty applicable to subsections (1) and (2): \$10,000 or imprisonment for 2 years.

'Relevant person' includes a "designated employee" who has been delegated a power or duty.

61. Section 5.78 of the *Local Government Act 1995* prescribes the information which must be included in the primary and annual returns.
62. Where an officer acts temporarily in a position with delegated power, that person will need to complete a financial interest return unless they have only acted in that position for less than 3 months.

19. Determining What Should Be Delegated

63. A decision to delegate a power or duty should be made by local governments only after thorough consideration of whether the delegation will facilitate the effective operation of the local government. This will therefore depend on the particular circumstances of each local government.
64. A local government council is unable to deal with all of the numerous issues and duties concerning its local government. As far as is possible and reasonable, councils should be predominantly concerned with dealing with higher level policy matters for their local governments.
65. Duties and powers which are operational in nature, but exercise a discretion should be delegated to the CEO.

66. Powers and duties can be delegated to CEOs with comprehensive conditions attached. The conditions limit the exercise of powers or discharge of duties to circumstances prescribed by the council. For example, a permit application which does not satisfy the conditions attached to a delegation, must be referred to the council for determination.

67. The Local Laws Manual (2005), Local Laws WA, Western Australian Local Government Association, Western Australia [Australia] at Section 2 - Page 10 provides a useful example of a recommendation to council for the delegation of certain powers with conditions attached, as follows:

"That the administration of this Local Law including any enforcement action and collection of the annual licence fee be delegated to the CEO, but that the exercise of the following powers be reserved to the Council:

- (a) issue or refusal of a licence under clause...;
- (b) determination of a licence period under clause...;
- (c) cancellation of a licence under clause...;
- (d) renewal or refusal to renew a licence under clause...; and
- (e) determination of any security under clause...."

68. Delegations with conditions are also frequently made in relation to employees other than the CEO for acquiring assets on behalf of a local government. An example is where the CEO delegates an employee with the power to purchase goods and services to a value of \$10,000 - any proposed purchases which would exceed this limit would need to be referred to the CEO for approval.

69. Many local laws provide for the appointment of employees as "authorised persons" for the purpose of the relevant local law. Once an employee is appointed as an "authorised person", it is not necessary for the CEO or council to delegate any powers to that employee in order for that employee to, say, enforce the relevant local law.

70. It is important to again note the difference between a delegation of a power or duty and the implementation of a council or CEO decision – see paragraphs 13 - 17 above, in relation to “acting through”.

71. An example of carrying out a council decision (compared to exercising a delegated power or duty) is where a council approves an annual budget which includes the expenditure of \$40,000 for particular road maintenance to be carried out by employees. Employees do not need to be delegated the power to carry out their operational functions.

72. In the example in paragraph 71 above, if the relevant employees believe it is necessary to spend more funds than approved in the budget, they must refer that matter to the council for its approval – the adoption of an annual budget can only be done by an absolute majority of council, which under section 5.43(a) of the *Local Government Act 1995* cannot be delegated to the CEO or any other employee.

73. The principal consideration for a local government when deciding if it should delegate a power or duty, is whether the delegation will improve the efficiency of the local government's operations whilst ensuring that its policies are consistently implemented. See the attached schedule which lists those items where acting through would be a suitable mechanism for achieving that efficiency. Local governments also need to consider the content of their local laws and whether delegation may be necessary, in some circumstances. However, “authorised persons” can normally carry out the ‘policing’ powers in local laws.

20. Procedure for Delegations by Council

74. Paragraphs 63 - 73 of this guideline considered how a local government can determine whether it should delegate particular powers and duties. This part considers the procedure for council to make a delegation.

75. When CEOs identify a duty or power of the local government which can be delegated and they believe that if it is delegated it will provide better efficiency, they should put the proposed delegation to their council, for approval.

76. As the earlier example from the Local Laws Manual (in paragraph 67 above) demonstrates, a recommendation to council for a delegation is relatively straightforward. The essential elements of a delegation recommendation are:

- (a) Correct and accurate identification of the power or duty to be delegated;
- (b) Correct and accurate identification of the person or office to whom or which the power or duty is to be delegated;
- (c) Correct and accurate definition of the circumstances (if any) in which the power or duty can be exercised or discharged; and
- (d) Conditions on the exercise of the power or discharge of the duty.

77. It is important to note again that all delegations by council require an absolute majority decision.

78. Once a delegation has been made by council, the delegation must be recorded in the delegation register.

79. Under regulation 19 of the *Local Government (Administration) Regulations 1996*, the delegate must keep written records of when and how they exercise the delegated power or discharge the delegated duty, and the persons or classes of persons affected by the exercise of the power or discharge of the duty.

21. Procedure for Delegations by CEO

80. Similarly to delegations by councils, delegations by CEOs must accurately and correctly identify all elements of the delegation.

81. Employee proposals for delegations (for themselves or for other employees) should be provided to the CEO. The recommendations should be in a format similar to the recommendations for delegations by councils.

82. As with delegations by council, written records of delegations by the CEO must be kept in the delegations register and delegates must keep records of their exercise of delegated powers or discharge of delegated duties.

22. Schedule of Powers and Duties

83. The attached schedule lists the powers and duties under the *Local Government Act 1995* (with associated regulations) which cannot be delegated, those that can be delegated, and to whom the powers and duties can be delegated. It also lists those matters where "acting through" may be the most practical way of carrying out those functions.
84. It is not suggested that all of the powers and duties which can be delegated should be delegated – the schedule is provided only as an indication of what can be delegated if it is appropriate for a particular local government.

EXAMPLES OF DELEGATIONS

23. Issuing Notices to Owners or Occupiers of Land

85. Section 3.25(1) of the *Local Government Act 1995* provides for a local government to provide notice to a person requiring that person to do certain things in relation to land, stating that:
- "A local government may give a person who is the owner ... of land a notice in writing relating to the land requiring the person to do anything specified in the notice that:
- (a) is prescribed in Schedule 3.1, Division 1; or
 - (b) is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2."
86. If a council determines that the efficiency of its local government operations will be improved if its CEO is delegated to exercise the powers under section 3.25(1), the council may so delegate to the CEO either with or without any conditions.
87. The following is an example of a recommendation for such a delegation:
- "That, under section 5.42 of the *Local Government Act 1995*, the Chief Executive Officer be delegated to exercise the powers under section 3.25(1) of the *Local Government Act 1995*."

p11.

88. As with all delegations by council:
- (a) any delegation to a CEO to exercise the powers under section 3.25 must be:
 - (i) by way of absolute majority decision; and
 - (ii) recorded in the delegations register;
 - (b) the CEO must keep records of the exercise of the delegated power or discharge of the delegated duty.
89. For reasons of policy and/or to maintain uniformity, it may be inappropriate for a CEO to delegate to other employees to exercise any section 3.25(1) powers which have been delegated to the CEO. However, other employees can be appointed to carry out a CEO's exercise of powers delegated to the CEO, without those other employees needing to be delegated.
90. By way of example, in times when a cyclone is approaching a district, if the CEO is delegated to exercise section 3.25(1) powers, the CEO may decide that certain items must be tied down to prevent them from causing a hazard when the cyclone hits the district, and that section 3.25(1) notices must be issued in relation to those items. Once the CEO has decided this, the CEO may then appoint any number of employees to survey the district and, when they identify items which the CEO has decided must be tied down, complete the section 3.25(1) notices and issue them to the relevant person, on behalf of the CEO.

24. Calling for and Accepting Tenders

91. Section 3.57(1) of the *Local Government Act 1995* states that:
- "A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services."
92. Section 5.43 of that Act states that:
- "A local government cannot delegate to a CEO any of the following powers or duties:
- (a) ...
 - (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph."

93. Part 4 of the *Local Government (Functions and General) Regulations 1996* regulates and provides the procedures for local government tenders for providing goods or services.
94. A council may delegate to its CEO to invite tenders under section 3.57 of the *Local Government Act 1995* and Part 4 of the *Local Government (Functions and General) Regulations 1996*, without the necessity of setting a maximum limit on the tenders which the CEO may invite.
95. However, the effect of section 5.43(b) is that if a council wishes to delegate to its CEO to accept tenders under section 3.57 of the *Local Government Act 1995* and Part 4 of the *Local Government (Functions and General) Regulations 1996*, it may attach a condition to the delegation that specifies the maximum limit of the tenders which the CEO may accept.
96. Following is an example of a recommendation to council to delegate to its CEO to invite any tenders (in accordance with council's selection criteria) and accept tenders up to a limit of \$200,000 under section 3.57 of the *Local Government Act 1995* and Part 4 of the *Local Government (Functions and General) Regulations 1996*:
- "That, under section 5.42 of the *Local Government Act 1995*, the Chief Executive Officer be delegated to:
- (a) Invite any tenders; and
 - (b) Accept tenders up to an amount of \$200,000 in total value,
- under section 3.57 of the *Local Government Act 1995* and Part 4 of the *Local Government (Functions and General) Regulations 1996*."

25. FURTHER INFORMATION

For more information about this and other guidelines, contact the Local Government Support and Development Branch of the Department of Local Government and Regional Development on 9217 1500 or email lgsd@dlgrd.wa.gov.au.

These guidelines are also available on the Department's website at <http://www.dlgrd.wa.gov.au>.

Local Government Act 1995



Relevant Exercisable Powers and Dischargeable Duties of a Local Government

(Refer to each section of the Act or Regulations for the full details of each power or duty to be exercised by the local government)

- This table sets out the Powers and Duties relevant to delegation and also identifies when "acting through" the staff of the organisation may be appropriate.
- The table also indicates where delegation is not permitted and the Council is to perform that power or duty.
- See a ✓ where applicable.
- The decision to delegate will be a policy matter for each local government.
- The column headed "Suitable for Acting Through" covers the situations where either the council has made a policy about the matter and the staff of the organisation implement that particular function or where the organisation may carry out the function administratively.

Section / Regulation	RELEVANT EXERCISABLE POWER or DISCHARGEABLE DUTY OF LOCAL GOVERNMENT	Suitable For Acting Through	Delegation Prohibited	To a 5.9(2) (b) Or the	To a 5.9(2) (c) - (e) Or the	To The CEO
	Part 2 - Constitution of local government					
2.11(2)	A local government may change the method of filling the office of mayor or president		✓			
2.12A(1)(b)	Council, by motion passed by it, proposes to change method of filling office of mayor or president		✓			
2.12A(1)(c)	Local government to give public notice (of proposal to change method of filling office of mayor or president)	✓				
2.17(3)	A council with 15 councillors may retain those 15 even if a decision is made to elect the mayor/president by the electors		✓			
2.25(1)	A council may by resolution grant leave of absence to a member		✓			

Section / Regulation	RELEVANT EXERCISABLE POWER or DISCHARGEABLE DUTY OF LOCAL GOVERNMENT		Applicable Delegation				
	Part 3 - Functions of local government		Suitable For Acting Through	Delegation Prohibited	To a 5.9(2) (b) Cthe	To a 5.9(2) (c) - (e) Cthe	To The CED
3.5	A local government may make local laws to perform any of its functions under the Act			✓			
3.16(1)	With the Governor's approval, a local government can apply a local law to an area that is not in a district			✓			
3.12(3)	Local government must give Statewide public notice (in relation to proposed local laws)		✓				
3.12(4)	Local government may adopt a local law			✓			
3.12(5)	Local government must publish (adopted local law in the Government Gazette)		✓				
3.12(6)	Local government must give local public notice (that a local law has been adopted)		✓				
3.15	A local government must ensure that people of its district are informed (of the purpose and effect of all its local laws)		✓				
3.16(1)	Within 8 years from the day a local law commences, a local government must review the operation of each local law following the process set out in section 3.16		✓				
3.16(2)	Local government must give Statewide public notice (in relation to the review of its local laws)		✓				
3.16(3)	After the last day for submissions in relation to the review of its local laws, a local government must consider submissions and cause a report to be submitted to council		✓				
3.16(4)	Local government may determine whether or not it considers that any of its local laws should be repealed or amended		✓	✓			
3.21	In performing its executive function, the local government must ensure that the obligations set out in section 3.21 are complied with		✓				
3.22(1)	A local government that causes damage through the performance of its function must pay compensation to the owner or occupier						✓
3.25(1)	A local government may give an occupier a notice requiring them to do something to the land if it is specified in Schedule 3.1. The local government must also inform the owner if the occupier is not the owner						✓
3.26(2)	In order to make a person comply with a notice, a local government may do anything it considers necessary to achieve the purpose for which the notice was given		✓				✓
3.26(3)	A local government may continue to undertake works that are not carried out by the owner or occupier and recover the costs as a debt		✓				✓
3.27(1)	A local government may go onto private land in the circumstances prescribed in Schedule 3.2 and carry out works, even if it does not have the consent of the owner		✓				✓
3.31(2)	After a local government has given notice, it may authorise a person to enter land, premises or thing without consent, unless the owner or occupier has objected to the entry		✓				✓

Section / Regulation	RELEVANT EXERCISABLE POWER or DISCHARGEABLE DUTY OF LOCAL GOVERNMENT	Suitable For Acting Through	Delegation Prohibited	Applicable Delegation			
	Part 3 - Functions of local government			To a s.9(2) (a) Cthe	To a s.9(2) (b) Cthe	To a s.9(2) (c) - (e) Cthe	To The CEO
3.34(1)	A local government may enter land in an emergency without notice or consent	✓					✓
3.34(5)	A local government must give notice (to the owner or occupier of an intended entry in an emergency whenever it is practical)	✓					
3.36(3)	A local government may make an opening in a fence to do works on property subject to providing the owner or occupier with 3 days written notice	✓					✓
3.39	Local government may authorise an employee to remove and impound any goods	✓					✓
3.40(2)	If a local government impounds a vehicle to remove and impound goods, it must allow the offender to resume control of the vehicle as soon as practicable after the goods have been removed	✓					
3.40(3)	If the person entitled to resume control of the vehicle is not present, the local government must give notice (to the holder of a licence in respect of the vehicle, stating from where and when the vehicle may be collected)	✓					
3.40A(1)	Local government may authorise a person to remove and impound an abandoned vehicle wreck	✓					✓
3.40A(2)	Local government to provide notice (to the owner of a removed abandoned vehicle wreck, advising that the vehicle may be collected)	✓					
3.40A(4)	Local government may declare that a vehicle is an abandoned vehicle wreck	✓					✓
3.42(1)	If a local government impounds non-perishable goods, it must either begin a prosecution against the offender or give them a notice stating from where and when the goods may be collected	✓					
3.44	Where non-perishable goods have been removed and impounded and a prosecution instituted, if the offender is not convicted or is convicted but it is not ordered that the goods be confiscated, the local government must give the alleged offender notice stating from where and when the goods may be collected	✓					
3.46(1)	A local government may refuse to allow goods impounded under sections 3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid	✓					
3.46(2)	A local government may refuse to allow goods removed under sections 3.40 or 3.40A to be collected until the costs of removing and keeping them have been paid	✓					
3.47(1)	The local government may sell or otherwise dispose of any goods that have been ordered to be confiscated under section 3.43	✓					✓
3.47(2)	The local government may sell or otherwise dispose of any vehicle that has not been collected within 2 months of a notice having been given under section 3.40(3) or 7 days of a declaration being made that a vehicle is an abandoned vehicle wreck	✓					✓

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Section / Regulation	RELEVANT EXERCISABLE POWER or DISCHARGEABLE DUTY OF LOCAL GOVERNMENT	Applicable Delegation					
		Suitable For Acting Through	Delegation Prohibited	To a S.9(2)(a) Ctte	To a S.9(2)(b) Ctte	To a S.9(2)(c)-(e) Ctte	To The CEO
	Part 3 - Functions of local government						
3.47(2a)	The local government may sell or otherwise dispose of impounded goods that have not been collected within the period specified in section 3.47(2b) of the date a notice is given under sections 3.47(1)(b) or 3.44	✓				✓	
3.47A(1)	If an impounded animal is ill or injured to such an extent that treating it is not practicable, the local government may humanely destroy the animal and dispose of the carcass	✓					✓
3.48	If goods are removed or impounded under section 3.39 and the offender is convicted, the local government may recover any expenses incurred in removing and impounding the goods	✓					✓
3.50(1)	A local government may close a thoroughfare to vehicles, wholly or partially, for a period not exceeding 4 weeks	✓					✓
3.50(1a) and 3.50(4)	A local government may, after providing public notice of its intention and reasons, inviting submissions and then considering submissions, order a thoroughfare to be wholly or partially closed to vehicles for a period exceeding 4 weeks						✓
3.50(6)	An order to close a thoroughfare may be revoked by the local government	✓					✓
3.50(8)	If a thoroughfare is closed without local public notice, the local government must give such notice as soon as practicable after its closure	✓					
3.50A	A local government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure is for the purpose of carrying out repairs or maintenance and is unlikely to have a significant adverse effect on users of the thoroughfare	✓					✓
Functions 6 (General Reg 6(3))	A local government may, by local public notice, revoke an order under regulation 6(1) that closed a thoroughfare or alter it to make it less restrictive	✓					✓
3.51(3)	Before fixing, altering or realigning a public thoroughfare or draining water onto adjoining land, the local government must give notice of its proposal, invite submissions and consider those submissions	✓					✓
3.52(2)	Except if they are closed or have restricted use, local governments are to ensure that public thoroughfares are kept open for public use	✓					
3.52(3)	When fixing, altering or realigning a public thoroughfare, the local government must ensure vehicle access to adjoining land is provided	✓					
3.53(3)	If an unvested facility lies within 2 or more districts, the local governments concerned can agree on its control and management			✓	✓		✓

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Section / Regulation	RELEVANT EXERCISABLE POWER or DISCHARGEABLE DUTY OF LOCAL GOVERNMENT		Applicable Delegation			
	Part 3 - functions of local government	Suitable For Acting Through	Delegation Prohibited	To a 5.9(2) (b) Cthe	To a 5.9(2) (c) - (e) Cthe	To The CEO
3.54 (1)	A local government may do anything it could do under the Parks and Reserves Act 1895 if it were a Board appointed under that Act, to control and manage any land reserved under the Land Act 1933 and vested in or placed under the control and management of the local government	✓		✓	✓	✓
3.57(1)	A local government must invite tenders before it enters into a contract for goods or services with a value of \$1 000 000 or more (Functions and General Reg 11)			✓	limited	limited
Functions & General Reg 14 (2a)	Where a local government is inviting tenders, the local government must determine in writing the criteria for accepted tenders			✓		✓
Functions & General Reg 11(2)(d)	Tenders do not have to be publicly invited if the contract is to be entered into by auction after being expressly authorised by a resolution of the council		✓			
Functions & General Reg 14(4)(a)	Such information as a local government decides should be disclosed to those interested in submitting a tender		✓			
Functions & General Reg 18(4) & (5)	A local government must consider any tender that has not been rejected and decide which one to accept. It may decline to accept any tender			✓	limited	limited
Functions & General Reg 19	The local government must give each tenderer written notice stating the successful tender or advising that no tender was accepted	✓				
Functions & General Reg 20	A local government may, with the approval of the tenderer, make a minor variation in a contract for goods or services before it enters the contract with the successful tenderer	✓		✓	limited	limited
Functions & General Reg 20(2)	If the successful tenderer does not want to accept the contract with the variation or the local government and the tenderer cannot reach agreement, the local government can select the next most appropriate tenderer			✓	limited	limited
Functions & General Reg 21 (1)	A local government may seek expressions of interest before entering the tender process			✓	limited	limited
Functions & General Reg 21 (3)	A local government must give Statewide public notice (that it seeks expressions of interest before entering the tender process)	✓				

Section / Regulation	RELEVANT EXERCISABLE POWER or DISCHARGEABLE DUTY OF LOCAL GOVERNMENT				Applicable Delegation			
	Part 3 - Functions of local government	Suitable For Acting Through	Delegation Prohibited	To a s.9(2)(a) Cite	To a s.9(2)(b) Cite	To a s.9(2)(c) - (e) Cite	To The CED	
Functions & Gen Reg 23(3)	A local government must consider any submissions of interest that have not been rejected and decide which ones could satisfactorily supply the goods or services			✓	✓		✓	
Functions & General Reg 24	A local government must give each person who submitted an expression of interest written notice of the outcome of its decision	✓			Limited		Limited	
Functions & General Reg 24E(1)	Where a local government intends to give a regional price preference the local government is to prepare a regional price preference policy	✓			✓		✓	
Functions & General Reg 24E(4)	A local government cannot adopt a regional price policy until the local government has considered submissions received	✓			✓		✓	
3.58(2)	A local government can only dispose of property to the highest bidder at public auction or the most suitable public tender			✓	Limited		✓	
3.58(3)	A local government can dispose of property by private treaty but must follow the process set out in section 3.58(3)			✓	Limited		Limited	
Functions & General Reg 30(2)(a)(iii)	A disposition of land is an exempt of disposition if the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee	✓					✓	
3.59(2)	A local government must prepare a business plan before it enters into a major trading undertaking, a major land transaction or a land transaction that is preparatory to a major land transaction	✓						
3.59(4)	A local government must give Statewide public notice (stating its proposal to enter into a major trading undertaking, a major land transaction or a land transaction that is preparatory to a major land transaction, where the plan may be inspected or obtained, and call for submissions on the plan within 6 weeks)	✓						
3.59(5)	The local government must consider submissions and then decide whether to proceed with the major trading undertaking, major land transaction or land transaction that is preparatory to a major land transaction		✓					

Section / Regulation	RELEVANT EXERCISABLE POWER or DISCHARGEABLE DUTY OF LOCAL GOVERNMENT	Applicable Delegation			
		Delegation Prohibited	In a 5.9(2) (b) CHe	In a 5.9(2) (c) - (e) CHe	To The CEO
	Part 4 - Elections and other polls				
4.9(1)	If the mayor or president has not already done so, the council must fix the day on which a poll is held for an extraordinary election	✓			
4.16(4)	The council may decide, with the Electoral Commissioner's approval, that the election day for a vacancy that has occurred under section 2.32 before the first Saturday in August in the year prior to an ordinary election but after the first Saturday in February in an ordinary election year, is to be on the ordinary election day for that year	✓			
4.17(2)	The council may decide, with the Electoral Commissioner's approval, that a vacancy may remain unfilled if it occurred under section 2.32 before the first Saturday in August in the year prior to the election year in which the term would have ended under the table to section 2.28, but after the first Saturday in February in that election year	✓			
4.20(2)	A local government may, with the approval of the person concerned and the Electoral Commissioner, appoint a person as the returning officer instead of the CEO	✓			
4.20(4)	A local government may, with the Electoral Commissioner's agreement, declare the Electoral Commission to be responsible for the conduct of an election	✓			
4.57(3)	A local government may appoint an eligible person (who is willing to accept the appointment) to any unfilled office if, at the close of nominations for an extraordinary election, under section 4.57(1) or (2), the number of candidates is less than the number of offices	✓			
4.61(2)	Local government may decide to use postal voting for an election	✓			
Elections Reg 9(1)	The fees to be paid to an electoral officer for conducting an election are those agreed between the local government and the electoral officer	✓			
Elections Reg 28(1b)(b)	If a candidate's deposit has not been refunded within 28 days after notice is given of the result of the election, the local government is to credit that amount to a fund of the local government	✓			

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Section / Regulation	RELEVANT EXERCISABLE POWER OR DISCHARGEABLE DUTY OF LOCAL GOVERNMENT	Applicable Delegation						
		Suitable For Acting Through	Delegation Prohibited	To a 5.9(2)(a) Cthe	To a 5.9(2)(b) Cthe	To a 5.9(2)(c) - (e) Cthe	To The CEO	
	Part 5 – Administration							
5.2	The council of a local government must ensure there is an appropriate structure for administering the local government		✓					
5.3(1)	The council must hold ordinary meetings and may hold special meetings		✓					
5.4	The council may decide to hold an ordinary or special meeting		✓					
5.8	A local government may establish committees of 3 or more people to assist the council in exercising its powers and duties		✓					
5.15	A local government may reduce the quorum for a committee meeting		✓					
5.16(1)	A local government may delegate to a committee, under and subject to section 5.17, any of its powers and duties other than this power of delegation		✓					
5.18	A local government must keep a register of all delegations made to a committee (at least once each financial year)	✓						
5.18	A local government must review all delegations made to a committee	✓		✓				✓
Admin Reg 12(1)	At least once every year a local government must give local public notice (of the date, time and place of all its ordinary council meetings and any committee meetings that must or are proposed to be open to the public, that are to be held in the next 12 months)	✓						
Admin Reg 12(2)	A local government must give local public notice (if any of the dates, times or places in the notice under regulation 12(1) change)	✓						
Admin Reg 12(3)	A local government must give local public notice (of the date, time and place of a special meetings of council that must be open to the public)	✓						
Admin Reg 14(1)	A local government is to ensure that notice papers and agenda relating to any council or committee meeting and reports and other documents tabled at the meeting or which have been produced for presentation at the meeting are made available to the public at the same time as they are available to council and committee members	✓						✓
Admin Reg 14A(1)(c)	A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if the council has approved of the arrangement by absolute majority		✓					
5.27(2)	General meeting of electors to be held on a day selected by a local government but not more than 56 days after the local government accepts the annual report for the previous financial year	✓						✓
5.36(1)	A local government must employ a CEO		✓					
5.36(4)	If the position of CEO becomes vacant, a local government must advertise the position in the manner and containing such information as prescribed	✓						
5.37(1)	A local government may designate any employee to be a senior employee			✓				✓

Section / Regulation	RELEVANT EXERCISABLE POWER or DISCHARGEABLE DUTY OF LOCAL GOVERNMENT				Applicable Delegation			
	Part 5 – Administration	Suitable For Acting Through	Delegation Prohibited	To a S.9(2)(a) CTe	To a S.9(2)(b) CTe	To a S.9(2)(c) - (e) CTe	To The CEO	
5.37(2)	The council may reject or accept a recommendation by the CEO to employ or dismiss a senior employee. If it rejects a recommendation it must provide the CEO with its reasons	✓	✓					
5.37(3)	If the position of a senior employee becomes vacant, a local government must advertise the position in the manner and containing such information as prescribed	✓					✓	
5.38	The performance of each employee employed more than 1 year, needs to be reviewed.	✓						
Admin Reg 18(c)	A local government is to approve a process for selection and appointment of the CEO			✓				
Admin Reg 18(d)	A local government is to consider, accept or reject a review of the CEO's performance			✓				
5.42(1) & 5.43	A local government may delegate to the CEO any of its powers and duties under this Act except those in section 5.43 and this power of delegation		✓					
5.50(1)	A local government must prepare a policy for employees whose employment is finishing, setting out the circumstances in which the local government would pay a gratuity and how that gratuity would be assessed, and give local public notice of the policy			✓	✓		✓	
5.50(2)	A local government may make a payment to an employee whose employment is finishing, that is in addition to the amount set out in its policy, provided that local public notice of the payment is given			✓	✓		✓	
5.53(1)	A local government must prepare an annual report for each financial year	✓						
5.54(1)	A local government must accept the annual report by 31 August after that financial year		✓					
5.56	A local government is to prepare a plan for the future	✓						
Admin Reg 19C(4)	A local government is to review its current plan for the future every 2 years			✓	✓		✓	
Admin Reg 19C(7)	A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a plan for the future and when preparing any modifications of a plan	✓						
Admin Reg 19D(1)	After a plan for the future, or modifications to a plan, are adopted a local government is to give local public notice	✓						
Admin Reg 19D(5)	A Council is to adopt the plan for the future		✓					

Section / Regulation	RELEVANT EXERCISABLE POWER or DISCHARGEABLE DUTY OF LOCAL GOVERNMENT		Applicable Delegation				
	Part 5 – Administration	Suitable For Acting Through	Delegation Prohibited	To a 5.9(2)(a) Chtc	To a 5.9(2)(b) Chtc	To a 5.9(2)(c) - (e) Chtc	To The CED
Admin Reg 29A(2)	Information prescribed as confidential but that, under 5.95(7), may be available for inspection if a local government so resolves			✓	✓		✓
5.98(1)(b)	A local government may set a fee, within the prescribed range, to be paid to a council member who attends a council or committee meeting		✓				
5.98(2)(b)	A local government may approve expenses which are to be reimbursed to its councillors, provided that the expenses are of the kind prescribed as those which the local government can approve for reimbursement [subject to section 5.98(3)]			✓	✓		✓
5.98(4)	A local government may approve the reimbursement to a council member of an approved expense, either generally or in a particular case			✓	✓		✓
5.98A	A local government may decide to pay its deputy mayor or deputy president an allowance of up to the prescribed percentage of the annual local government allowance to which the mayor or president is entitled under section 5.98(5)		✓				
5.99	The local government may decide to pay council members attending council and committee meetings an annual meeting fee instead of an individual meeting fee		✓				
5.99A	A local government may decide that instead of reimbursing council members, under section 5.98(2), for all of a particular type of expense, it will instead pay all council members an allowance for that type of expense		✓				
5.100(2)	A local government may decide to reimburse expenses to committee members who are not council members or employees			✓	✓		✓
5.101(2)	A local government may reimburse an employee for an expense that was incurred in relation to a matter affecting the local government			✓	✓		✓
5.102	A local government may make a cash advance to a person for an expense which can be reimbursed			✓	✓		✓
5.103(1)	A local government must prepare or adopt a code of conduct to be observed by council members, committee members and employees			✓	✓		
5.103(2)	A local government must review its code of conduct within 12 months of every ordinary elections day			✓	✓		

RELEVANT EXERCISABLE POWER or DISCHARGEABLE DUTY OF LOCAL GOVERNMENT		Applicable Delegation					
Section / Regulation	Part 6 – Financial Management	Suitable For Acting Through	Delegation Prohibited	To a 5.9(2) (a) CHe	To a 5.9(2) (b) CHe	To a 5.9(2) (c) - (e) CHe	To The CEO
Financial Mgmt Reg 8(1)	A local government must maintain separate accounts for monies required to be held in the municipal fund, the trust fund, the reserve accounts, or monies relating to major land or major trading undertakings that will or are expected to span more than 2 financial years	✓					
Financial Mgmt Reg 11(1)	A local government must develop procedures for cheques, credit cards, computer encryption devices and passwords, purchasing cards and petty cash systems	✓					
Financial Mgmt Reg 11(2)	A local government must develop procedures for the approval of accounts	✓					
Financial Mgmt Reg 13(2)	A list of accounts for approval to be paid must be prepared for each month, including the date of the meeting of council to which the lists to be presented	✓					
Financial Mgmt Reg 19(1)	A local government must establish and document internal control procedures to ensure control over investments	✓		✓	✓		✓
6.2(1)	A local government must prepare by 31 August in each financial year, an annual budget for its municipal fund for the next financial year	✓					
6.2(1)	A local government must adopt the budget prepared		✓				
6.3	A local government must prepare a budget if a general valuation or a rate or service charge is quashed by a court or the State Administrative Tribunal, or if it intends to impose supplementary general rate or specified area rate for the remainder of a financial year	✓					
6.3	A local government must adopt the budget prepared (Budget for other circumstances)		✓				
6.4(1)	A local government must prepare an annual financial report for the preceding financial year and such other reports as are required	✓					
6.4(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 the accounts of the local government and the annual financial report	✓					
Financial Mgmt Reg 33A(3)	A council is to consider a budget review submitted to it and is to determine by absolute majority whether or not to adopt the review, any parts of the review on any recommendations made in the review		✓				

Section / Regulation	RELEVANT EXERCISABLE POWER or DISCHARGEABLE DUTY OF LOCAL GOVERNMENT				Applicable Delegation			
	Part 6 – Financial Management	Suitable For Acting Through	Delegation Prohibited	To a 5.9(2)(b) CHe	To a 5.9(2)(c) – (e) CHe	To a 5.9(2)(b) CHe	To The CED	
Financial Mgmt Reg 34(2)(c)	Each statement of financial activity is to be accompanied by documents containing such other supporting information as is considered relevant by the local government	✓						
Financial Mgmt Reg 34(1)	A local government must prepare monthly financial reports	✓						
6.9(3)	A local government must pay or deliver to the person entitled to it any money and its interest and any property	✓						
6.9(4)	A local government may transfer money held in trust for 10 years to its municipal fund, but must repay it to a person who establishes a right to the repayment, together with any interest earned on the investment	✓					✓	
6.11(1)	A local government must establish and maintain a reserve account for each purpose for which it wishes to set aside money	✓						
6.11(2)	A local government may change the purpose of a reserve account or use money held in a reserve account for another purpose	✓						
6.11(2)	A local government must give one month local public notice of a proposal to change the purpose of a reserve account or use money held in a reserve account for another purpose	✓						
6.12(1)(a)	A local government may, when adopting the annual budget, grant a discount or incentive for early payment of any money [subject to section 6.12(2)]		✓					
6.12(1)(b)	A local government may waive or grant concessions in relation to any amount of money or write off any amount of money that it is owed to the local government [subject to section 6.12(2)]			✓	✓		✓	
6.12(3)	The local government may determine what conditions apply to the granting of a concession							
6.13(1)	A local government may resolve to apply interest to any money that it has been owed [subject to section 6.13(6)], other than for rates and service charges		✓					
6.14(1)	A local government may invest money in its municipal or trust funds that is not being used, in accordance with Part III of the Trustees Act 1962	✓		✓	✓		✓	
6.16(1)	A local government may impose a fee or charge for any goods or services it provides, except for a service for which a service charge has been imposed		✓					
6.16(3)	As well as imposing fees and charges when adopting the annual budget, a local government may impose fees and charges during the year or amend, from time to time, fees and charges throughout the year		✓					
6.19	If a local government wishes to impose a fee or charge under Part 6 Division 5 Subdivision 2 after the annual budget has been adopted, it must provide local public notice of its intention to do so and the date from which the amended fees or charges will be imposed	✓						

Section / Regulation	RELEVANT EXERCISABLE POWER or DISCHARGEABLE DUTY OF LOCAL GOVERNMENT			Applicable Delegation			
	Part 6 – Financial Management	Suitable For Acting Through	Delegation Prohibited	To a s.9(2)(a) CHe	To a s.9(2)(b) CHe	To a s.9(2)(c) - (e) CHe	To The CED
6.20(1)	A local government may borrow or re-borrow money, obtain credit or extend its financial accommodation in other ways		✓				
6.20(2)	If a local government proposes to exercise its power to borrow but it is not budgeted for, unless the proposal is of a prescribed kind, it must give one month public notice of the proposal	✓					
6.20(2)	If a local government proposes to exercise its power to borrow but it is not budgeted for, it must make the resolution to do so by absolute majority		✓				
6.20(3)(a)	If a local government exercises its power to borrow and then decides not to proceed with the proposal or it does not use all of the money, credit or financial accommodation, after giving one month local public notice it may resolve to use it for another purpose		✓				
6.20(3)(b)	If a local government exercises its power to borrow and then decides not to proceed with the proposal or it does not use all of the money, credit or financial accommodation, it may resolve to use it for another purpose		✓				
6.20(3)	One month public "notice" must be given	✓					
6.26(3)	If Co-operative Bulk Handling Ltd and a local government cannot reach an agreement, under section 6.26(2)(i), the local government may refer the matter to the Minister for determination			✓	✓		✓
6.29(2)	A local government must impose a rate on the basis of unimproved value to any tenement, licence or permit that is located in a district for which only rates on the basis of gross rental value apply		✓				
6.32(1)	When adopting the annual budget, a local government may, in order to make up a budget deficiency, impose a general rate on rateable land within its district, and may impose a specified area rate or a minimum payment on rateable land within its district, and may impose a service charge on land within its district		✓				
6.32(3)	A local government may, in an emergency after rates in a financial year have been imposed, impose a supplementary general rate or specified area rate for the unexpired portion of the current financial year, and is to impose a new general rate, specified area rate or services charge if a court or the State Administrative Tribunal quashes a general valuation, rate or service charge		✓				
6.33(1)	Local government may impose differential general rates		✓				
6.35(1)	Local government may impose on any rateable land in its district a minimum payment		✓				
6.36(1)	A local government must give local public notice of its intention to impose any differential general rates or minimum payment applying to a differential rate category under section 6.35(1)(c)	✓					
6.37(1)	Local government may impose a specified area rate on rateable land		✓				

Section / Regulation	RELEVANT EXERCISABLE POWER or DISCHARGEABLE DUTY OF LOCAL GOVERNMENT		Applicable Delegation			
	Part 6 – Financial Management	Suitable For Acting Through	Delegation Prohibited	To a 5.9(2) (b) CHe	To a 5.9(2) (c) – (e) CHe	To The CED
6.38(1) Financial M'gmt Reg 54	A local government may impose a service charge on owners or occupiers to meet the cost of providing television and radio rebroadcasting, volunteer bush fire brigades, underground electricity etc		✓			
6.39(1)	As soon as practicable after a local government resolves to impose rates, it must compile a record of all rateable land in the district and all land which has a service charge imposed	✓				
6.39(2)	A local government must, from time to time, amend the current rate record to ensure it is accurate and correct and may amend the rate record for the 5 years preceding the current financial year	✓				
6.40(1)	If the rateable value, rateability or the rate imposed on any land is amended in the rate record, under section 6.39(2), the local government must reassess the rates payable and give notice to the owner of the land of any change in the amount of rates payable	✓				
6.40(2)	If a service charge on any land is amended in the rate record, under section 6.39(2), the local government must reassess the service charge and give notice to the owner of the land of any change of the amount of service charge payable	✓				
6.40(3)	If rates are reduced, under section 6.40(1), a local government must refund the owner of the land on request or credit the amount for rates or service charges	✓				
6.40(4)	If a service charge is reduced, under section 6.40(2), and the service charge had already been paid by the owner, the owner may request and then the local government must pay the overpaid amount to the owner or, alternatively, the overpaid portion is credited against any future amounts payable. If the service charge was paid by the occupier, the local government must pay the overcharged portion to the person who paid it	✓				
6.41(1)	A local government must give a rate notice to the owner of rateable land and the owner or occupier (as the case requires) of land on which a service charge is imposed, containing the particulars required	✓				
6.45(1) Financial M'gmt Reg 64(2)	When adopting its annual budget, a local government must determine the due date for payment of instalments after the first instalment		✓			
6.45(3) 6 Financial M'gmt Reg 67	A local government may impose an additional charge (including by way of interest) where payment of a rate or service is by instalments and that additional charge is taken to be a rate or service charge		✓			

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Section / Regulation	RELEVANT EXERCISABLE POWER or DISCHARGEABLE DUTY OF LOCAL GOVERNMENT		Applicable Delegation				
	Part 6 – Financial Management	Suitable For Acting Through	Delegation Prohibited	To a 5.9(2)(a) Cth	To a 5.9(2)(b) Cth	To a 5.9(2)(c) - (e) Cth	To The CEO
6.46	A local government may, when imposing a rate or service charge, resolve to grant a discount or incentive for its early payment	✓	✓				
6.47	A local government may, at the time of imposing rates and service charges, resolve to waive a rate or service charge or grant a concession	✓	✓				
6.49	A local government may make an agreement with a person to pay their rates and service charges	✓					✓
Financial Mgmt Reg 66(2)	If an instalment remains unpaid after the day on which the next instalment becomes due the local government may revoke the ratepayer's right to pay by instalments	✓					
Financial Mgmt Reg 66(3)(b)	The local government must in writing immediately notify the ratepayer of the revocation	✓					
6.50(1) and 6.50(2)	A local government may determine the due date that rates and charges become due, but which date cannot be sooner than 35 days after the date noted on the rate notice	✓					✓
6.51(1) & Financial Mgmt Reg 70	A local government may resolve to impose interest (not to exceed 13%) on a rate, service charge and any costs of recovery that remains unpaid	✓	✓				
6.56(1)	A local government may recover an unpaid rate or service charge and the cost of proceedings in court of competent jurisdiction	✓					✓
6.60(2)	A local government may give notice (to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the local government in satisfaction of the rate or service charge)	✓					✓
6.60(3)	If a local government gives notice to a lessee, under section 6.60(2), the local government must give a copy of the notice to the lessor	✓					✓
6.60(4)	If a local government gives notice to a lessee, under section 6.60(2), and the lessee fails to pay rent to the local government, the local government may recover the rate or service charge as a debt from the lessee	✓					✓
6.61(1)	A local government may request an occupier, an agent or the person who receives the rent of a property, to give the name and address of the owner to the local government	✓					
6.64(1)	If any rates or service charges have remained unpaid for at least 3 years, a local government may take possession of the land and hold the land against a person having an estate or interest in the land, and may lease or sell the land or transfer it to the Crown or itself	✓					✓ subject to 5.43(d)
6.64(2)	A local government that takes possession of land, under section 6.64(1), must give the owner such notice as prescribed and then affix the notice to a conspicuous part of the land in the form prescribed	✓					

Section / Regulation	RELEVANT EXERCISABLE POWER or DISCHARGEABLE DUTY OF LOCAL GOVERNMENT			Applicable Delegation				
	Part 6 – Financial Management	Suitable For Acting Through	Delegation Prohibited	To a 5.9(2)(a) Ctte	To a 5.9(2)(b) Ctte	To a 5.9(2)(c) - (e) Ctte	To The CEO	
6.64(3)	A local government may lodge a caveat in respect of any land for which rates and service charges are outstanding	✓					✓	
6.69(2)	A local government may accept payment of any outstanding rates or service charges on such terms and conditions as are agreed between the parties, up to the time of actual sale of the relevant land but not more than 7 days prior to same	✓						
6.69(3)	If a local government accepts payment of outstanding rates or service charges, under sections 6.69(1) or 6.69(2), the local government is required to make such notifications and take such measures as are prescribed to cancel the proposed sale	✓					✓	
6.71(1)	If a local government is unable to sell land under Part 6 Division 6 Subdivision 6 within 12 months, it may transfer the land to the Crown or itself			✓	✓		✓ subject to 5.43(d)	
6.71(3)	If a local government transfers land to itself, under section 6.71(1)(b), it must pay any sum owed under a mortgage, lease, tenancy, encumbrance or charge in favour of the Crown in right of the State or a department, agency or instrumentality of the Crown	✓						
6.74(1)	A local government may apply in the prescribed form to the Minister to have land revested in the Crown if it is rateable vacant land and rates or service charges in respect of it have remained unpaid for at least 3 years			✓	✓		✓	
Financial Mgmt Reg 77(1)	Before applying to have land revested under section 6.74, a local government must give notice to the owner of the land and any other interested persons and publish the notice in the Gazette	✓						
Financial Mgmt Reg 77(3)	A local government must consider any objections it receives in relation to a revestment under regulation 77			✓	✓		✓	
6.76(4)	A local government may extend the time for a person to make an objection in relation to the rate record	✓		✓	✓		✓	
6.76(5)	The local government must consider any objections to the rates record and may disallow or allow the objection either wholly or in part			✓	✓		✓	
6.76(6)	The local government is to provide the person with notice of its decision	✓						

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Section / Regulation	RELEVANT EXERCISABLE POWER or DISCHARGEABLE DUTY OF LOCAL GOVERNMENT			Applicable Delegation			
	Part 7 – Audit	Suitable For Acting Through	Delegation Prohibited	To a 5.9(2)(a) Cthe	To a 5.9(2)(b) Cthe	To a 5.9(2)(c) - (e) Cthe	To The CEO
7.1A(1) & 7.1A(2)	Local government to establish an audit committee, appoint members to the committee with a minimum of 3 members and a majority of which are council members		✓				
7.1B	Despite section 5.16, a local government can delegate to an audit committee only those powers and duties contained in Part 7		✓				
7.3(1) & (2)	A local government must appoint one or more persons, on the recommendation of the audit committee, to be its auditor		✓				
7.6(2)(f)	A local government may terminate the appointment of an auditor by written notice			✓ Audit Cthe			
Audit Reg 8(1)	Where a local government has terminated an agreement with its auditor, it must give notice and reasons for the termination to the Executive Director within 30 days	✓					
7.6(3)	If the auditor's registration as a company auditor is suspended or the auditor is unable or unwilling to carry out their duties, a local government must appoint a person to conduct or complete its audit		✓				
7.12A(2)	A local government must meet with its auditor at least once a year			✓ Audit Cthe			
7.12A(3)	A local government is to examine the auditor's report, under section 7.9(1) and any report under section 7.9(3), and must determine if any matters raised by the report require action and ensure that appropriate action is taken			✓ Audit Cthe			
7.12A(4)	A local government must prepare a report on any action taken in response to an auditor's or section 7.9(3) report, and provide it to the Minister			✓ Audit Cthe			
Audit Reg 14(1)	A local government must carry out a compliance audit for the period 1 January to 31 December in each year	✓					
Audit Reg 14(3)	A compliance audit return must be presented to the council at a meeting of the council, adopted by the council and recorded in the minutes of the meeting at which it is adopted		✓				

Section / Regulation	RELEVANT EXERCISABLE POWER or DISCHARGEABLE DUTY OF LOCAL GOVERNMENT				Applicable Delegation			
	Part 8 – Scrutiny of the affairs of local governments	Suitable For Acting Through	Delegation Prohibited	To a 5.9(2) (a) Cthe	To a 5.9(2) (b) Cthe	To a 5.9(2) (c) - (e) Cthe	To The CEO	
8.2(2)	Upon receiving a request from the Minister for information, a local government must provide the information to the Minister within the specified time of the notice	✓					✓	
8.14(3)	A local government must give the Minister advice of what things it has done or will do to comply with an enquiry report from the Minister or a person authorised by the Minister, within 35 days of receiving the report			✓	✓		✓	
8.23(4)	A local government must give the Minister advice of what things it has done, or will do, to comply with an Inquiry Panel's report within 35 days of receiving the report, or give its comment on a recommendation to dismiss the council			✓	✓		✓	
Part 9 – Miscellaneous provisions								
9.6(1)	An objection under Part 9 is to be dealt with by the council or a committee authorised by council to deal with it		✓					
9.6(5)	The local government must give the person who made the objection notice of how it was disposed of and reasons why	✓					✓	
9.9(3)	As soon as a decision under section 9.9(1)(b) is made, the local government must give the affected person written notice stating the reasons for the decision	✓					✓	
9.10(1) & (2)	The local government may appoint persons or classes of persons to be authorised to perform certain functions and must issue them with a certificate stating they are authorised	✓			✓		✓	
9.60(4)	A local government is to administer any regulation made under section 9.60 as if it were a local law	✓						
9.63(1)	If a dispute has arisen between 2 or more local governments, a local government may refer the matter to the Minister to resolve			✓	✓		✓	
9.68(5)	A local government may recover accruing rates from a principal or agent who has failed to give a notice to the local government in accordance with section 9.68	✓					✓	

Section / Regulation	RELEVANT EXERCISABLE POWER or DISCHARGEABLE DUTY OF LOCAL GOVERNMENT			Applicable Delegation			
	Suitable For Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To The CEO	
11(2)	Any local governments affected by an order made under clause 2.1 are to negotiate any adjustment or transfer between them of property, rights and liabilities		✓	✓		✓	
Schedule 2.2 – Provisions about wards and representation							
4(1)	A local government must consider any submissions made under clause 3		✓	✓		✓	
4(2)	If a council believes that a submission is of a minor nature or one which would not require public submissions, it may either propose to the Advisory Board that a submission be rejected or itself deal with it under clause 5(b)	✓					
4(3)	If it is a council's opinion that a submission is substantially similar to a submission in respect of which the local government made a decision in the last 2 years, or the majority of affected electors who made the submission no longer support it, the local government may reject the submission	✓					
4(4)	Unless a local government decides to deal with a submission under clause 5(b) or rejects it or proposes to reject it under clauses 4(1) or 4(2), the local government must carry out a review as to whether or not the order sought should, in the council's opinion, be made	✓					
5	Whether or not it has received a submission, a local government may carry out a review as to whether or not an order under clauses 2.2, 2.3(3) or 2.18, should, in the council's opinion, be made, or propose to the Advisory Board the making of an order under clauses 2.2(1), 2.3(3) or 2.18(3), if, in the opinion of the council, the proposal is of a minor nature or one which would not require public submissions, or propose to the Minister the making of an order changing the name of a district	✓					
6	A local government must carry out a review of its ward boundaries and the number of councillors per ward every 8 years or as directed by the Advisory Board		✓	✓		✓	
7	A local government is to provide local public notice (advising that it is about to review its wards and inviting submissions)	✓					
8	The council must have regard to community of interests, physical and topographical features, demographic trends, economic factors and the ratio of councillors to electors in respect of considerations about wards		✓				
9	When a ward review is complete, the local government must prepare a report for the Advisory Board and may propose the making of an order under clauses 2.2(1), 2.3(3) or 2.18(3)		✓				

Section / Regulation	RELEVANT EXERCISABLE POWER or DISCHARGEABLE DUTY OF LOCAL GOVERNMENT	Applicable Delegation					
		Suitable For Acting Through	Delegation Prohibited	To a 5.9(2) (a) Cthe	To a 5.9(2) (b) Cthe	To a 5.9(2) (c) - (e) Cthe	To The CEO
	Schedule 6.1 – Provisions relating to the phasing – in of valuation						
1(1)	When imposing general rates, a local government may resolve that a general valuation, which results in an increase, can be phased in over 3 years	✓	✓				
1(5)	If a local government makes a resolution, under clause 1(1), it must request the Valuer General, at the same time as the Valuer General determines an interim valuation that will come into force in the district during the first 2 years of the phasing in period, to determine a valuation under subclause (6). The local government must give the Valuer General immediate written notice when the valuation is no longer required	✓					
2(1)	When imposing general rates, a local government may resolve that gross rental valuations can be phased in over 3 years		✓				
2(5)	If a local government makes a resolution under clause 2(1), it must request the Valuer General, at the same time as the Valuer General determines an interim valuation that will come into force in the district during the first 2 years of the phasing in period, to determine a valuation under subclause (6). The local government must give the Valuer General immediate written notice when the valuation is no longer required	✓					
	Schedule 6.2 – Provisions relating to lease of land where rates or service charges unpaid						
1(1)	A local government may lease the land with any conditions for a term that does not exceed 7 years	✓		✓	✓		✓ subject to 5.43 (e)

Section / Regulation	RELEVANT EXERCISABLE POWER or DISCHARGEABLE DUTY OF LOCAL GOVERNMENT		Applicable Delegation			
	Schedule 6.3 – Provisions relating to the sale or transfer of land where rates or service charges unpaid	Delegation Prohibited	Suitable For Acting Through	To a s.9(2) (b) Cthe	To a s.9(2) (c) - (e) Cthe	To The CED
1(1)	Before exercising its power of sale, a local government must give the owner, or any other person who has a recorded interest in the land, opportunity to pay the rates or service charges. It must send them notice by certified mail and place a notice [with the contents prescribed in clause 1(2)] on its notice board for a minimum of 35 days		✓			
1(3)	A local government must give local public notice (if the owner or other interested parties do not have a recorded address)		✓			
1(4)	The local government must appoint a time at which the land may be offered for sale by public auction, not less than 3 months and not more than 12 months from the service of the notice under clauses 1(1) or 1(2)			✓		✓
2(1)	The local government must give [Statewide public notice of the sale]		✓			
2(3)	The local government must give the Registrar of Titles or the Registrar of Deeds a memorial of the Statewide notice		✓			
4(1)	A local government may transfer or convey to the purchaser of the land an indefeasible estate in fee simple			✓		✓ subject to s.43(d)
7(2)	If the land has not been sold within 12 months, the local government may begin the process again in accordance with this Schedule		✓			



Department of Local Government
and Regional Development
Government of Western Australia

www.dlgrd.wa.gov.au

FURTHER INFORMATION

For more information about this and other guidelines, contact the Local Government Support and Development Branch of the Department of Local Government and Regional Development on:

Tel: (08) 9217 1500

Fax: (08) 9217 1555

Freecall: 1800 620 511 (Country Only)

These guidelines are also available on the Department's website at www.dlgrd.wa.gov.au

ABOUT THE GUIDELINE SERIES

This document and others in the series are intended as a guide to good practice and should not be taken as a compliance requirement. The content is based on Departmental officers' knowledge, understanding, observation of, and appropriate consultation on contemporary good practice in local government. Guidelines may also involve the Department's views on the intent and interpretation of relevant legislation.

All guidelines are subject to review, amendment and re-publishing as required. Therefore, comments on any aspect of the guideline are welcome. Advice of methods of improvement in the area of the guideline topic that can be reported to other local governments will be especially beneficial.

Attachment 2 – Current Delegations Register

SHIRE OF Wyndham East Kimberley

DELEGATIONS REGISTER

Adopted 17 July 2007

Revised 17 November 2009

INTRODUCTION

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

The Council of the Shire of Wyndham East Kimberley has resolved to adopt and delegate the functions referred to within this Delegations Manual to the Chief Executive Officer.

The Local Government Act, 1995 Section 5.46 (3) requires that a person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty. Further, Regulation 19 of the Local Government (Administration) Regulations requires that where a power or duty has been delegated under the Act to the CHIEF EXECUTIVE OFFICER or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of -

- a) How the person exercised the power or discharged the duty;
- b) When the person exercised the power or discharged the duty; and
- c) The persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

For recording purposes the discharge of delegations is recorded in a Monthly Report to Council.

The Council has delegated various functions to the Chief Executive Officer. In turn some of those delegations have been sub delegated to senior officers and these are shown in each delegation.

In addition certain functions empowered to the Chief Executive Officer by the Act have been also been sub delegated to senior officers.

In any instance where a delegation is to be conveyed by the delegator in writing then this manual of delegations shall be the relevant instrument and as such is signed by the Shire President and Chief Executive Officer on the front cover.

5.43 . Limits on delegations to CHIEF EXECUTIVE OFFICERS

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

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;

- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (h) any power or duty that requires the approval of the Minister or the Governor; or
- (i) such other powers or duties as may be prescribed.

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5	SALE OF IMPOUNDED/SEIZED/CONFISCATED VEHICLES, ANIMALS OR GOODS	16 June 2009 (Minute 8705)
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#1 (COUNCIL)	ENFORCEMENT & LEGAL PROCEEDINGS
<p>The Chief Executive Officer is delegated authority to appoint persons to initiate prosecutions or other legal actions on behalf of Council under the Local Government Act 1995 and Council's Local Laws. Further, the Chief Executive Officer is delegated authority to appoint persons or classes of persons to be authorised for the purposes of performing particular functions as specified by the Chief Executive Officer. The appointments being those referred to in Section 9.10 of the Local Government Act 1995.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Nil
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#2 (COUNCIL)	TENDERS
<p>Unless otherwise specified, the Chief Executive Officer is delegated authority to accept a tender when the consideration involved does not exceed \$100,000 provided that appropriate provision is made in Council's Budget.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Sections 5.42/5.43(b))
DELEGATE	Chief Executive Officer
SUB DELEGATION	Nil
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#3 (COUNCIL)	PROPERTY – ACQUISITIONS & DISPOSALS
<p>The Chief Executive Officer is delegated authority to acquire or dispose of any property (other than land) valued at an amount not exceeding \$100,000 provided that appropriate provision is made on Council's Budget.</p> <p>The Chief Executive Officer is delegated authority to call tenders and/or quotations.</p> <p>The Chief Executive Officer is further delegated authority to accept a tender</p>	

<p>provided the tender amount does not exceed the amount determined by Council in accordance with Section 5.43(b).</p> <p>This delegation shall only be exercised when provision of sufficient funds for the purpose has been made in Council's budget.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Sections 5.42/5.43(d))
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Regulatory Services, Executive Manager Corporate Services
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#4 (COUNCIL)	IMPOUNDING GOODS
<p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> (1) Authorise an employee in accordance with Section 3.39 to remove and impound any 'goods that are involved in a contravention that can lead to impounding. (2) Take appropriate action in respect to impounded non-perishable goods in accordance with Section 3.42. (3) Give notice in accordance with Section 3.44 to collect goods. (4) Refuse to allow goods to be collected until all costs have been paid in accordance with Section 3.46. (5) Sell confiscated or uncollected goods in accordance with Section 3.47. (6) Take action to recover expenses in accordance with Section 3.48. 	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Regulatory Services, Kununurra Works Manager, Rangers
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#5 (COUNCIL)	SALE OF IMPOUNDED/SEIZED/CONFISCATED VEHICLES, ANIMALS OR GOODS
<p>The Chief Executive Officer is delegated authority to dispose of any vehicles, animals or goods that have been impounded/seized/confiscated under the provisions of Section 3.47 and 3.58 of the Local Government Act 1995.</p> <p>The Chief Executive Officer may dispose of the above only after calling public tenders in accordance with Part 4 of the Local Government (Functions and General) Regulations. The Chief Executive Officer is authorised pursuant to Section 5.43 (b) of the Local Government Act 1995 to accept any tender up to the value of \$10,000. Tenders for amounts exceeding \$10,000 shall be referred to the Council for consideration.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Regulatory Services, Kununurra Works Manager
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#6 (COUNCIL)	LOCAL LAWS
<p>The Chief Executive Officer is delegated authority to perform the following powers/duties in relation to local laws made under the Local Government Act 1995 and any other Act:</p> <ol style="list-style-type: none"> (1) Give statewide public notice and provide the appropriate Minister with a copy of the proposed local law and the statewide public notice as required under Section 3.12(3). (2) After making a local law, publish it in the Gazette and give a copy to the appropriate Minister as required under Section 3.12(5). (3) After the local law has been published in the Gazette give statewide public notice in accordance with Section 3.12(6). (4) Take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws as required under Section 3.15. (5) Give State wide public notice stating intention to review a local law as required under Section 3.16(2). (6) After the last day for submissions on the proposed review of a local law, consider the submissions and prepare a report for submission to Council as required under Section 3.16(3). 	

(7) After the Council has made a determination in respect of the local law review, give statewide public notice as required under Section 3.16(5).	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Executive Manager Engineering and Regulatory Services, Executive Manager Town Planning and Economic Development.
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#7 (COUNCIL)	EXECUTIVE FUNCTIONS - DUTIES
<p>The Chief Executive Officer is delegated authority to perform the following duties, so far as is reasonable and practicable, on behalf of Council in regard to the performance of executive functions (refer Section 3.21):</p> <ol style="list-style-type: none"> (1) Ensure that the lawful use of any land, thoroughfare or premises is not obstructed, and any reasonable request that a person makes to avoid such obstruction is met. (2) Ensure that as little harm or inconvenience is caused and as little damage is done as is possible. (3) Ensure that danger to any person or property does not arise from anything done on land. <p>Ensure that anything belonging to the Local Government, or to a person who has exercised a power of entry on its behalf, that has been left on any land, premises or thing entered is removed as soon as practicable unless this Act expressly allows it to be left there.</p> <ol style="list-style-type: none"> (5) Ensure that buildings, fences, and other structures are not disturbed nor damaged. (6) Ensure that when the Local Government enters land that is fenced, it enters through the existing and usual openings in the fence unless it is expressly authorised to open the fence. (7) Ensure that any physical damage done to any land, premises or thing, is immediately made good unless compensation has been or is to be paid. 	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)

DELEGATE	Chief Executive Officer
SUB DELEGATION	All Executive Managers
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#8 (COUNCIL)	CERTAIN THINGS TO BE DONE IN RESPECT OF LAND
<p>The Chief Executive Officer is delegated authority to authorise any person to exercise on behalf of the local government the powers given to a local government by Subdivision 2 (Certain Provisions about Land) of the Act.</p> <p><i>(Refer Section 3. 24.)</i></p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	All Executive Managers
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#9 (COUNCIL)	POWER OF ENTRY
<p>The Chief Executive Officer is delegated authority to exercise all of the powers and duties of the local government in respect to the powers of entry upon land as contained in Section 3.28 to 3.36 inclusive of the Local Government Act 1995.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	All Executive Managers,
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#10 (COUNCIL)	REGISTER OF DELEGATION TO COMMITTEES
<p>The Chief Executive Officer is delegated authority to keep a Register of the delegations made by Council to any Committees, the Register being required in accordance with the provisions of Section 5.18 of the Act.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Corporate Support Officer
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#11 (COUNCIL)	ANNUAL REPORT
<p>The Chief Executive Officer is delegated authority to prepare, each financial year, the Annual Report as required by Section 5.53(1) of the Act.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Corporate Support Officer
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#12 (COUNCIL)	PLAN FOR THE FUTURE
<p>The Chief Executive Officer is delegated authority to prepare, each financial year, the Plan for the Future as required by Section 5.56 of the Act.</p> <p>In addition, the Chief Executive Officer is delegated authority to give the local public notice required under Section 5o57(1), after the Plan has been prepared and adopted in draft by Council.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Corporate Support Officer

COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#13 (COUNCIL)	COPIES OF INFORMATION
<p>The Chief Executive Officer is delegated authority to ensure copies are available to persons inspecting information made available for inspection under Division 7, Part 5 of the Act and ensure that the price at which the copies are sold does not exceed the cost of providing the copies (refer Section 5.96).</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Executive Manager Town Planning and Economic Services, Builder Surveyors, Executive Support Officers
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#14 (COUNCIL)	COUNCIL & COMMITTEE MEETINGS
<p>The Chief Executive Officer is delegated authority to perform the following duties:</p> <p>(1) At least once each year, give Local Public Notice of the dates on which and the time and place at which ordinary Council meetings, and, the Committee meetings that are required under the Act to be open to members of the public, are to be held.</p> <p>(2) Give Local Public Notice of any change to the date, time or place of a meeting that is open to the public.</p> <p>(3) Give Local Public Notice of the date, time, place and purpose of any special meeting of the Council that is to be open to members of the public.</p> <p><i>(Reference: Local Government (Administration) Regulation No 12.)</i></p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Executive Support Officers

COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#15 (COUNCIL)	PUBLIC INSPECTION OF DOCUMENTS RELATING TO COUNCIL & COMMITTEE MEETINGS
<p>The Chief Executive Officer is delegated authority to ensure that unconfirmed minutes of each Council meeting and each Committee meeting are available for inspection by members of the public within 10 and 5 business days respectively.</p> <p>The Chief Executive Officer is delegated authority to ensure notice papers and agenda relating to any Council or Committee meeting and which have been made available to members of the Council or Committee are available for inspection by members of the public from the time the documents are made available to the members.</p> <p><i>(Reference: Local Government (Administration) Regulation Numbers 13 and 14.)</i></p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Executive Support Officers
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#16 (COUNCIL)	TENDERS FOR PROVIDING GOODS & SERVICES
<p>In respect to part 4 of the Local Government (Functions and General) Regulations 1996, the Chief Executive Officer is delegated authority to perform the following:</p> <p>(1) Publicly invite tenders for the supply of goods and services expected to be worth more than \$100,000.</p> <p><i>(Reference: Regulations 11(1), 12 and 13.)</i></p> <p>(2) Give statewide public notice in accordance with Regulation 14.</p> <p>(3) Give each Tenderer notice in writing containing particulars of the successful tender or advising that no tender was accepted.</p> <p><i>(Reference: Regulation 19.)</i></p>	

LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	All Executive Managers
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

17 (COUNCIL)	COMMERCIAL ENTERPRISES
<p>The Chief Executive Officer is delegated authority to prepare any business plan as required under Section 3.59(2) of the Local Government Act 1995 and to give Statewide public notice as required by Section 3.59(4) of the Act prior to consideration by Council.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	All Executive Managers
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#18 (COUNCIL)	PAYMENT OF CREDITORS
<p>The Chief Executive Officer is delegated authority to make payments from the Municipal Fund or the Trust Fund. Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month showing:</p> <p>a) The payee's name b) The amount of the payment c) The date of the payment d) Sufficient information to identify the transaction.</p> <p>The list referred to above 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.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Manager Financial Services,

	Senior Financial Officers.
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#19 (COUNCIL)	RATE BOOK
<p>The Chief Executive Officer is hereby delegated the performance of the following functions of the Council:</p> <ol style="list-style-type: none"> (1) Compile the necessary rate records as specified in Sections 6.39(1) and 6.39(2) of the Local Government Act 1995 and reassess rates payable in accordance with Section 6.40. (2) The service of rate notices referred to in Section 6.41 of the Local Government Act 1995 (as amended). (3) Entering into an agreement in accordance with Section 6.49 of the Local Government Act 1995 for the payment of rates and service charges. (4) Determine the date that a rate or service charge becomes due and payable in accordance with Section 6.50 of the Local Government Act 1995. (5) The recovery of rates and service charges pursuant to the provisions of Sections 6.54 to 6.62 of the Local Government Act 1995. <p>Lodge caveats on land where the rates are in arrears and it is considered that the interests of the Council should be protected and the subsequent withdrawal of caveats once arrears of rates have been settled. (Section 6.64(3).)</p> <ol style="list-style-type: none"> (7) Exercise discretion in regard to granting of any extension of time for service of objections to the Rate Book in accordance with Section 6.76(4) of the Local Government Act 1995. (8) Allow or disallow in accordance with Section 6.76(5) any objection to the rate record lodged under Section 6.76(1) and to serve notice of the decision and a statement of reasons for the decision upon the person lodging the objection in accordance with Section 6.76(6). (9) Extend the period of time for receipt of a notice under Section 6.77 and to refer notices received under Sections 6.77 and 6.78 to a Land Valuation Tribunal (Section 6.79). 	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Manager Financial Services,

	Senior Financial Officers, Rates Officer.
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#20 (COUNCIL)	FINANCIAL REPORTS
<p>The Chief Executive Officer is delegated authority to prepare the annual financial reports and such other financial reports as prescribed in Local Government (Financial Management) Regulation No 34. Refer Section 6.4(1) of the Act.</p> <p>Further, the Chief Executive Officer is delegated authority to submit the accounts and financial reports to the Council's auditors in accordance with Section 6.4(2) of the Act.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Manager Financial Services
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#21 (COUNCIL)	TRUST FUND
<p>The Chief Executive Officer is delegated authority to manage the Trust Fund as required by Section 6.9 of the Local Government Act.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Manager Financial Services
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#22 (COUNCIL)	INVESTMENTS
<p>The Chief Executive Officer is delegated authority to invest any monies held in the Municipal Fund or the Trust Fund that is not, for the time being, required by the local government for any other purpose. In exercising this delegated authority the Chief Executive Officer shall observe Section 6.14 of the Act.</p> <p>Further, the Chief Executive Officer is delegated authority to establish and document internal control procedures to be followed by employees to ensure control over investments. The control procedures are to enable the identification of: -</p> <p>(a) The nature and location of all investments, and</p> <p>(b) The transactions related to each investment.</p> <p><i>(Reference: Local Government (Financial Management) Regulation No 19.)</i></p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Manager Financial Services
COUNCIL POLICY	F11; <i>Management of Investments</i>
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#24 (COUNCIL)	EXPENDITURE BEFORE ADOPTION OF BUDGET
<p>The Chief Executive Officer is delegated authority to authorise operating expenditure and appropriate capital expenditure that is included in Council's Plan for the Future from the Municipal Fund prior to the adoption of the annual budget. (Reference Section 6.8(1))</p> <p>The Chief Executive Officer in exercising this delegated authority shall ensure the proposed expenditure is included in the draft budget to be presented to Council.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	All Executive Managers
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#25 (COUNCIL)	TEMPORARY CLOSURE OF THOROUGHFARE TO VEHICLES
<p>The Chief Executive Officer is delegated authority to give the necessary notices and take all appropriate actions to temporarily close any thoroughfare for any period not exceeding 3 months. The Chief Executive Officer, in exercising this delegated authority, shall observe the requirements of Section 3.49 and 3.50 of the Local Government Act.</p> <p>Any proposal to close a thoroughfare for any period exceeding 3 months shall be referred to Council for determination.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Regulatory Services,
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#26 (COUNCIL)	GATES ACROSS PUBLIC THOROUGHFARE
<p>The Chief Executive Officer is delegated authority to determine applications for permission to erect gates or other devices across public thoroughfares under Council control or management to enable traffic to pass across the public thoroughfare and prevent livestock from straying. This authority relates to all of the provisions of Regulation 9, Local Government (Uniform Local Provisions) Regulations 1996.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Regulatory Services,
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#27 (COUNCIL)	DANGEROUS EXCAVATION IN OR NEAR PUBLIC THOROUGHFARE
<p>The Chief Executive Officer is delegated authority to take all appropriate to remove, or have removed, any dangerous excavation in a public thoroughfare or land adjoining a public thoroughfare.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Regulatory Services
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#28 (COUNCIL)	CROSSOVERS
<p>The Chief Executive Officer is delegated authority to determine applications for the construction of a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land and may agree to construct the crossing for the applicant.</p> <p>The Chief Executive Officer is delegated authority to give notice to an owner or occupier of private land requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land. If the person fails to comply with the notice the Chief Executive Officer is delegated authority to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Regulatory Services
COUNCIL POLICY	
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#29 (COUNCIL)	PUBLIC THOROUGHFARES – FIXING OR ALTERING LEVELS OR ALIGNMENTS OR DRAINAGE ONTO ADJOINING LAND
<p>The Chief Executive Officer is delegated authority to give the required notices as specified in Section 3.51(3) and (4) before fixing or altering the level of, or the alignment of a public thoroughfare and before draining water from a public thoroughfare or other public place onto adjoining land.</p> <p>Further, the Chief Executive Officer is delegated authority to consider any submissions received and proceed with the proposal if no objection is received.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Regulatory Services
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#30 (COUNCIL)	PUBLIC THOROUGHFARES – PUBLIC USE & PLANS
<p>The Chief Executive Officer is delegated authority to:</p> <p>(1) Ensure that public thoroughfares are kept open for public use as required under Section 3.53(2) of the Act.</p> <p>(2) In fixing or altering the level of, or the alignment of a public thoroughfare, ensure that access by vehicle to land adjoining the thoroughfare can be reasonably provided. (<i>Reference Section 3. 52(3)</i>)</p> <p>(3) Keep plans of the levels and alignments of public thoroughfares that are under Council's control or management and make those plans available for public inspection. (<i>Reference Section 3. 52(4)</i>)</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Regulatory Services
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#31 (COUNCIL)	DEMOLITION LICENSES
<p>The Chief Executive Officer is delegated authority to approve the issue of a demolition licence (Section 374A) to take down a building or a part of a building and such licence may be subject to such conditions as the Chief Executive Officer considers necessary for the safe and proper execution of the work.</p>	
LEGISLATIVE POWER	Local Government (Miscellaneous Provisions) Act 1960
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Town Planning and Economic Services, Building Surveyors
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#33 (COUNCIL)	BUILDINGS – ISSUE OF SECTION 401 NOTICES
<p>The Chief Executive Officer is delegated authority to issue notices pursuant to Section 401 of the Local Government (Miscellaneous Provisions) Act 1960 where a breach of building requirements is considered by the Chief Executive Officer to be of a magnitude sufficient to warrant issue of a notice.</p>	
LEGISLATIVE POWER	Local Government (Miscellaneous Provisions) Act 1960
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Town Planning and Economic Services, Building Surveyors
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#34 (COUNCIL)	BUILDING LICENSES
<p>That pursuant to Section 374(lb) of the Local Government (Miscellaneous Provisions) Act 1960, the Building Surveyor is delegated authority to approve or refuse to approve plans and specifications, but where a plan and specification so submitted conforms to:</p> <p>a) All Local Laws and Regulations in force in the district or part of the district in respect of building matters, and the Council's pre-determined policy in respect of building matters; and</p>	

b) All Local Laws and schemes in force in the district or part of the district in respect of town and regional planning matters, and the Council's predetermined policy in respect of town and regional planning matters,

The Environmental Development Manager shall not refuse to approve that plan or those specifications without first obtaining the consent of the Council.

Furthermore, the issuing of a building licence under Section 374(1) of the Local Government (Miscellaneous Provisions) Act 1960 may be subject to such conditions, as the Environmental Development Manager considers necessary.

All licenses issued under this delegated authority shall, in addition to any conditions imposed by the Environmental Development Manager, contain and be subject to the following conditions:

- ◆ The building licence is valid for a maximum period of twenty-four (24) months.

LEGISLATIVE POWER	Local Government (Miscellaneous Provisions) Act 1960
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Town Planning and Economic Services, Building Surveyors
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#35 (COUNCIL)	BUILDINGS – REMOVAL OF NEGLECTED & DILAPIDATED
The Chief Executive Officer is delegated authority to serve upon the owners and occupiers of neglected and dilapidated buildings the written notices required by Sections 408 and 409 of the Local Government (Miscellaneous Provisions) Act 1960.	
LEGISLATIVE POWER	Local Government (Miscellaneous Provisions) Act 1960
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Town Planning and Economic Services, Building Surveyors
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#36 (COUNCIL)	UNLAWFUL WORKS
<p>(a) The Chief Executive Officer is delegated authority to issue stop work notices pursuant to Section 401A of the Local Government Act (Miscellaneous Provisions) 1960 where a breach of building requirements is considered by the Chief Executive Officer to be of a magnitude sufficient to warrant issue of a notice.</p> <p>(b) The Chief Executive Officer is delegated authority to withdraw stop work notices pursuant to Section 401A of the Local Government Act (Miscellaneous Provisions) 1960 where the breach for which the notice has been issued is corrected to the satisfaction of the Chief Executive Officer.</p>	
LEGISLATIVE POWER	Local Government (Miscellaneous Provisions) Act 1960
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Town Planning and Economic Services, Building Surveyors
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#37 (COUNCIL)	BUILDINGS - DANGEROUS
<p>The Chief Executive Officer is delegated the authority to carry out the following functions as provided in Section 403 of the Local Government (Miscellaneous Provisions) Act 1960:</p> <p>(1) Issue a certificate which states that the subject building is in a dangerous state.</p> <p>(2) Shore up or otherwise secure the building, as well as providing a hoarding or fence around the building to protect the public from danger.</p> <p>(3) Serve written notice upon the owner or the occupier of the building requiring that the building be taken down, secured or repaired.</p>	
LEGISLATIVE POWER	Local Government (Miscellaneous Provisions) Act 1960
DELEGATE	Chief Executive Officer
SUB DELEGATION	Building Surveyors
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#38 (COUNCIL)	CERTIFICATES OF CLASSIFICATION
<p>The Chief Executive Officer is delegated authority to issue Certificates of Classification of Buildings in accordance with Section 374C of the Local Government (Miscellaneous Provisions) Act 1960.</p>	
LEGISLATIVE POWER	Local Government (Miscellaneous Provisions) Act 1960
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Town Planning and Economic Services, Building Surveyors
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#39 (COUNCIL)	LICENCE TO DEPOSIT MATERIALS ON, OR EXCAVATE ADJACENT TO A STREET
<p>The Chief Executive Officer is delegated the authority to issue licenses to deposit materials on a street, way or other public place and to excavate on land abutting or adjoining a street, way or other public place pursuant to Section 377 of the Local Government (Miscellaneous Provisions) Act 1960. The Chief Executive Officer shall first obtain confirmation from appropriate staff that the proposed activity will not create undue interference with the operation of the street, way or public place. Licenses are to be issued subject to the conditions detailed in Section 377 of the Local Government (Miscellaneous Provisions) Act 1960 and such other conditions as considered relevant by the Chief Executive Officer.</p>	
LEGISLATIVE POWER	Local Government (Miscellaneous Provisions) Act 1960
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Regulatory Services
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#40 (COUNCIL)	AWARD/INDUSTRIAL MATTERS
The Chief Executive Officer is delegated authority to act on the Council's behalf in any general Industrial/Award matter and any Industrial dispute involving any employee/s of the Shire.	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	All Executive Managers
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#41 (COUNCIL)	LEGAL ADVICE
Subject to provision being made in the budget for legal expenses, the Chief Executive Officer is delegated authority to obtain from an appropriate solicitor such legal advice and opinions as is deemed necessary in the exercise of the management of the local government.	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	All Executive Managers
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#42 (COUNCIL)	CONTRACT VARIATIONS
The Chief Executive Officer is delegated authority to approve minor variations to contracts entered into by Council, subject to the funds required to meet the cost of the variations being contained within the amount set aside in the budget adopted by the Council.	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	All Executive Managers
COUNCIL POLICY	N/A

ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#43 (COUNCIL)	NATIVE TITLE
<p>The Chief Executive Officer is delegated authority to register an interest in any Native Title Claim affecting Council in order for Council to have sufficient interest to become a party to the Native Title Application.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Nil
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#44 (COUNCIL)	TELEPHONES (PRIVATE) & PERSONAL COMPUTERS – USE BY EMPLOYEES FOR COUNCIL BUSINESS
<p>The Chief Executive Officer is delegated authority to make appropriate financial and other arrangements with employees to have a telephone/fax, a personal computer and internet connection installed in his/her principal place of residence within the Shire for some use on Council business. The Chief Executive Officer is further delegated authority to make appropriate arrangements to reimburse any employee with any telephone/fax expense incurred on Council business.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Nil
COUNCIL POLICY	
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#45 (COUNCIL)	APPOINTMENT OF CONSULTANTS
<p>The Chief Executive Officer is delegated authority to appoint consultants including architects, valuers, planning consultants and the like. In exercising this delegated authority the following conditions shall apply:</p> <ul style="list-style-type: none"> • Any Council policy is to be observed. • Adequate funds shall be available in Council budget. • The appointment is to be for an approved project. • The value of the appointment shall not exceed \$100,000. 	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	All Executive Managers
COUNCIL POLICY	
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#46 (COUNCIL)	INSURANCE – PUBLIC LIABILITY CLAIMS
<p>The Chief Executive Officer is delegated authority to consider claims against Council for property damage that do not exceed the insurance policy excess levels, and to accept or deny liability on behalf of Council.</p> <p>In cases where liability is accepted, payment may only be made up to the value of Council's relevant insurance excess amount and then only upon receipt of an appropriate release form prepared by Council's Solicitors.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Manager Financial Services
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#47 (COUNCIL)	CONFERENCES/SEMINARS/TRAINING COURSES – EXPENSES OF COUNCILLORS & STAFF
<p>The Chief Executive Officer is delegated authority to reimburse all reasonable expenses to elected members and staff incurred whilst attending authorised conferences, seminars and training courses and during other absences from the district on any business deemed necessary by the Chief Executive Officer. Such expenses may include registration fees, accommodation, meals, refreshments, travel and other appropriate out-of-pocket expenses. Before exercising this delegated authority the Chief Executive Officer shall obtain from the Elected Member or staff member receipts or other appropriate proof that the expense was incurred, along with a declaration that the expense was incurred wholly whilst on Council business.</p> <p>This delegation also applies to the payment of expenses of partners when the Council has specifically resolved that it is appropriate for an Elected Member or staff member to be accompanied by another person.</p> <p>The Chief Executive Officer shall observe any Council policy in place from time to time.</p>	
LEGISLATIVE POWER	
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services
COUNCIL POLICY	
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#51 (COUNCIL)	USE OF VEHICLES
<p>The Chief Executive Officer is delegated the authority to make all appropriate private use arrangements with all staff having use of a Council vehicle.</p>	
LEGISLATIVE POWER	Local Government Act 1995
DELEGATE	Chief Executive Officer
SUB DELEGATION	Nil
COUNCIL POLICY	
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#52 (COUNCIL)	STAFF HOUSING
<p>The Chief Executive Officer is delegated authority to make all arrangements in regard to occupancy and maintenance of all staff accommodation provided by Council. In exercising this delegation the Chief Executive Officer shall have regard to any Council policy in place from time to time.</p> <p>In the event that any Council provided accommodation is, at any time, not required for Council employees, the Chief Executive Officer is delegated authority to rent the accommodation to persons other than Council employees, provided the tenancy arrangement is appropriate to the needs of Council.</p> <p>The Chief Executive Officer is further delegated authority to determine the level of bond to be applied to each occupancy arrangement and Tenancy Agreement.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services
COUNCIL POLICY	
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#53 (COUNCIL)	SALARIES
<p>The Chief Executive Officer is delegated authority to alter salaries payable to all staff who are not Senior Officers under the Local Government Act. 1995. The alteration may be within the employee's assigned band/classification, may involve a change of salary band/classification or may involve an appropriate over award payment.</p> <p>In exercising this delegated authority the Chief Executive Officer shall ensure that the variation is the result of a satisfactory performance appraisal and appropriate funding is available on Council's budget. If any salary change is likely to involve over budget expenditure, the change will require endorsement of Council.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Nil
COUNCIL POLICY	
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#54 (COUNCIL)	EVENTS ON ROADS
<p>The Chief Executive Officer is delegated authority to determine applications for the temporary closure of roads for the purpose of conducting events in accordance with the Road Traffic (Events on Roads) Regulations 1991. The Chief Executive Officer shall have regard to Section 3.50 of the Local Government Act 1995.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Regulatory Services
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#55 (COUNCIL)	STRATA TITLES
<p>Pursuant to the provisions of Section 23 of the Strata Titles Act 1985, the Chief Executive Officer is authorised to issue the appropriate certificates in respect to buildings as may be shown on a strata plan to be lodged for registration under the Act, provided that the buildings shown on the strata plan are first inspected to ensure compliance with Town Planning, Health and other Council requirements and that the Chief Executive Officer is of the opinion that the buildings are of sufficient standard and suitable to be divided into lots pursuant to the Strata Titles Act.</p> <p><i>(Note: This delegation is to be supported by an instrument in writing under the Common Seal of the Shire.)</i></p>	
LEGISLATIVE POWER	Strata Titles Act 1985
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Town Planning and Economic Development
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#57 (COUNCIL)	PROHIBITED & RESTRICTED BURNING TIMES (VARIATIONS)
<p>That pursuant to Sections 17(10) and 18(5)(c) of the Bush Fires Act, the Shire President and the Chief Bush Fire Control Officer be delegated jointly the Council's powers and duties under Section 17(7) and (8) and Section 18(5) of the Bush Fires Act in respect to varying the prohibited burning times and restricted burning times, provided that the Officer in Charge of FESA is consulted before the authority under this delegation is exercised.</p>	
LEGISLATIVE POWER	Bush Fires Act 1954
DELEGATE	Shire President, Chief Executive Officer, Chief Bush Fire Control Officer
SUB DELEGATION	Executive Manager of Engineering and Development Services
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#58 (COUNCIL)	BUSH FIRES ACT 1954 - OFFENCES
<p>The Chief Executive Officer is delegated general authority to consider allegations of offences alleged to have been committed against the Bush Fires Act within the district, and if the Chief Executive Officer thinks fit, to institute and carry out proceedings in the name of the Shire against any person alleged to have committed any of those offences. This delegation extends to the issue of infringement notices in accordance with the provisions of Section 59A of the Act.</p>	
LEGISLATIVE POWER	Bush Fires Act 1954 (Section 59(3))
DELEGATE	Chief Executive Officer
SUB DELEGATION	Nil
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#59 (COUNCIL)	PROCEEDINGS UNDER DOG ACT
<p>In accordance with Section 44 of the Dog Act, the Chief Executive Officer is authorised to institute and carry on proceedings in the name of the Shire in respect to offences alleged to have been committed within the district against the Dog Act.</p> <p>This delegation also enables the Chief Executive Officer to issue infringement notices pursuant to the provisions of Section 29 of the Act.</p>	
LEGISLATIVE POWER	Dog Act
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Regulatory Services
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#60 (CHIEF EXECUTIVE OFFICER)	CONVENING OF MEETINGS
<p>The Chief Executive Officer is delegated authority to convene ordinary and special meetings of the Council by giving notice of meeting and agenda.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#62 (CHIEF EXECUTIVE OFFICER)	CONVENING OF ELECTOR'S MEETINGS
<p>The Chief Executive Officer is delegated authority to convene Elector's meetings of the Council by giving required notice of meeting and agenda. The Executive Manager of Corporate Services shall have regard to Section 5.29 (1) of the Local Government Act 1995.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer

SUB DELEGATION	Executive Manager of Corporate Services
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#63 (CHIEF EXECUTIVE OFFICER)	ELECTOR'S MEETING MINUTES
<p>The Chief Executive Officer is delegated authority to cause minutes of Elector's meetings to be kept and preserved and ensure minutes are available for inspection before the Council meeting at which decisions made at the Electors' meeting are first considered. The Chief Executive Officer shall have regard to Section 5.32 of the Local Government Act 1995.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Executive Support Officers
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#69 (CHIEF EXECUTIVE OFFICER)	RETENTION & MANAGEMENT OF RECORDS
<p>The Chief Executive Officer is delegated authority to ensure that the records and documents of the local government are properly kept for the purposes of this Act and any other written law.</p> <p>The Chief Executive Officer shall have regard to Section 5.41 (h) of the Local Government Act 1995.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42), State Record Act 2000
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#70 (CHIEF EXECUTIVE OFFICER)	REGISTER OF DELEGATIONS TO CHIEF EXECUTIVE OFFICER
<p>The Chief Executive Officer is delegated authority to keep a register of the delegations made to the Chief Executive Officer and to employees under Part 5, Division 4 of the Act.</p> <p>The Chief Executive Officer shall have regard to Section 5.46 (1) of the Local Government Act 1995.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#71 (CHIEF EXECUTIVE OFFICER)	ANNUAL REPORT ADVERTISING
<p>The Chief Executive Officer is delegated authority to give local public notice of availability of the Annual Report as soon as practicable after the report has been accepted by Council.</p> <p>The Chief Executive Officer shall have regard to Section 5.55 of the Local Government Act 1995.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Manager Financial Services, Corporate Support Officer
ADOPTED	17 July 2007
COUNCIL POLICY	N/A
REVIEWED	16 June 2009 (Minute 8705)

#73 (CHIEF EXECUTIVE OFFICER)	MINISTERIAL APPROVAL FOR DISCLOSING MEMBER TO PARTICIPATE IN MEETING
<p>The Chief Executive Officer is delegated authority to apply to the Minister to allow a disclosing member to participate in part of meeting relating to the matter</p> <p>The Chief Executive Officer shall have regard to Section 5.69 (1) of the Local Government Act 1995.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Nil
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#74 (CHIEF EXECUTIVE OFFICER)	RECORDING OF DISCLOSURES OF FINANCIAL INTERESTS IN MINUTES
<p>The Chief Executive Officer, is delegated authority to record in the minutes of meetings, details of disclosures made under Section 5.65 or 5.70 of the Act.</p> <p><i>(Refer to Section 5.66 of the Local Government Act 1995.)</i></p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Executive Support Officers
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#75 (CHIEF EXECUTIVE OFFICER)	COUNCIL OR COMMITTEE MEMBER ACCESS TO INFORMATION
<p>The Chief Executive Officer, is delegated authority to ensure that a Council member or a committee member has access to information that is relevant to the performance by the person of any of his or her functions under the Local Government Act or under any other written law.</p> <p><i>(Refer to Section 5.92 of the Local Government Act 1995.)</i></p>	

LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	All Executive Managers
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#76 (CHIEF EXECUTIVE OFFICER)	INSPECTION OF RECORDS BY ANY MEMBER OF THE PUBLIC
<p>The Chief Executive Officer, is delegated authority to ensure that any person attending the office during office hours, and free of charge inspect, subject to Section 5.95, the records specified in Section 5.94 whether or not current at the time of inspection.</p> <p><i>(Refer to Section 5.94 of the Local Government Act 1995.)</i></p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	All Executive Managers
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#77 (CHIEF EXECUTIVE OFFICER)	RIGHT TO INSPECT RECORDS
<p>The CHIEF EXECUTIVE OFFICER is delegated authority to determine a person's right to inspect information referred to in Section 5.94 where discretion is provided to the Chief Executive Officer.</p> <p><i>(Refer to Section 6.5 of the Local Government Act 1995.)</i></p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Nil
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#78	(CHIEF EXECUTIVE OFFICER)	FINANCIAL RECORDS
<p>The CHIEF EXECUTIVE OFFICER is delegated authority to ensure that there are kept, in accordance with Regulations, proper accounts and records of the transactions and affairs of the local government and keep the accounts and records up to date and ready for inspection at any time by persons authorised to do so under the Local Government Act or another written law.</p> <p><i>(Refer to Section 6.5 of the Local Government Act 1995.)</i></p>		
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)	
DELEGATE	Chief Executive Officer	
SUB DELEGATION	Executive Manager Corporate Services, Manager Financial Services	
COUNCIL POLICY	N/A	
ADOPTED	17 July 2007	
REVIEWED	16 June 2009 (Minute 8705)	

#79	(CHIEF EXECUTIVE OFFICER)	APPOINTMENT OF EMPLOYEES – LEGAL PROCEEDINGS
<p>The CHIEF EXECUTIVE OFFICER has delegated authority to appoint an employee to represent the local government in legal proceedings either generally or in a particular case.</p>		
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)	
DELEGATE	Chief Executive Officer	
SUB DELEGATION	Nil	
COUNCIL POLICY	N/A	
ADOPTED	17 July 2007	
REVIEWED	16 June 2009 (Minute 8705)	

#80	(CHIEF EXECUTIVE OFFICER)	CERTIFYING OF DOCUMENTS
<p>The CHIEF EXECUTIVE OFFICER is delegated the authority to authorise an employee for the purpose of certifying a document to be a true copy.</p> <p><i>(Refer to Section 9.31 of the Local Government Act 1995.)</i></p>		
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)	

DELEGATE	Chief Executive Officer
SUB DELEGATION	All Executive Managers
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#81 (CHIEF EXECUTIVE OFFICER)	SAFE CUSTODY & CONFIDENTIALITY OF TENDERS
<p>The CHIEF EXECUTIVE OFFICER is delegated the authority to ensure that all tenders received are deposited in safe keeping in the duly allotted tender box and to ensure that all tenders remain confidential</p> <p><i>(Refer to Regulation 16 of the Local Government (Functions and General) Regulations.)</i></p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	All Executive Officers, Executive Support Officers
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#82 (CHIEF EXECUTIVE OFFICER)	TENDERS REGISTER
<p>The CHIEF EXECUTIVE OFFICER is delegated the authority to keep a tender register and make it available for public inspection.</p> <p><i>(Refer to Regulation 17 of the Local Government (Functions and General) Regulations.)</i></p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	All Executive Officers, Executive Support Officers
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#83 (CHIEF EXECUTIVE OFFICER)	ESTABLISHMENT & MAINTENANCE OF ACCOUNTING SYSTEMS
<p>The CHIEF EXECUTIVE OFFICER is delegated the authority to establish efficient systems and procedures for -</p> <p>a) For the proper collection of all money owing to the local government;</p> <p>b) For the safe custody and security of all money collected or held by the local government;</p> <p>c) For the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process);</p> <p>d) To ensure proper accounting for municipal or trust - income received or receivable; expenses paid or payable; and assets and liabilities;</p> <p>e) To ensure proper authorisation for the incurring of liabilities and the making of payments;</p> <p>f) For the maintenance of payroll, stock control and costing records; and</p> <p>g) To assist in the preparation of budgets, accounts and reports required by the Act or these regulations.</p> <p><i>(Refer to Regulation 5(1) of the Local Government (Finance Management) Regulations.)</i></p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services, Manager Financial Services
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#88 (COUNCIL)	DONATIONS OF WORK TO LOCAL COMMUNITY GROUPS
<p>The Chief Executive Officer is delegated authority to exercise discretion on the use of Council resources on small community works for local facilities and not for profit volunteer groups.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Regulatory Services
COUNCIL POLICY	
ADOPTED	17 July 2007

REVIEWED	16 June 2009 (Minute 8705)
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#89 (COUNCIL)	LIQUOR CONSUMPTION APPLICATIONS
The Chief Executive Officer is delegated authority to approve applications for the consumption of alcohol on Shire facilities in accordance with whatever conditions are imposed by the Licensing Court.	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	All Executive Managers
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#90 EXECUTIVE OFFICER)	(CHIEF SIGNING OF COUNCIL CORRESPONDENCE
Correspondence to be personally signed by the Chief Executive Officer:	
(1) Letters which either:	
<ul style="list-style-type: none"> (a) Offer an opinion on Council Policy; (b) Give political comment; (c) Seek a meeting or deputation, or (d) Make a major commitment, financial or otherwise in terms of Council's resources; 	
and which are addressed to the following:	
<ul style="list-style-type: none"> (i) State or Federal Member of Parliament (ii) Permanent Secretaries or Directors of the like of State and Federal Departments (iii) Mayors/Presidents of other Councils (iv) Chief Executive Officers of other Councils (v) The Ombudsman (vi) Western Australian Municipal Association (vii) The Department of Local Government 	
(2) Letters: -	
<ul style="list-style-type: none"> (a) of appointment for Council staff (b) letters of dismissal in relation to Council staff or contractors working for Council 	

Correspondence that can be signed by Executive Managers:	
(1) Letters other than those referred to above	
(2) Letters that are of normal operations	
(3) Letters that are the result of a Council decision	
(4) Letters that are permitted by another delegation or Council policy	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	All Executive Managers
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#91 (COUNCIL)	COMMUNITY QUICK GRANTS
The Chief Executive Officer is delegated authority to award quick grants to not for profit community groups up to the value of \$500.00 providing funding is available within Council's Budget.	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Nil
COUNCIL POLICY	
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#92 (COUNCIL)	ACQUISITION & DISPOSAL OF PROPERTY
The Chief Executive Officer is delegated authority to negotiate the purchase and disposal of any Council land valued at an amount not exceeding \$100,000 provided that the appropriate provision is made in Council's Budget.	
The extent of the delegation is limited to negotiating a purchase/selling price to be within an independent valuation following which the purchase/sale is to be reported to Council.	
If following the report to Council there are no objections following the Statutory advertising period the CHIEF EXECUTIVE OFFICER may purchase/sell the land without further reference to the Council and provide information as to the outcome via the Information Bulletin.	

LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42/5.43(d))
DELEGATE	Chief Executive Officer
SUB DELEGATION	Nil
COUNCIL POLICY	
ADOPTED	17 July 2007
ADOPTED	16 June 2009 (Minute 8705)

#93 (COUNCIL)	APPOINTMENT OF BUSH FIRE CONTROL OFFICERS
<p>The Chief Executive Officer and Shire President is delegated authority to appoint persons to the position of fire control officer, including dual fire control officers with adjoining local governments as provided for under Section 38 of the Bush Fires Act, 1954. The Chief Executive Officer shall have regard to the provisions of the Bush Fires Act, 1954 and in particular Section 40.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Shire President, Chief Executive Officer
SUB DELEGATION	Nil
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#95 (COUNCIL)	PRIVATE WORKS
<p>The Chief Executive Officer is delegated authority to undertake private works in accordance with the Council policies.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Sections 5.42/5.43(b))
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Regulatory Services Executive Manager Corporate Services
COUNCIL POLICY	
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#96 (COUNCIL)	COMMITMENT TO EXPENDITURE/PAYMENT OF ACCOUNTS
<p>The Chief Executive Officer is delegated authority to approve expenditure and to meet payment for goods or services on behalf of the Shire of Wyndham East Kimberley for which funds have been provided on the budget, provided that he/she has before hand:</p> <p>(1) Developed procedures for the authorisation of accounts to ensure that there is effective security and properly authorised use of:</p> <p>(a) Cheques, credit cards, computer encryption and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and</p> <p>(b) Petty cash systems.</p> <p>(2) Developed procedures for the approval of accounts to ensure that before payment of an account a determination is made that:</p> <p>(c) The relevant debt was incurred by a person who is properly authorised to do so; and</p> <p>(d) The goods or services to which each account relates were provided in a satisfactory condition.</p> <p>(3) Developed any other procedures he/she feels appropriate.</p> <p>Provided also that funds may only be released with the approval of at least two employees of the Shire, unless via the use of a Credit card facility.</p>	
LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services Manager Financial Services
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
ADOPTED	16 June 2009 (Minute 8705)

#97 (COUNCIL)	AUTHORITY TO ORDER												
<p>The following limitations are placed on the authority to order goods and services:</p> <table border="1"> <thead> <tr> <th>Position</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>Chief Executive Officer</td> <td>\$no limit</td> </tr> <tr> <td>Executive Manager Engineering and Regulatory Services</td> <td>\$100,000</td> </tr> <tr> <td>Executive Manager Corporate Services</td> <td>\$100,000</td> </tr> <tr> <td>Executive Manager Town Planning and Economic Development</td> <td>\$100,000</td> </tr> <tr> <td>Executive Manager Community Services</td> <td>\$100,000</td> </tr> </tbody> </table>		Position	Amount	Chief Executive Officer	\$no limit	Executive Manager Engineering and Regulatory Services	\$100,000	Executive Manager Corporate Services	\$100,000	Executive Manager Town Planning and Economic Development	\$100,000	Executive Manager Community Services	\$100,000
Position	Amount												
Chief Executive Officer	\$no limit												
Executive Manager Engineering and Regulatory Services	\$100,000												
Executive Manager Corporate Services	\$100,000												
Executive Manager Town Planning and Economic Development	\$100,000												
Executive Manager Community Services	\$100,000												

Economic Development Officer	\$5,000
Executive Support Officers	\$1,500
Support Officers	\$1,000
Manager Financial Services	\$10,000
Manager Human Resources	\$5,000
Airport Manager	\$10,000
Airport Operations Officer	\$5,000
Information Technology Coordinator	\$2,000
Senior Finance Officer	\$2,000
Payroll Officer	\$1,000
Manager Engineering Projects	\$10,000
Kununurra Works Manager	\$10,000
Wyndham Operations Manager	\$10,000
Kununurra Works Supervisor	\$2,000
Depot Stores/Admin Officer	\$2,000
Environmental Project Officer	\$5,000
Environmental Health Officers	\$1,000
Building Surveyors	\$5,000
Building Maintenance Officer	\$2,000
Manager Recreation and Leisure	\$5,000
Leisure Centre Coordinator	\$1,000
Recreation Officers / Duty Supervisors	\$500
Wyndham Pool Manager	\$1,000
Wyndham Child Care Centre Director	\$5,000
Youth Coordinator	\$5,000
Youth Officer	\$500
Librarian	\$1,000

LEGISLATIVE POWER	Local Government Act 1995 (Section 5.42)
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Corporate Services
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	21 August 2007 (Minute 7851)
REVIEWED	18 March 2008 (Minute 8107)
REVIEWED	16 June 2009 (Minute 8705)
REVIEWED	17 November 2009 (Minute 8914)

#98 (COUNCIL)	WESTERN AUSTRALIAN PLANNING COMMISSION ACT 1985 PLANNING AND DEVELOPMENT ACT 2005 SHIRE OF WYNDHAM-EAST KIMBERLEY TOWN PLANNING SCHEMES
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CEO has delegated authority to make decisions on the following matters

1. LAND USES

Authority to deal with the following:

- Approve all developments applications where the proposed use is a 'P' use in the Town Planning Scheme No.6 or No. 7 including minor variation to Residential Design Codes where no objection is raised by adjoining landowners/occupiers;
- Approve all development applications where the proposed use is an 'IP' use in the Town Planning Scheme No. 6 or No. 7;
- Approve the following development applications where the proposed use is an 'AA' use in Town Planning Scheme No. 6 or No. 7;
 - i. Group Dwellings in Residential and Town Centre Zones
 - ii. Offices and Warehouses in Mixed Business Zones
 - iii. Agricultural uses in Rural Agriculture 1, Rural Agriculture 2 and Rural Living, Rural Residential, and Rural Small Holdings Zones.
 - iv. Building extensions to existing buildings.
 - v. Industrial Uses in Composite Light and General Industry zones.
 - vi. Home Occupation and Home Business in all zones.
 - vii. Variations to setbacks to property boundaries for residential dwellings in accordance with the provisions of the Residential Design codes (multiple and grouped dwellings).
- Impose conditions on development approval, which relates to the orderly and proper planning, preservation of amenity of the locality and other such conditions as may be deemed appropriate.

2. ADVERTISING OF 'SA' USES – TOWN PLANNING SCHEME No. 6 or No. 7

- Initiate advertising for an application made pursuant to the Scheme and refer the application and submissions to council;

3. SUBDIVISIONS

- Undertake all matters relating to the performance of Council's functions with regard to subdivisions under S24 of the Planning and Development Act 2005. (Note: S24 relates to objections and recommendations received regarding subdivisions)

4. MISCELLANEOUS

- All matters which arise out of the imposition of conditions on development approvals
- Determine Council's position with respect to any mediation process resulting from an appeal to the Town Planning Appeal Tribunal or Minister for Planning following consultation with the President (or in the absence of the President the Deputy President)
- Exercise and discharge all of Council's powers and functions under S10 of the Town Planning and Development Act 1928 following consultation with the President (or in the absence of the President the Deputy President). (Note: S10 relates to the power to direct cessation or removal of unlawful development, or restoration or execution of work.)
- Serve notices, and take any other action, on properties owners who are deemed to be in breach of the Shire Town Planning Schemes.
- Approve Signage in accordance with Council Policy.
- Obtain Legal Advice pertaining to Planning matters within budget constraints.

Notes:

For the purpose of S 24 of the *Planning and Development Act 2005*, Council's functions with regard to subdivisions were specified as functions to be performed by the Chief Executive Officer under s5.41(i) of the *Local Government Act 1995*

The endorsement and variation of building envelopes in accordance with the requirements of Town Planning Scheme No 6 or No 7, were specified as a function that can be performed by the Chief Executive Officer under S5.41 (i) of the *Local Government Act 1995*.

Conditions and Exceptions

- A list of all development applications determined under delegated authority shall be incorporated in the Council's agenda and minutes;
- Every applicant who received notification of a conditional approval of a development application that was determined by delegation to the Chief Executive Officer and is aggrieved by the decision may within 28 days of the date of that decision request that the matter be reconsidered by Council;
- All applications where the CEO recommendation is for refusal must be presented to Council for consideration;
- Any objection to, or recommendation on, any application for subdivision which is not consistent with adopted Council policy, is referred to Council for a decision;
- Legal action in relation to breaches to planning conditions and/or breaches of Council's Town Planning Scheme can only be undertaken by the Chief Executive Officer in accordance with Council Policy.

LEGISLATIVE POWER	WESTERN AUSTRALIAN PLANNING COMMISSION ACT 1985 PLANNING AND DEVELOPMENT ACT 2005 SHIRE OF WYNDHAM-EAST KIMBERLEY TOWN PLANNING SCHEMES
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Town Planning and Economic Services
COUNCIL POLICY	
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#99 (COUNCIL)	STRATA TITLES ACT 1985
The Chief Executive Officer is delegated authority under S23 of the Strata Titles Act 1985. (Note: S23 relates to Certification of Strata Titles/Schemes)	
Conditions and Exceptions:	
A list of all Strata Title applications determined under delegated authority shall be incorporated in the Council's agenda and minutes	

LEGISLATIVE POWER	S23 of the Strata Titles Act 1985
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Town Planning and Economic Services; EXCEPT the power to issue a certificate under S23 (3). (Note: S23 (3) relates to issuing a certificate in circumstances where the Local Government Authority does not have all relevant information.)
COUNCIL POLICY	
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)

#100 (COUNCIL)	ENVIRONMENTAL HEALTH
<p>Delegation to:</p> <ul style="list-style-type: none"> • Act under S26 of the <i>Health Act 1911</i> associated regulations and local laws; • Administer the <i>Food Act 2008</i> associated regulations and local laws; • Administer the Litter Act 1979 and regulations; • Act as an authorized person in accordance with S17 of the <i>Caravan Parks and Camping Grounds Act 1995</i> and to administer the Caravan and Camping Grounds Regulations 1997; • Administer the provisions of the Fly Eradication Regulations; • Administer the Environmental Protection Act 1986. <p>Authorised to administer the following local laws of the Shire of Wyndham-East Kimberley:</p> <ul style="list-style-type: none"> • 2003 Shire of Wyndham East Kimberley Local Laws • 2004 Shire of Wyndham East Kimberley Health Local Laws <p><u>Conditions and Exceptions:</u></p> <p>Health Act 1911 Environmental Health Officer to exercise and discharge all of Council's powers and functions under that Act, regulations and local laws made under this Act provided that the power to prosecute any person is only exercised with the approval of the Chief Executive Officer;</p> <p>Food Act 2008 Environmental Health Officer to exercise and discharge all of Council's powers and functions under that Act, regulations and local laws made under this Act provided that the power to prosecute any person is only exercised with the approval of the Chief Executive Officer;</p> <p>Litter Act 1979 Except the power to withdraw infringement notices issued under Acts, regulations or local laws.</p> <p><u>Caravan Parks and Camping Grounds Act 1995:</u></p>	

<p>The power to prosecute any person may only be exercised with the approval of the Chief Executive Officer;</p> <p>Fly Eradication regulations The power to prosecute may only be exercised with the approval of the Chief Executive Officer.</p>	
LEGISLATIVE POWER	Health Act 1911 Food Act 2008 Litter Act 1979 Caravan and Camping Grounds Act 1995 Fly Eradication Regulations Environmental Protection Act 1986
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Development Services Environmental Health Officers
COUNCIL POLICY	
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705)
REVIEWED	17 November 2009 (Minute 8939)

#101 (COUNCIL)	NON STATUTORY DELEGATIONS
<p>Delegated authority is provided to respond to requests, applications or referrals received by the Shire on the following matters:</p> <ul style="list-style-type: none"> • Sale or lease of land by State or Federal Government Departments. • Land clearing applications from the State and or Commonwealth Agencies • Mining tenement referrals from the Department of Industry and Resources. • Liquor license applications • Fireworks applications • Approval of names by Geographic Names Committee • Activities on Crown Land 	
LEGISLATIVE POWER	NIL
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Engineering and Regulatory Services, Executive Manager Town Planning and Economic Development
ADOPTED	17 July 2007

COUNCIL POLICY	
REVIEWED	16 June 2009 (Minute 8705)

12.7 ELECTED MEMBER REPORTS

Cr D Ausburn

20/05/2010	Opening of Mirima Language Centre extension
26/05/2010	National Story Simultaneous Story time (Little White Dogs Cant Jump)
	Liquor Accord Meeting cancelled for June

Cr J Moulden

20/05/2010	Mirima Language Centre Opening
25/05/2010	CRG Meeting
26/05/2010	WA Governor General Reception
26/05/2010	Heritage Council Meeting
29/05/2010	Aboriginal Hostel Opening
29/05/2010	Kimberley Moon
03/06/2010	Kimberley Zone Meeting
09/06/2010	Ord Land and Water AGM
14/06/2010	Foreshore Technical Working Group
16/06/2010	Meeting with Tourism WA
18/06/2010	EME Working Group Meeting

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

Karyn Apperley left the meeting room at 7:25pm.

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

COUNCIL DECISION

Minute No: 9203

Moved: Cr D Ausburn

Seconded: Cr J McCoy

That Council accept Item 15. Urgent Business Approved by the Person Presiding or by Decision.

15.1 Regional Collaborative Groups

16.2 Tender 18-09/10 Building construction works - East Kimberley regional airport terminal expansion.

CARRIED UNANIMOUSLY: (7/0)

15.1 REGIONAL COLLABORATIVE GROUPS

DATE:	22 June 2010
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Gary Gaffney, Chief Executive Officer
REPORTING OFFICER:	Gary Gaffney, Chief Executive Officer
FILE NO:	60.13.06
ASSESSMENT NO:	N/A

PURPOSE

The Kimberley Zone of WALGA has resolved to form a Regional Collaborative Group for the purposes of working collectively to achieve regional goals in the Kimberley and seeks Council's endorsement of its resolution to enter into an agreement with the State of Western Australia to provide regional projects and governance opportunities.

This reform project is part of a rejuvenation of the local government sector in Western Australia and while the Kimberley is not under the same focus as other local governments in the State, there is a request to form a Regional Collaborative Group to voluntarily access agreed State funds and to determine a mechanism for this to be established under a regional banner.

This report seeks to endorse the Kimberley Zone's recommendation to Council and endorse the draft agreement subject to any minor variations.

BACKGROUND

Previous Considerations

31 July 2009

A draft Regional Collaborative Group Agreement was originally presented to the four (4) Kimberley Zone members by the Department of Local Government in May 2010. This document was very prescriptive in relation to the involvement and reporting requirements to the State of Western Australia in the operations of a proposed regional group of Councils.

Subsequently, concern was raised by the executive officer group (Four Kimberley Local Government Chief Executive Officers and the Zone Executive Officer) in relation to the rigid nature and statements in the first draft that sought to develop a newly formed Regional Collaborative Group (RCG) with the State through the Department of Local Government. These concerns were subsequently considered by the Kimberley Zone at its meeting in March 2010, where the Zone resolved to appoint Mr John Woodhouse (Lawyer) to undertake a review of the document so that any proposed agreement would maintain a working relationship rather than contractually stipulated clauses with the State aimed at allegedly less sustainable local governments in the south of the State.

This review was undertaken and an amended document was presented to delegates of the Kimberley Zone at its June 2010 meeting.

At the Kimberley Zone meeting held in Kununurra on 2-3 June 2010, the item was considered by the Zone who subsequently resolved the following:

- (a) that the Kimberley Zone endorses the Regional Collaborate Group (RCG) agreement as attached to this report, subject to individual member Councils' endorsing same; and***
- (b) subject to the participation of member Councils, a signing ceremony be conducted in the Kimberley in July 2010 with an invitation to the Minister for Local Government to attend as a signatory.***

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council is a member of the Kimberley Zone of WALGA.

FINANCIAL IMPLICATIONS

Council will need to consider funding of up to \$85,000 per annum towards operations of the Kimberley Zone being \$50,000 towards the operations of the Executive Officer and administration, \$25,000 for annual business plans and \$10,000 towards the Shire of Wyndham East Kimberley attendance at quarterly meetings and other associated costs.

STRATEGIC IMPLICATIONS

The State and Federal Governments are committed to regional service delivery and the Regional Collaborative Group will demonstrate that the region is capable, active and ready to access the funding from the Country Local Government Fund 35% for regional cooperative projects and to contribute to well-being and safety and support community initiative.

The ability to work on projects across the Kimberley allow for both social and economic benefits for our developing region. The growth in housing, potential service delivery to remote communities and waste management are some of the projects that the collaborative group may work on as regional projects along with the prioritised projects of housing, land development and bitumen plant.

COMMENT

The Kimberley Zone developed a draft report in August 2009 and this has formed the basis of the Strategic direction being pursued by each member of local government since that time and was mentioned by Ministers' Castrilli and Grylls as an example of local governments working collectively together over vast distances.

During the reform of local government process being undertaken by the Minister for Local Government, several agreements were presented to Regional Transition Groups and Regional Collaborative Groups as Council would be aware from media and email transmissions over the past year. Emanating from this reform process, the opportunity to develop specific agreed outcomes for each group was derived by the State with Regional Transition Groups being more restricted in their requirements to report to the State than the Regional Collaborative Groups for which the Shire of Wyndham East Kimberley has been categorised.

A significant driving force in considering the regional collaborative model by the Kimberley Zone is the opportunity to consider regional funding being made available to local governments who are members of a regional group. Indications from the Minister at forums attended forecast that those local governments that are a member of a Regional Collaborative Group will be able to access regional funding programs derived to achieve regional goals.

The benefits of a Regional Collaborative Group provide the opportunity to participating Council's to apply for new agreed regional programmes outside of the normal funding streams that sustain local government projects. It is important to note that the funding stream will be aimed at achieving a regional benefit for the four (4) communities of the Kimberley. (Shires of Broome, Derby West Kimberley, Halls Creek and Wyndham East Kimberley)

The Chief Executive Officer supports the current draft agreement from the perspective that the document forms a formal agreement between all four local governments and the Department of Local Government to consider regional objectives.

The document does allow withdrawal provisions and opportunities to waive particular business case opportunities if a local government so desires. Contents

with the 'Schedule' of the agreement are flexible and not limited by their insertion and the agreement is seeking to formalise the existing operations of the Kimberley Zone with stronger governance provisions as stipulated throughout the document.

Subject to Council's approval, this new agreement will also see a greater working relationship with the Kimberley Development Commission in achieving new regional projects and mutual support for agreed business plans. While the agreement does not specify any mention of the Kimberley Development Commission, the intention to do so has been accepted by convention particularly as the Commission will assist in assessing funding cases presented.

ATTACHMENTS

Draft Regional Collaborative Group Agreement.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1) Endorses the 'Agreement For The Kimberley Zone Regional Collaborative Group' between the State of Western Australia and WALGA Kimberley Zone 2010;
- 2) Authorises the President and Chief Executive Officer to be signatories to the agreement at a signing ceremony to be held in the Kimberley; and
- 3) Delegates authority to the Chief Executive Officer to approve any minor variations to the draft agreement that may occur provided they do not change the materiality of the agreement.

COUNCIL DECISION

Minute No: 9204

Moved: Cr J Parker
Seconded: Cr K Wright

That Council:

1. *Endorses the 'Agreement For The Kimberley Zone Regional Collaborative Group' between the State of Western Australia and WALGA Kimberley Zone 2010;*
2. *Authorises the President and Chief Executive Officer to be signatories to the agreement at a signing ceremony to be held in the Kimberley; and*
3. *Delegates authority to the Chief Executive Officer to approve any minor variations to the draft agreement that may occur provided they do not change the materiality of the agreement.*

CARRIED UNANIMOUSLY: (7/0)

B Minichilli left the meeting room at 7:35pm

2010

STATE OF WESTERN AUSTRALIA

and

[#]

and

[#]

and

[#]

**AGREEMENT FOR THE []
REGIONAL COLLABORATIVE GROUP**

State Solicitor's Office
Commercial
141 St Georges Terrace
PERTH WA 6000
Telephone: (08) 9264 1888
Ref: SSO 4807-09

216173RL

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THIS AGREEMENT is made the

day of

2010

BETWEEN

**DIRECTOR GENERAL OF THE DEPARTMENT OF LOCAL GOVERNMENT FOR
AND ON BEHALF OF THE STATE OF WESTERN AUSTRALIA ("State")**

AND

/ /

/ /

/ /

(the local governments collectively referred to as the "**Regional Collaborative Group**")

BACKGROUND

- A. It is the policy of the State to seek structural reform in local government in order to secure sustainability, governance and service delivery systems that meet the needs of local communities, support social and economic changes and contribute to ongoing development across Western Australia.
- B. The Participants have formed the Regional Collaborative Group for the purpose of regional planning and implementing common service arrangements for the benefits of the participant communities.
- C. The State and the Regional Collaborative Group have agreed to enter into this Agreement in order to set out the basis on which the Regional Collaborative Group will implement a regional business plan to achieve common service arrangements.
- D. In order to assist the process of structural reform, the State shall provide to the Regional Collaborative Group the financial contributions described herein.

THE PARTIES AGREE AS FOLLOWS:

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

In this Agreement, unless the context otherwise requires:

Act means the *Local Government Act 1995*.

Agreement means this Regional Collaborative Group agreement.

Board means the board of the RCG described in clause 3.1.

Business Day means a day other than a Saturday, Sunday or public holiday in Western Australia.

Department means the State's Department of Local Government.

Execution Date means the date when this Agreement is executed by the Director General, as the last Party to execute.

Participant means a local government which is a Party to this Agreement.

Party means a party to this Agreement and **Parties** means all of them.

Region means the area covered by common service arrangements of the Participants.

Regional Business Plan means the plan described in clause 6.

RCG means Regional Collaborative Group.

1.2 Interpretation

In this Agreement, unless the contrary intention appears:

- (a) words and expressions defined in the Act have the same meaning where used;
- (b) a reference to a clause, schedule or annexure is a reference to a clause of, or a schedule or annexure to, this Agreement and a reference to this Agreement includes any recital, schedule or annexure;
- (c) a reference to a statute, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- (d) the singular includes the plural and vice versa;
- (e) the word 'person' includes a firm, body corporate, partnership, joint venture or unincorporated association;
- (f) a reference to a person includes a reference to the person's executors, administrators, delegates, successors and assigns;
- (g) a reference to a person, statutory authority or government body (corporate or unincorporated) established under any written law includes a reference to any person (corporate or unincorporated) established or continuing to perform the same or a substantially similar function;
- (h) a reference to dollars or \$ is to Australian currency;
- (i) an obligation, representation or warranty in favour of two or more persons is for the benefit of them jointly and severally;
- (j) an obligation, representation or warranty on the part of two or more persons binds them jointly and severally;
- (k) if a period of time is specified and dates from a given day or the day of an act or event, it is to be calculated exclusive of that day;

- (l) _____ a reference to a day is to be interpreted as the period of time commencing at midnight and ending twenty-four hours later;
- (m) _____ references to time are to time in Western Australia;
- (n) _____ if a payment is to be made or an act performed on a day which is not a Business Day, then the payment must be made or the act performed on the next following Business Day;
- (o) _____ headings in this Agreement are inserted for convenience and do not affect the interpretation of this Agreement;
- (p) _____ words of inclusion are not words of limitation;
- (q) _____ unless provided otherwise, reference to legislation is to legislation of the State of Western Australia; and
- (r) _____ if any conflict arises between the terms and conditions contained in the clauses of this Agreement and any schedule or annexure to this Agreement, the terms and conditions of the clauses of this Agreement prevail.

2. ESTABLISHMENT OF REGIONAL GROUP

2.1 RCG Formed

The Regional Collaborative Group is hereby formed with a view to adopting a regional approach to strategic and community planning and facilitating the harmonisation of core functions and services across the participating local governments for the benefit of their communities.

2.2 Legally Binding

The Participants acknowledge and agree that they are legally bound by the terms and conditions contained herein.

3. ADMINISTRATION

3.1 Board of RCG

Within 3 months of the Execution Date, the RCG shall convene the inaugural meeting, of the RCG and appoint a board comprising one elected member and one elected deputy member for each Participant.

3.2 Appointment of Chairperson

At the inaugural meeting the RCG shall appoint an elected member from one of the Participants to be the chairperson of the Board, and an elected member from a different Participant to be the deputy chairperson of the Board.

3.3 Meetings of RCG

The RCG shall convene Board meetings regularly and in any event not less than once every 3 months, and shall keep minutes for all meetings convened.

3.4 Decisions by RCG

Board meeting procedures shall be determined by the Board, and decisions shall be made by ordinary majority.

3.5 Banker and Secretariat

The Board shall elect a Participant to control and manage the finances of the RCG and elect a Participant to act as secretariat to the RCG.

4. FINANCIAL CONTRIBUTIONS

4.1 Financial Contribution of the Participants

The Participants shall make financial contributions to the RCG as determined by the Board, which contributions may be made in cash or in kind, the total of which must not be less than that provided by the State under item 1(a) of the Schedule.

4.2 Financial Contribution of the State

The State shall provide to the RCG financial contributions in accordance with item 1 of the Schedule, the first such contribution being made in response to execution of this Agreement by the Parties.

5. SERVICES

From the Execution Date, the RCG shall plan the development and delivery of common systems and where possible make delivery of the following services to the Region together with any additional services the RCG decides:

- corporate services, including records, financial assets and liabilities, information technology, insurance, rating, human resources, payroll and workforce;
- strategic planning, including local laws, town planning, asset and financial planning;
- environmental health, natural resource management, building and development approvals;
- economic development, including tourism and events;
- community planning , including libraries, recreation and services for aged care and children;
- community engagement;
- road infrastructure and transport;
- waste management; and
- infrastructure planning and asset management.

6. REGIONAL BUSINESS PLAN

6.1 Development of Regional Business Plan

The RCG shall develop a draft Regional Business Plan no later than 9 months after the Execution Date, and submit it to the Department for the Department's comments.

6.2 Contents of Regional Business Plan

The contents of the Regional Business Plan shall be as described in but not limited to the services listed in Section 5 of this agreement.

6.3 Submission of Final Regional Business Plan

The RCG shall make any amendments to the draft Regional Business Plan suggested by the Department with which the RCG agrees and submit the final draft to the Department and to each Participant within 2 months of receiving the Department's suggested amendments.

6.4 Disagreement on Contents of Regional Business Plan

Where the RCG does not agree with amendments to the Regional Business Plan suggested by the Department, the Department and the Participants shall convene a meeting at which they will use their reasonable endeavours to reach acceptable compromise.

6.5 Endorsement by Department and Participants

Within 2 months of receipt of the final Regional Business Plan amended as agreed by the Parties, the Department and the Participants shall endorse it for implementation by the RCG PROVIDED that if any of the Participants do not wish to endorse the final Regional Business Plan, they may withdraw from the RCG at that time by providing notice to the RCG whereupon they will have no further obligations hereunder.

6.6 Funding by State

Upon endorsement of the final Regional Business Plan by the Department and the Participants, the RCG may submit a request to the State for further funding in accordance with item 1 of the Schedule.

7. REPORTING

The Participants shall provide to the Department every 6 months from the Execution Date a progress report on the activities of the RCG, covering the previous 6 month period.

8. DEFAULT

Where the RCG or a Participant breaches a provision hereof, the State may in its absolute discretion withhold further financial contributions under clause 4.2 and require repayment to it by the RCG of unspent funds.

9. TERMINATION

9.1 Termination by Majority

This Agreement may be terminated at any time by agreement of a majority of the Participants.

9.2 Meeting with Department

Where 50 per cent of the Participants wish to terminate this Agreement, the Department shall convene a meeting to be attended by all Participants together with representatives of the State at which the Parties shall use reasonable endeavours to resolve outstanding issues.

9.3 Return of Unexpended Funds

Upon termination of this Agreement, the RCG must forthwith return to the State all unexpended and not contractually committed financial contributions made by the State to the RCG.

10. NOTICES AND OTHER COMMUNICATIONS

10.1 Service of notices

A notice, demand, consent, approval or other communication under this Agreement (**Notice**) must be:

- (a) in writing and signed by a person duly authorised by the sender; and
- (b) hand delivered or sent by prepaid post or facsimile to the recipient's address for notices specified in item 3 of the Schedule as varied from time to time by any Notice given by the recipient to the sender.

10.2 Effective on receipt

A Notice given in accordance with clause 10.1 takes effect when taken to be received (or at a later time specified in it), and is taken to be received:

- (a) if hand delivered, on delivery;
- (b) if sent by prepaid post, on the third Business Day after the date of posting (or on the tenth Business Day after the date of posting if posted to or from a place outside Australia);
- (c) if sent by facsimile, when the sender's facsimile system generates a message confirming successful transmission of the entire Notice unless, within 8 Business Hours after the transmission, the recipient informs the sender that it has not received the entire Notice,

but if the delivery, receipt or transmission is not on a Business Day or is after 5.00 pm on a Business Day in the place that it is received, the Notice is taken to be received at 9.00 am on the next Business Day.

11. GENERAL

11.1 Entire Agreement

As at the Execution Date this Agreement constitutes the entire Agreement between the Parties as to its subject matter and in relation to that subject matter, supersedes any prior understanding or Agreement between the Parties and any prior condition, warranty, indemnity or representation imposed, given or made by a Party.

11.2 Severability

If any provision of this Agreement is void, voidable by any Party, unenforceable or illegal according to the law in force in Western Australia, it shall be read down so as to be valid and enforceable or if it cannot be so read down, the provision (or where possible the offending words), shall be severed from this Agreement without affecting the validity, legality or enforceability of the remaining provisions (or parts of those provisions) of this Agreement which continues in full force and effect.

11.3 Waiver

A right or power under this Agreement shall only be deemed to be waived by notice in writing, signed by the Party waiving the right or power, and:

(a) no other conduct of a Party (including a failure to exercise, a delay in exercising or a partial exercise of a right or power or any forbearance or indulgence granted by one Party to another Party in respect of a right or power) operates as a waiver of the right or power or otherwise prevents the exercise of that right or power;

(b) a waiver of a right or power on one or more occasions by a Party does not operate as a waiver of that right or power if it arises again in the future or prejudices that Party's other rights or powers or future rights or powers in respect of the right or power waived; and

(c) the exercise of a right or power does not prevent any further exercise of that right or power or of any other right or power.

11.4 Further action

Each Party must use its reasonable endeavours to do all things necessary or desirable to give full effect to this Agreement.

11.5 Assignment

Except as otherwise provided in this Agreement, a Party may not:

(a) sell, transfer, assign, novate, license or otherwise dispose of; or

(b) mortgage, charge or otherwise encumber,

any right hereunder to any person, or permit any person to assume any obligation hereunder, without the prior written consent of the other Parties, which may withhold their consent in their absolute discretion.

11.6 Governing law and jurisdiction

(a) This Agreement is governed by the law applicable in Western Australia.

(b) Each Party irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts of Western Australia.

11.7 Variation

The Parties may vary this Agreement by agreement in writing executed by all of them.

11.8 Counterparts

This Agreement may be executed in any number of counterparts. All counterparts, taken together, will constitute one instrument. A Party may execute this Agreement by signing any counterpart.

SCHEDULE

Item 1 (clause 4.2 and 6) Financial Contributions by State:

Subject to confirmation by Treasury of available funds:

- (a) funding for administration
- (b) funding for creation of a Regional Business Plan
- (c) funding for implementation of the Regional Business Plan.

Item 2 (clause 10.1) Notice Details:

The notice details for the Parties are as follows:

EXECUTED as an agreement.

SIGNED FOR AND ON BEHALF OF)
THE STATE OF WESTERN AUSTRALIA)
BY [],)
Director General of the Department of)
Local Government in the presence of:)

Signed

Witness

The Common Seal of)
SHIRE OF [],)
a body corporate established under)
Section 2.5 of the *Local Government Act 1995*,)
was affixed in the presence of:)
)

President

Chief Executive Officer

The Common Seal of)
SHIRE OF [],)
a body corporate established under)
Section 2.5 of the *Local Government Act 1995*,)
was affixed in the presence of:)
)

President

Chief Executive Officer

The Common Seal of)
SHIRE OF [)
a body corporate established under)
Section 2.5 of the *Local Government Act 1995*,)
was affixed in the presence of:)
)

President

Chief Executive Officer

16. MATTERS BEHIND CLOSED DOORS

COUNCIL DECISION

Minute No: 9205

Moved: Cr J Parker

Seconded: Cr D Ausburn

That Council move behind closed doors to consider the following 2 items:

1. 16.1 - Director Infrastructure Services.
2. 16.2 - Confidential Late Item - Tender 18-09/10 Building Construction Works - East Kimberley Regional Airport terminal expansion.

CARRIED UNANIMOUSLY: (7/0)

COUNCIL DECISION

Minute No: 9206

Moved: Cr J Parker

Seconded: Cr D Ausburn

That Council consider Item 16.2 at this point in the meeting whilst all Directors are present in the meeting room.

CARRIED UNANIMOUSLY: (7/0)

16.2 CONFIDENTIAL LATE ITEM – TENDER 18-09/10 BUILDING CONSTRUCTION WORKS – EAST KIMBERLEY REGIONAL REPORT TERMINAL EXPANSION.

This item was considered after item 15.1.

DATE:	22 June 2010
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Jo-Anne Ellis, Director Corporate Services
REPORTING OFFICER:	Jo-Anne Ellis, Director Corporate Services
FILE NO:	66.58.18
ASSESSMENT NO:	N/A

This item will be discussed Behind Closed Doors under Section 5.23 (2) (a), (b) & (e) (iii):

- (a) a matter affecting an employee or employees;
- (b) the personal affairs of any person;
- (e) a matter that if disclosed, would reveal -
 - (iii) information about the business, professional, commercial or financial affairs of a person.

PURPOSE

To recommend to Council the awarding of Tender 18-09/10 Building Construction Works - East Kimberley Regional Airport Terminal Expansion.

VOTING REQUIREMENT

Simple Majority

COUNCIL DECISION

Minute No: 9207

Moved: Cr J Parker

Seconded: Cr D Ausburn

That Council awards tender T18-09/10 Building Construction Works - East Kimberley Regional Airport Terminal Expansion to Pindan Contracting Pty Ltd for the tendered price of \$8,461,548.70 inclusive of GST, plus novated design costs not included in the tendered sum of \$124,964 inclusive of GST, as the most advantageous to Council.

CARRIED UNANIMOUSLY: (7/0)

B Weaver, N Kearns, R Williams, K Apperley and J Ellis left the meeting room at 7:50pm.

G Gaffney took on the minute taking role at 7:50pm.

16.1 DIRECTOR INFRASTRUCTURE SERVICES

DATE:	22 June 2010
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Rebecca Morrall, Payroll Officer
REPORTING OFFICER:	Gary Gaffney, Chief Executive Officer
FILE NO:	60.14.02
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider the appointment of Mr Tony Cheng to the vacant position of Director Infrastructure Services, following the resignation of Alex Douglas from this position.

VOTING REQUIREMENT

Simple Majority

COUNCIL DECISION

Minute No: 9208

Moved: Cr J Parker

Seconded: Cr D Ausburn

That Council offer a 5 year contract of employment as Director Infrastructure Services to Tony Cheng, subject to the receipt of a satisfactory National Police Certificate and Medical Certificate.

CARRIED UNANIMOUSLY: (7/0)

COUNCIL DECISION

Minute No: 9209

Moved: Cr J Parker

Seconded: Cr D Ausburn

That Council move from behind closed doors.

CARRIED UNANIMOUSLY: (7/0)

Council moved from behind closed doors at 8:08pm

17. CLOSURE

With all matters of business complete, the Shire President declared the meeting closed at 8:10pm.