



MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON 27 MAY 2014

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

Date: _____

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**SHIRE OF WYNDHAM EAST KIMBERLEY
AGENDA OF THE ORDINARY COUNCIL MEETING
WYNDHAM COUNCIL CHAMBERS**

HELD ON TUESDAY, 27 MAY 2014 AT 5:00 PM.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 5.00pm.

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

ATTENDANCE

Cr J Moulden	Shire President
Cr R Dessert	Deputy Shire President
Cr D Learbuch	Councillor
Cr K Wright	Councillor
Cr B Robinson	Councillor
Cr D Spackman	Councillor
Cr S Cooke	Councillor
Cr G Taylor	Councillor
Cr G King	Councillor
G Gaffney	Chief Executive Officer
N Octoman	Director Corporate Services
K Hannagan	Director Infrastructure
W Richards	Acting Director Community Development
A Richards	Governance Officer
M Tonkin	Executive Assistant to the Chief Executive Officer (Minute Taker)

GALLERY

Jennifer Ninnette	Senior Planning Officer (SWEK)
Elle Davidson	Planning Officer (SWEK)
Rob Drew	Wyndham Area Services Manager (SWEK)
Leilani Steel	Wyndham Community Resource Centre Coordinator (SWEK)
Mark Williams	Principal, Wyndham District High School
Cally Dupe	The Kimberley Echo

APOLOGIES

Nil

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

3. DECLARATION OF INTEREST

- **Financial Interest**

Cr D Spackman declares a Financial Interest to Item 13.8 (*previously Item 17.2*) – Confidential - Lot 509 on Deposited Plan 66529, Portion of Reserve 50467, Kununurra – Expressions of Interest Received

- **Impartiality Interest**

Nil

- **Proximity Interest**

Cr D Spackman declares a Proximity Interest to Item 13.4.2 – Kununurra Water Ski Club Lease

Cr K Wright declares a Proximity Interest to Item 13.3.3 - Kununurra District High School – Public Transport Authority

Cr K Wright declares a Proximity Interest to Item 13.3.5 – Kununurra Courthouse – Footpath Upgrade

Cr K Wright declares a Proximity Interest to Item 13.3.9 – Special Council Meeting Resolution No. 10287 Update – Kununurra District High School Bus Parking

MOTION

Cr G Taylor moves that Council move behind closed doors for Item 10.1.

COUNCIL DECISION

Minute No. 10408

**Moved: Cr G Taylor
Seconded: Cr S Cooke**

That Council moves behind closed doors for Item 10.1.

Carried Unanimously 9/0

Standing Orders Local Law 2003 Local Government Act 1995

“2.7 Matters for which Meeting May be Closed

For the convenience of members of the public, the Council or committee may identify by decision, early in the meeting, any matter on the agenda of the meeting to be discussed behind closed doors, and that matter is to be deferred for consideration as the last item of the meeting.”

MOTION

Cr D Spackman moves that Council moves out from behind closed doors for Item 17.2 – Confidential – Lot 509 on Deposited Plan 66529, Portion of Reserve 50467, Kununurra – Expressions of Interest Received and Item 17.3 – Confidential – Tender T(DP) 02 13/14 – Disposal of Airport Land, Part of Lot 311/312. Item 17.2 becomes Item 13.8 and Item 17.3 becomes 13.9.

COUNCIL DECISION

Minute No. 10409

Moved: Cr D Spackman

Seconded: Cr K Wright

That Council moves out from behind closed doors for Item 17.2 – Confidential – Lot 509 on Deposited Plan 66529, Portion of Reserve 50467, Kununurra – Expressions of Interest Received and Item 17.3 – Confidential – Tender T(DP) 02 13/14 – Disposal of Airport Land, Part of Lot 311/312. Item 17.2 becomes Item 13.8 and Item 17.3 becomes 13.9.

Carried 7/2

For: Cr D Spackman, Cr K Wright, Cr D Learbuch, Cr B Robinson, Cr S Cooke, Cr G Taylor, C G King

Against: Cr R Dessert, Cr J Moulden

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The following general question was submitted by Rhonda Guerinoni, as a rate payer, at the OCM 29 April 2014:

Considering the majority of Indigenous people do not pay council rates and the majority of daily rubbish clean ups, some reticulation repairs and some general maintenance repairs around Kununurra are caused by irresponsible person not doing the “right thing” e.g. Lily Creek costing the Council approximately \$100,000.00 to be kept clean, has the Council considered approaching the Indigenous Corporations of Kununurra for compensation of these acts instead of consistently penalising the ratepayers with higher rate charges?

Answer:

The Council cannot comment on the percentage of Indigenous people who do or do not pay rates as this data is currently not collected by us. All public housing that is located within town boundaries pays rates via the Department of Housing. Aboriginal Lands Trust land is not rateable (unless commercial operations are being undertaken) but waste management services that are provided by the Council are paid through the service contractor.

The Council cannot qualify the cost impact of clean ups, repairs and maintenance as a result of damage caused by Indigenous people v non Indigenous people as this data is currently not collected by us.

The Council therefore cannot approach Indigenous Corporations to compensate the Shire for the cost of clean ups, repairs and maintenance when there is no data and only assumptions.

The Council recognises the social issues within our community and the associated cost impact for cleaning up areas within the township that are impacted as a result. Council and WA Police have continued joint patrols regarding litter and Council have made submissions to the WA Local Government Grants Commission in relation to the issue of itinerant visitors and their impact on our communities.

5. PUBLIC QUESTION TIME

The following question was submitted by Mark Williams, Principal Wyndham District High School:

My question/query that I'd like to ask is to do with the Fun Fairs that travel to Wyndham.

Last week the Fun Fair was in Wyndham and was open on Thursday night (22 May) and our attendance dropped dramatically on Friday 23 May.

Wyndham DHS average daily attendance - 78% (125 children out of 160 enrolled)
Attendance on Friday 23 May – 53% (84 children out of 160 enrolled)

Added to this a number of students who do attend are sleepy and inattentive having stayed up late.

Respectfully I'd like to request that on school nights, Monday to Thursday, these Fun Fairs be forced to close at 8pm. Their signage up around the town gives an opening time but no closing time.

The following response was provided:

The Shire is a strong advocate for school attendance and has a history of supporting school attendance through ensuring activities and events are held at appropriate times. Lighting at skate parks, and basketball courts, Youth Service and recreation activities attracting young people all conclude at, or prior to 8:30pm for this reason.

Fairs being held on school nights within Shire of Wyndham East Kimberley have been overlooked with regard to this time restriction however, will be contacted immediately regarding their Kununurra booking and a process put in place to assess events for school disruption in the future.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS

Nil

8. CONFIRMATION OF MINUTES

8.1 CONFIRMATION OF MINUTES OF ORDINARY COUNCIL MEETING OF 29 APRIL 2014

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 24 April 2014.

MOTION

Cr D Spackman moves to defer confirmation of Minutes of Ordinary Council Meeting of 29 April 2014 in order to correct the decision in Minute No. 10395.

COUNCIL DECISION

Minute No. 10410

Moved: Cr D Spackman

Seconded: Cr K Wright

That Council defers confirmation of Minutes of Ordinary Council meeting of 29 April 2014 in order to correct the decision in Minute No. 10395.

Carried Unanimously 9/0

8.2 CONFIRMATION OF MINUTES OF SPECIAL COUNCIL MEETING OF 13 MAY 2014

RECOMMENDATION

That Council confirms the Minutes of the Special Council Meeting held on 13 May 2014.

COUNCIL DECISION

Minute No. 10411

Moved: Cr K Wright

Seconded: Cr B Robinson

That Council confirms the Minutes of the Special Council Meeting held on 13 May 2014.

Carried Unanimously 9/0

8.3 CONFIRMATION OF MINUTES OF SPECIAL COUNCIL MEETING OF 1 AUGUST 2013

RECOMMENDATION

That Council confirms the Minutes of the Special Council Meeting held on 1 August 2013.

COUNCIL DECISION

Minute No. 10412

Moved: Cr D Learbuch

Seconded: Cr B Robinson

**That Council confirms the Minutes of the Special Council meeting held on
1 August 2014.**

Carried Unanimously 9/0



MINUTES OF SPECIAL MEETING OF COUNCIL HELD ON 1 AUGUST 2013

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

Shire President Confirmed

Date: _____

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**SHIRE OF WYNDHAM EAST KIMBERLEY
MINUTES
OF THE SPECIAL COUNCIL MEETING
HELD ON THURSDAY, 1 AUGUST 2013 AT 5:00 PM.**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 5:00pm.

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

ATTENDANCE

Cr J Moulden	Shire President
Cr D Ausburn	Deputy Shire President
Cr J Parker	Councillor
Cr R Dessert	Councillor
Cr D Learbuch	Councillor
G Gaffney	Chief Executive Officer
I Bishop	Acting Director Corporate Services
K Hannagan	Director Infrastructure
N Kearns	Director Community Development
F Heading	Senior Finance Officer
A Jayakody	Accountant
D McCallum	Governance Officer (Minute Taker)
V Coles	Governance Administration Officer

GALLERY

Nil

APOLOGIES

Cr R Addis	Councillor
Cr J McCoy	Councillor
Cr M Kelly	Councillor

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

3. DECLARATION OF INTEREST

- **Financial Interest**

Nil

- **Impartiality Interest**

Nil

- **Proximity Interest**

Nil

4. REPORTS

4.1 CORPORATE SERVICES

4.1.1 Budget 2013/2014

DATE:	1 August 2013
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Asanka Jayakody, Accountant Felicity Heading, Senior Finance Officer
REPORTING OFFICER:	Asanka Jayakody, Accountant
FILE NO:	FM.05.2

PURPOSE

For Council to adopt the 2013/14 Budget

BACKGROUND

The proposed 2013/14 Budget as presented is in accordance with the priorities determined by Councillors at the Budget Workshops and discussions at Council Briefing Sessions.

STATUTORY IMPLICATIONS

Local Government Act 1995

Division 2 — Annual budget

6.2. Local government to prepare annual budget

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

** Absolute majority required.*

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

- (a) the expenditure by the local government;
- (b) the revenue and income, independent of general rates, of the local government; and
- (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.

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

- (4) The annual budget is to incorporate —

- (a) particulars of the estimated expenditure proposed to be incurred by the local government;
- (b) detailed information relating to the rates and service charges which will apply to land within the district including —
 - (i) the amount it is estimated will be yielded by the general rate; and
 - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;
- (c) the fees and charges proposed to be imposed by the local government;

- (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;
 - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;
 - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
 - (g) such other matters as are prescribed.
- (5) Regulations may provide for —
- (a) the form of the annual budget;
 - (b) the contents of the annual budget; and
 - (c) the information to be contained in or to accompany the annual budget.

There are also numerous other sections of the Local Government act 1995 and Local Government (Financial Management) Regulations 1996 that deal with specific parts of the Annual Budget. Where relevant these sections and/or regulations have been specifically mentioned in the relevant recommendation.

POLICY IMPLICATIONS

CP/FIN-3201 – Significant Accounting Policies
CP/FIN-3200 – Strategic Rating Policy

FINANCIAL IMPLICATIONS

The 2013/14 Budget is the primary tool for Council to manage its financial resources for 2013/14.

STRATEGIC IMPLICATIONS

The strategic implications of this report are overarching compliance to the *Shire of Wyndham East Kimberley Strategic Community Plan 2012-2022*.

The proposed 2013/14 Budget provides the funding required for the implementation of the Shire's Strategic Community Plan. This budget enables Council to progress their strategic direction in a sustainable means.

This report aligns with Council's Objective 1.4 – Business Innovation, efficiency and improved service in the *Shire of Wyndham East Kimberley Strategic Community Plan 2012-2022*, and adheres to the following strategies in the Plan:

- 1.4.1 Ensure legislative compliance and follow best practice principles in planning and service delivery.
- 1.4.2 Improve the efficiency and productivity of Shire services.
- 1.4.3 Maintain Council's long term financial viability.
- 1.4.4 Deliver cost effective and efficient corporate services.
- 1.4.5 Attract and maintain a skilled, motivated and professional workforce.

COMMUNITY CONSULTATION

Community consultation in the form of Public Notice pursuant to Section 6.36(1) of the Local Government Act 1995 was published in the Kimberley Echo on 6 June 2013. Submissions from electors and ratepayers were invited up to 4.00pm on 28 June 2013. Two submission

were received which were responded to and dealt with in accordance with the requirements of section 6.36 of the Local Government Act 1995.

Due to the changes required to the differential rating categories as outlined in the section Impact on Rates below, a Public Notice pursuant to Section 6.36(1) of the Local Government Act 1995 was published in the Kimberley Echo on 11 July 2013. Submissions from electors and ratepayers were invited up to 4.00pm on 1 August 2013. No submissions were received at time this report was written.

COMMENT

The 2013/14 Budget has been compiled based on the outcomes from the Budget Workshops attended by Councillors and Staff, previous Council resolutions, and community requests received during the year and various statutory requirements of the Local Government Act 1995 and related Local Government (Financial Management) Regulations 1996.

This budget has been framed around completion of significant infrastructure and recreation projects started in prior year budgets and carried forward works from the 2012/13 Budget. The Shire has also continued its commitment to maintain a balanced budget, therefore ensuring the prudent management of ratepayer's funds.

The General Purpose Grant received from the Commonwealth via the Grants Commission has reduced by \$325,000 (11%) for the financial year 2013/14. This has impacted significantly on the new projects that could have been added to this budget.

Impact on Rates

It is important that Council keeps rate increases in line with the increasing costs of service delivery, ensuring service levels are not eroded as overall costs continue to increase.

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.

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 with 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 a category above, generally agriculture.

The policy included transitional provisions for properties previously rated as UV Rural Agriculture 1 and UV Rural Agriculture 2 to transition these two rate codes to the same value dollar and levy the rates as UV Other. In the 2012/13 budget UV Rural Agriculture 1 and Rural Agriculture 2 rate codes were amalgamated and levied as UV Other.

In 2012/13 a general increase of 5.5% was adopted 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 was adjusted in some rating categories to implement the Strategic Rating Policy.

Based on the rates database as at 15 May 2013, rates revenue of \$7,167,412 would have been raised for 2013/14 if the same rate in the dollar was used as adopted in 2012/13. This is \$120,567 less than the 2012/13 Rates Billing. This decrease was due to the impact of interim rate adjustments during 2012/13 including a reduction in the number of rateable Mining Tenements held within the Shire.

A general rate increase of 5.5% would have raised \$7,557,534, an increase of \$390,122 based on current valuations at that date, over and above what would be raised if no increase in the rate in the dollar was imposed. This is the expected rates revenue that was included in budget estimates for 2013/14.

In June 2013 following the calculation of expected rates revenue outlined above, the annual Unimproved Value (UV) revaluation roll was received and loaded into the rates database. In previous years this annual revaluation has shown a moderate increase in values across all UV properties. The 2013/14 UV revaluation when loaded resulted in a decrease in the total UV valuation base of 16 per cent and also included a large variation in valuation changes with some property types increasing in value by up to 25 per cent and some property types decreasing in value by up to 30 per cent.

The previous Rural Agriculture 1 rating category was comprised of properties zoned Rural Agriculture 1 which are mostly large broadacre farming lots. The previous Rural Agriculture 2 rating category was comprised of properties zoned Rural Agriculture 2 which are smaller lots used mostly for horticulture and small scale farming. Many of the larger broadacre lots (previously assessed as Rural Agriculture 1) showed significant decreases in valuation, whilst many of the smaller lots (previously assessed as Rural Agriculture 2) showed significant increases in valuation. There was also a reduction in value of some properties within the Rural Residential rating category.

Following the revaluation the proposed increase of 5.5% across the valuation database would have resulted in a reduction in rates revenue of \$222,546 compared to that expected prior to the revaluation with the majority of this reduction (\$187,126) occurring within properties zoned Rural Agriculture 1.

To incorporate the effect of the revaluation with no loss of revenue, it was determined that it would be necessary to revert to the former differential rating categories of UV Other, Rural Agriculture 1 and Rural Agriculture 2, based on property zoning. The rates in the dollar within each category were then adjusted on a logical basis to allocate the reduction in revenue caused by the revaluation across the three categories in the most equitable manner.

This was achieved by adjusting the rate in the dollar for each category in such a way that the combined rates yield of each of the three now separate categories matched, as closely as possible, the rates yield of the previous single UV Other category and caused the least variation in total rates for individual properties within each category. Total rates revenue to be raised for 2013/14 following these adjustments will be \$7,560,854, a difference of \$3,320 from the original budget estimate figure.

On advice received from the Department of Local Government the amended differential rates were advertised for a further period of 21 days, with the closing time for submissions being 4pm on 1 August 2013.

Fees and Charges

The Fees and Charges for 2013/14 were adopted by Council at its Ordinary Meeting held on 18 June 2013.

It has been the practice in the past for Council to adopt the Schedule of Fees and Charges for the following year, as part of that year's Budget Adoption process. It is preferable to consider and approve the following year's Fees and Charges prior to the beginning of that year, since:

- (a) The new Fees and Charges can be applied from 1 July each year, rather than the date of budget adoption.
- (b) Such a process can allow a more considered approach to both the matter of the Fees and Charges proposed for the new year and the budget adoption process itself, in that the two can be dealt with separately.

A review of Councils fees and charges has occurred and the fee amounts have been reviewed accordingly.

Statutory charges have been amended in accordance with the governing body or legislation and have been included where it is deemed appropriate that this information be made easily available in Councils publication. It is to be noted that the setting of these fees are outside the control of Council.

The majority of Council adopted fees and charges have been increased by the Local Government Cost Index (LGCI) of 4%, however there are some exceptions.

Council adopted a Waste Strategy in 2012 and has now developed a ten year funding model to implement the strategy.

Several workshops have been held with Councillors to review a funding model developed in relation to the Kununurra and Wyndham Landfills operation and future replacement and recommend associated changes to fees and charges.

The most significant changes are with domestic, commercial and liquid waste delivered to the landfills. Given the substantial increases required to cover now known costs these fees and charges will not be increased until 1 October 2013 to enable contractors to also adjust their charges for liquid waste and community and commercial operators to be advised of the changes related to domestic and commercial fees and charges. Other waste charges have been increased in line with a CPI increase of 4%. General Waste and Rubbish Bin Receptacle Charges raised via rate notices have been increased by 5.5% in line with the Shire's General Rate increase.

Fee structures for the airports have been amended to include increases, if applicable, from 1 January to allow operators time to amend their fee structures. All airport fees and charges have been increased by an average of 4%, with the exception of Aircraft Parking Fees Non-airport resident charter operators (per annum, plus landing fees) and Private owners (non-commercial) (per night, includes landing fees), which have both increased by approximately 15.3%.

Salaries and Wages

Total Employee Costs which include Gross Salaries and Wages, Payroll Allowances, Superannuation, Non-Payroll Allowances, Workers Compensation Insurance, Fringe Benefits Tax, Recruitment and Relocation Expenses, Conferences and Training, Protective Clothing and Uniforms is budgeted at \$10,535,918 compared to \$10,033,412 in the 2012/13 budget. A total increase in employee costs of \$502,506 (5%).

Salaries and Wages, being Gross Salaries and Wages and Payroll Allowances have increase by \$289,500 (3%) from Budget Salaries and Wages for 2012/13 of \$8,703,863 to \$8,993,363 in 2013/14.

The balance of the increase in Salaries and Wages is due to a number of factors including impact of the Collective Workplace Agreement for non contract staff of 4% plus step increases (\$30K), East Kimberley Allowance increase (\$28K), pay increases for contract staff (\$59K).

\$163K of the increase is attributed to new positions including addition of Community Development Officer, Municipal Emergency Regulatory Services Officer, Wyndham Landfill Gate Attendant and Kununurra Landfill Gate Attendant.

A number of positions were reviewed and removed from the 2013/14 budget including (\$64K) for the Community Services Support Officer and the Manager Financial Services (\$93K).

Borrowings

Council is budgeting to draw down three new loans, and a carry forward loan from 2012/13, during the 2013/14 financial year.

- \$400,000 for development of Liquid Waste Facility at the Kununurra Landfill. This represents a carry forward loan from 2012/13. A four year loan is recommended in this budget to match the pay back period. Increased fees for the disposal of liquid waste will repay the loan.
- \$1,670,000 loan to implement the recommendations arising from the Waste Strategy. The loan will be repaid over ten years from general funds.
- \$125,000 loan to part fund the installation of new drainage infrastructure in Kununurra. The loan will be repaid over 5 years from general funds.

\$88,498 loan to part fund the purchase of additional staff housing. The loan will be repaid over three years from general funds.

ATTACHMENTS

Attachment 1 – CP/FIN-3201 – Significant Accounting Policies (Current)
Attachment 2 – CP/FIN-3201 – Significant Accounting Policies (Revised)
Attachment 3 – Ministerial Approval to Raise Differential Rates
Attachment 4 – Submissions received from ratepayers.
Attachment 5 – Draft Budget 2013/14 (Separate attachment)

VOTING REQUIREMENT

Absolute Majority

Note each recommendation must be dealt with separately.

ADOPTION OF GRV AND UV VALUATIONS

The valuation schedule for the 2013/14 year is included in the budget document at Note “8 Rating Information”. Total rateable values of \$262,905,560 down from \$300,872,385 in 2012/13 apply to the Shire of Wyndham East Kimberley for 2013/14.

The decrease of \$37,966,825 is represented by changes in unimproved values in the annual UV revaluation along with interim valuations processed during 2013/14 resulting from subdivisions and other changes to the value of properties due to improvements or removal of improvements.

Note 8 – Rating Information 2013/14 is at Note 8 to the Budget Document.

OFFICER’S RECOMMENDATION 1

That:

- a) The valuation schedule for the 2013/14 year included in the budget document at Note 8 – Rating Information be adopted with the total rateable values of \$262,905,560 to apply to the Shire of Wyndham East Kimberley for 2013/14.
- b) Council imposes differential rates on rateable land within the district for the 2013/14 financial year using the valuation schedule in Note 8 – Rating Information as the basis for the 2013/14 budget rating calculations

COUNCIL DECISION

Minute No. 10136

Moved: Cr J Parker

Seconded: Cr R Dessert

That:

- a) **The valuation schedule for the 2013/14 year included in the budget document at Note 8 – Rating Information be adopted with the total rateable values of \$262,905,560 to apply to the Shire of Wyndham East Kimberley for 2013/14.**
- b) **Council imposes differential rates on rateable land within the district for the 2013/14 financial year using the valuation schedule in Note 8 – Rating Information as the basis for the 2013/14 budget rating calculations**

Carried Unanimously 5/0

DIFFERENTIAL RATES – CONSIDERATION OF SUBMISSIONS

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 allows ratepayers the ability to consider the proposed rates in the dollar and make any submissions prior to Council adopting the proposed rates 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.

The Shire of Wyndham East Kimberley has historically imposed differential rates that include a rate that is more than twice the lowest differential rate category, with the approval of the Minister.

At the Ordinary Council Meeting on 28 May 2013 Council passed the following resolution:

That Council:

- 1) Endorses and arranges to be advertised for 21 days the following proposed Rate in the Dollar and Minimum Rate for the 2013/14 financial year:

	Cents in the \$	Min Rate \$
GRV - Town sites	8.3607	975.00
GRV - Other	6.6885	975.00
UV - Rural Residential	0.7616	975.00
UV - Other	0.5666	975.00
UV - Pastoral	2.7803	975.00
UV - Mining	23.2100	925.00

- 2) Seeks approval from the Minister for Local Government for the imposition 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.

A Public Notice pursuant to Section 6.36(1) of the Local Government Act 1995 was published in the Kimberley Echo on 6 June 2013. Submissions from electors and ratepayers were invited up to 4.00pm on 28 June 2013.

Due to the decision to revert to the differential rating categories used prior to 2012/13, it was necessary to readvertise the amended differential rates below.

	Cents in the \$	Min Rate \$
GRV - Town sites	8.3607	975.00
GRV - Other	6.6885	975.00
UV - Rural Residential	0.7616	975.00
UV - Rural Agriculture 1	0.8425	975.00
UV - Rural Agriculture 2	0.5666	975.00
UV - Other	0.5666	975.00
UV - Pastoral	2.7803	975.00
UV - Mining	23.2100	925.00

Public Notice pursuant to Section 6.36(1) of the Local Government Act 1995 was published in the Kimberley Echo on 11 July 2013. Submissions from electors and ratepayers were invited up to 4.00pm on 1 August 2013.

Two submissions were received and are included at Attachment 5.

In summary, the submissions from ratepayers expressed concern at the proposed increase in rates which are causing increasing pressure on ratepayers along with general increases in the cost of living. The submissions were responded to explaining the reasons for the required increases in rates.

Ministerial approval from the Department of Local Government and Regional Development has been sought and granted with the letter included in the agenda at Attachment 5 to this item.

OFFICER'S RECOMMENDATION 2

That Council note:

1. That a public consultation process in relation to proposed differential rates for 2013/14 was conducted and that two submissions were received and responded to.
2. Ministerial Approval to raise differential rates where the highest differential rate is more than twice the lowest differential rate has been received for the 2013/14 rating year.

COUNCIL DECISION

Minute No. 10137

Moved: Cr D Ausburn

Seconded: Cr D Learbuch

That Council note:

1. **That a public consultation process in relation to proposed differential rates for 2013/14 was conducted and that two submissions were received and responded to.**
2. **Ministerial Approval to raise differential rates where the highest differential rate is more than twice the lowest differential rate has been received for the 2013/14 rating year.**

Carried Unanimously 5/0

SETTING OF GRV DIFFERENTIAL RATES

The 2012/13 adopted GRV rate was 7.9248¢ in the dollar for GRV – Townsite. The discounted rate for GRV Other was 80% of the townsite rate being 6.3398¢ in the dollar.

The recommended 5.5% rate increase results in the new GRV rate of in the dollar of 8.3607¢ in the dollar for GRV – Townsite. The discounted rate for GRV Other is 80% of the townsite rate being 6.6885¢ in the dollar.

However, confirmation has been received from the Department of Local Government that the proposed GRV - Other rate does not comply with Section 6.33(1) of the Local Government Act.

Section 6.33(1) of the Act only allows differential rates to be based on:

- Land zoning; or
- Land use; or
- Purpose for which the land is held; or
- Whether the land is vacant; or
- A combination of the 4 above.

Financial Management Regulation 52A allows for rates to be based on town sites or parts of a district only when a boundary change or amalgamation has occurred.

There is currently only one property which is assessed as GRV - Other. It is therefore recommended that Council consider using Section 6.47 of the Act to grant a 20% concession to GRV rated properties outside of Gazetted town sites. This will effectively achieve the same result as was previously intended, but will be compliant with the Local Government Act and Financial Management Regulations.

OFFICER'S RECOMMENDATION 3

That:

- (i) A differential rate in the dollar of 8.3607¢ for properties rated GRV – Townsite and GRV – Other for the 2013/14 year be adopted.
- (ii) Council, in accordance with Section 6.47 of the Local Government Act 1995, grant a 20% concession to properties rated GRV – Other for the 2013/14 year.

COUNCIL DECISION

Minute No. 10138

Moved: Cr J Parker

Seconded: Cr D Ausburn

That:

- (i) A differential rate in the dollar of 8.3607¢ for properties rated GRV – Townsite and GRV – Other for the 2013/14 year be adopted.**
- (ii) Council, in accordance with Section 6.47 of the Local Government Act 1995, grant a 20% concession to properties rated GRV – Other for the 2013/14 year.**

Carried Unanimously 5/0

SETTING OF UV DIFFERENTIAL RATES

The 2012/13 adopted UV rates in the dollar were:

UV – Rural Residential	0.7219¢
UV – Other	0.5371¢
UV – Pastoral	2.6351¢
UV – Mining	22.0000¢

In reverting to the previous rating categories of UV Rural Agriculture 1, UV - Rural Agriculture 2 and UV – Other to ensure no loss of rates revenue, it has been necessary to apply changes to rates in the dollar as follows:

- UV - Mining - increase by 5.5%.
- UV - Pastoral – increase by 5.5%.
- UV - Rural Residential - increase by 16.7%.
- UV - Rural Agriculture 1 – formerly UV – Other, new rate in the dollar of 0.8375.
- UV - Rural Agriculture 2 – formerly UV – Other, new rate in the dollar of 0.5666.
- UV - Other – increase by 5.5%.

The following rates in the dollar are recommended for 2013/14

UV – Rural Residential	0.8425
UV – Other	0.5666
UV – Rural Agriculture 1	0.8375
UV – Rural Agriculture 2	0.5666
UV – Pastoral	2.7803
UV – Mining	23.2100

OFFICER'S RECOMMENDATION 4

That differential rates in the dollar of:

UV – Rural Residential	0.8425¢
UV – Other	0.5666¢
UV – Rural Agriculture 1	0.8375¢
UV – Rural Agriculture 2	0.5666¢
UV – Pastoral	2.7803¢
UV – Mining	23.2100¢

for UV rated properties for the 2013/14 year be adopted.

COUNCIL DECISION

Minute No. 10139

Moved: Cr R Dessert

Seconded: Cr D Learbuch

That differential rates in the dollar of:

UV – Rural Residential	0.8425¢
UV – Other	0.5666¢
UV – Rural Agriculture 1	0.8375¢
UV – Rural Agriculture 2	0.5666¢
UV – Pastoral	2.7803¢
UV – Mining	23.2100¢

for UV rated properties for the 2013/14 year be adopted.

SETTING OF MINIMUM PAYMENT FOR GRV RATED PROPERTIES

The 2012/13 adopted minimum payment for GRV rated properties was \$925.00. To remain consistent with the rate in the dollar increase a 5.5% increase to \$975.00 is recommended.

OFFICER'S RECOMMENDATION 5

That the minimum payment of:

GRV - Townsite	\$975.00
GRV - Other	\$975.00

for GRV rated properties for the 2013/14 year be adopted.

COUNCIL DECISION

Minute No. 10140

Moved: Cr J Parker

Seconded: Cr D Ausburn

That the minimum payment of:

GRV - Townsite	\$975.00
GRV - Other	\$975.00

for GRV rated properties for the 2013/14 year be adopted.

Carried Unanimously 5/0

SETTING OF MINIMUM PAYMENT FOR UV RATED PROPERTIES

The 2012/13 adopted minimum payment for UV rated properties was \$925.00 on all UV rated properties except Mining Tenements which had a minimum payment of \$1,275.00.

Under Section 6.35(4) of the Local Government Act and Local Government (Financial Management) Regulations 1996 r 52 and r 53 a minimum payment is not to be imposed on more than 50 per cent of properties within each differential rate category.

The following changes in minimum payments are recommended:

- Minimum payment increase by 5.5% to \$975.00 for all UV rated properties except UV Mining.
- Minimum payment for properties rated UV Mining decrease to \$925 to comply with Section 6.35(4) of the Local Government Act and Local Government (Financial Management) Regulations.

OFFICER'S RECOMMENDATION 6

That minimum payments of:

UV – Rural Residential	\$975.00
UV – Other	\$975.00
UV – Rural Agriculture 1	\$975.00
UV – Rural Agriculture 2	\$975.00
UV – Pastoral	\$975.00
UV – Mining	\$925.00

for UV rated properties for the 2013/14 year be adopted.

COUNCIL DECISION

Minute No. 10141

Moved: Cr J Parker

Seconded: Cr D Learbuch

That minimum payments of:

UV – Rural Residential	\$975.00
UV – Other	\$975.00
UV – Rural Agriculture 1	\$975.00
UV – Rural Agriculture 2	\$975.00
UV – Pastoral	\$975.00
UV – Mining	\$925.00

for UV rated properties for the 2013/14 year be adopted.

Carried Unanimously 5/0

RATING ZONE CATEGORIES

It is recommended that rating zone categories consistent with CP-FIN/3200 Strategic Rating Policy are adopted.

OFFICER'S RECOMMENDATION 7

That Council adopt, for the purpose of general and differential rating, the following rate zone categories for 2013/14:

Townsites

Includes all properties within the 'Townsite' zone as defined in Town Planning Scheme 7 - Kununurra & Environs, and Town Planning Scheme 6 – Wyndham

Other

Includes all properties that don't meet the criteria of any other rate zoning category

Rural Agricultural 1

Includes all properties within the 'Rural Agricultural 1' zone as defined in Town Planning Scheme 7 - Kununurra & Environs

Rural Agricultural 2

Includes all properties within the 'Rural Agricultural 2' zone as defined in Town Planning Scheme 7 - Kununurra & Environs

Rural Residential

Includes all properties within the 'Rural Living' zone as defined in Town Planning Scheme 7 - Kununurra & Environs and all properties within the 'Special Rural' zone as defined in Town Planning Scheme 6 – Wyndham

Mining

Includes all properties that currently operate under a mining lease tenure.

Pastoral

Includes all properties that currently operate under a pastoral lease tenure.

COUNCIL DECISION

Minute No. 10142

Moved: Cr D Ausburn

Seconded: Cr D Learbuch

That Council adopt, for the purpose of general and differential rating, the following rate zone categories for 2013/14:

Townsites

Includes all properties within the 'Townsite' zone as defined in Town Planning Scheme 7 - Kununurra & Environs, and Town Planning Scheme 6 – Wyndham

Other

Includes all properties that don't meet the criteria of any other rate zoning category

Rural Agricultural 1

Includes all properties within the 'Rural Agricultural 1' zone as defined in Town Planning Scheme 7 - Kununurra & Environs

Rural Agricultural 2

Includes all properties within the 'Rural Agricultural 2' zone as defined in Town Planning Scheme 7 - Kununurra & Environs

Rural Residential

Includes all properties within the 'Rural Living' zone as defined in Town Planning Scheme 7 - Kununurra & Environs and all properties within the 'Special Rural' zone as defined in Town Planning Scheme 6 – Wyndham

Mining

Includes all properties that currently operate under a mining lease tenure.

Pastoral

Includes all properties that currently operate under a pastoral lease tenure.

Carried Unanimously 5/0

WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007 – WASTE CHARGES

Waste Management Charges are levied under the Waste Avoidance and Resource Recovery Act 2007.

Section 66 of the Act states that local government may impose a waste collection rate for the purpose of providing for the proper performance of all or any of the waste services it provides. The annual rate must not exceed the prescribed cents in the dollar. General rating principles under Local Government Act apply.

Section 67 states that the Local government may impose a receptacle charge in lieu of or in addition to the rate under section 66 to provide for the proper disposal of waste by making an annual charge per waste receptacle in respect of premises provided with a waste service.

Section 68 provides for fees and charges fixed by local government by imposing or recovering a fee or charge in respect of waste services under section 6.16 of Local Government Act.

Section 6.35 (4) of the LG Act provides that approval is required to impose a minimum payment on more than 50% of separately rated properties however, Part 5 Local Government Financial Management Regulations 1986 states that this requirement does not need to be met if the minimum payment is under \$200.

OFFICER'S RECOMMENDATION 8

That Waste Management Charge levied under Section 66 of the Waste Avoidance and Resource Recovery Act 2007 at rates in the dollar of:

GRV - Townsite	0.0001¢
GRV – Other	0.0001¢
UV – Rural Residential	0.0001¢
UV – Other	0.0001¢
UV – Rural Agriculture 1	0.0001¢
UV – Rural Agriculture 2	0.0001¢
UV – Mining	0.0001¢
UV – Pastoral	0.0001¢

for the 2013/14 year be adopted.

COUNCIL DECISION

Minute No. 10143

Moved: Cr R Dessert

Seconded: Cr D Learbuch

That Waste Management Charge levied under Section 66 of the Waste Avoidance and Resource Recovery Act 2007 at rates in the dollar of:

GRV - Townsite	0.0001¢
GRV – Other	0.0001¢
UV – Rural Residential	0.0001¢
UV – Other	0.0001¢
UV – Rural Agriculture 1	0.0001¢
UV – Rural Agriculture 2	0.0001¢
UV – Mining	0.0001¢
UV – Pastoral	0.0001¢

for the 2013/14 year be adopted.

Carried Unanimously 5/0

OFFICER'S RECOMMENDATION 9

That the minimum payment to apply to Waste Management Charge levied under Section 66 of the Waste Avoidance and Resource Recovery Act 2007 of:

GRV - Townsite	200.00
GRV – Other	200.00
UV – Rural Residential	200.00
UV – Other	200.00
UV – Rural Agriculture 1	200.00
UV – Rural Agriculture 2	200.00
UV – Mining	200.00
UV – Pastoral	200.00

for 2013/14 year be adopted.

Please note that this is different to the previously advertised charge of \$210. Section 6.35(4) of the Local Government Act requires that a minimum payment cannot be applied on all separately rated properties in a district if the payment exceeds \$200.

COUNCIL DECISION

Minute No. 10144

Moved: Cr D Learbuch

Seconded: Cr J Parker

That the minimum payment to apply to Waste Management Charge levied under Section 66 of the Waste Avoidance and Resource Recovery Act 2007 of:

GRV - Townsite	200.00
GRV – Other	200.00
UV – Rural Residential	200.00
UV – Other	200.00
UV – Rural Agriculture 1	200.00
UV – Rural Agriculture 2	200.00
UV – Mining	200.00
UV – Pastoral	200.00

for 2013/14 year be adopted.

Please note that this is different to the previously advertised charge of \$210. Section 6.35(4) of the Local Government Act requires that a minimum payment cannot be applied on all separately rated properties in a district if the payment exceeds \$200.

Carried Unanimously 5/0

OFFICER'S RECOMMENDATION 10

That an Annual Waste Receptacle Charge of \$264.00 (GST free) levied under Section 67 of the Waste Avoidance and Resource Recovery Act 2007 apply to the first waste receptacle service on all properties provided with a waste receptacle collection service.

COUNCIL DECISION

Minute No. 10145

Moved: Cr J Parker

Seconded: Cr D Learbuch

That an Annual Waste Receptacle Charge of \$264.00 (GST free) levied under Section 67 of the Waste Avoidance and Resource Recovery Act 2007 apply to the first waste receptacle service on all properties provided with a waste receptacle collection service.

Carried Unanimously 5/0

OFFICER'S RECOMMENDATION 11

That an Annual Waste Receptacle Charge of \$464.00 (GST free) levied under Section 67 of the Waste Avoidance and Resource Recovery Act 2007 apply to each and every additional waste receptacle service on all properties provided with a waste receptacle collection service in addition to the first waste receptacle collection service.

COUNCIL DECISION

Minute No. 10146

Moved: Cr J Parker

Seconded: Cr D Ausburn

That an Annual Waste Receptacle Charge of \$464.00 (GST free) levied under Section 67 of the Waste Avoidance and Resource Recovery Act 2007 apply to each and every additional waste receptacle service on all properties provided with a waste receptacle collection service in addition to the first waste receptacle collection service.

Carried Unanimously 5/0

PAYMENT INSTALMENT OPTIONS

A local government is required to provide an option to pay a rate or service charge:

- (a) In full
- (b) by 4 equal or nearly equal instalments
- (c) by such other method of payment by instalments as is set forth in the local government's annual budget.

Assuming the budget is adopted at the Special Council Meeting on 1 August 2013 the following rates due dates will apply:

- Rates Issue Date – 13 August 2013
- Discount Date – 3 September 2013 (21 Days)
- Rates Due Date – 17 September 2013 (35 days)
- Instalment Due – 19 November 2013 (2 months)
- Instalment Due – 21 January 2014 (2 months)
- Instalment Due – 25 March 2014 (2 months)

OFFICER'S RECOMMENDATION 12

That Council adopt the instalment plan options, being:

- (a) To pay in full within 35 days of service of the rates notice.
- (b) To pay by 2 equal instalments as under.
 - (i) 50% of the rates within 35 days
 - (ii) 50% of the rates within 4 months of (i)
- (c) To pay by 4 equal instalments as under.
 - (i) 25% of the rates within 35 days
 - (ii) 25% of the rates within 2 months of (i)
 - (iii) 25% of the rates within 2 months of (ii)
 - (iv) 25% of the rates within 2 months of (iii) being 6 months from the expiration of the initial 35 day period and 6 months and 35 days from the date of service of the notice.

COUNCIL DECISION

Minute No. 10147

Moved: Cr D Learbuch

Seconded: Cr J Parker

That Council adopt the instalment plan options, being:

- (a) To pay in full within 35 days of service of the rates notice.**
- (b) To pay by 2 equal instalments as under.**
 - (i) 50% of the rates within 35 days**
 - (ii) 50% of the rates within 4 months of (i)**
- (c) To pay by 4 equal instalments as under.**
 - (i) 25% of the rates within 35 days**
 - (ii) 25% of the rates within 2 months of (i)**
 - (iii) 25% of the rates within 2 months of (ii)**
 - (iv) 25% of the rates within 2 months of (iii) being 6 months from the expiration of the initial 35 day period and 6 months and 35 days from the date of service of the notice.**

Carried Unanimously 5/0

INTEREST RATE AND COSTS OF PROCEEDINGS

The maximum interest rate charge applicable under the Local Government Act is 11% per annum calculated on a daily basis on rates and services charges remaining unpaid (excluding eligible pensioners.) This rate was charged in 2012/13 and it is recommended that the maximum charges continue to apply.

OFFICER'S RECOMMENDATION 13

That Council in accordance with section 6.51 of the Local Government Act 1995, and Regulation 70 of the Local Government (Financial Management) Regulations 1996, impose interest at 11% per annum calculated on a daily basis on rates and services charges remaining unpaid (excluding eligible pensioners):

- a) No instalment option taken - 35 days after the date of service of the Rates Notice.**
- b) Instalment option taken - after the due date of the instalment, and continue to accrue until the instalment is paid.**

COUNCIL DECISION

Minute No. 10148

**Moved: Cr D Learbuch
Seconded: Cr D Ausburn**

That Council in accordance with section 6.51 of the Local Government Act 1995, and Regulation 70 of the Local Government (Financial Management) Regulations 1996, impose interest at 11% per annum calculated on a daily basis on rates and services charges remaining unpaid (excluding eligible pensioners):

- a) No instalment option taken - 35 days after the date of service of the Rates Notice.**
- b) Instalment option taken - after the due date of the instalment, and continue to accrue until the instalment is paid.**

Carried Unanimously 5/0

OFFICER'S RECOMMENDATION 14

That Council in accordance with section 6.51 of the Local Government Act 1995, shall recover the costs of any proceedings to recover any rates or service charges remaining unpaid after becoming due and payable:

- a) No instalment option taken - 35 days after the date of service of the Rates Notice.
- b) Instalment option taken - after the due date of the instalment.

COUNCIL DECISION

Minute No. 10149

**Moved: Cr D Learbuch
Seconded: Cr D Ausburn**

That Council in accordance with section 6.51 of the Local Government Act 1995, shall recover the costs of any proceedings to recover any rates or service charges remaining unpaid after becoming due and payable:

- a) No instalment option taken - 35 days after the date of service of the Rates Notice.**
- b) Instalment option taken - after the due date of the instalment.**

Carried Unanimously 5/0

INSTALMENT PLAN INTEREST RATE AND ADMINISTRATION FEE

Council can impose an interest rate charge on each instalment if ratepayers elect to use any of the instalment plan options. The maximum interest rate is 5.5% for those on an instalment plan. Last year's rate was the maximum of 5.5% and it is recommended that the maximum charges continue to be applied.

Section 6.45(3) of the Local Government Act 1995 allows a local government to impose an additional charge where payment of a rate or service charge is made by instalments.

In 2012/13 a service charge of \$5.00 for each instalment other than the first was applied and it is recommended that Council continue to impose a charge of \$5.00 for instalment payments.

Payment of rates and service charge by payment arrangement incurred a \$31.50 per arrangement fee in 2012/13. An increase in this fee to \$33.00 (GST Inclusive) was adopted by Council at its Ordinary Meeting held on 18 June 2013 as part of the fees and charges – debtor special payment arrangement administrative charge.

OFFICER'S RECOMMENDATION 15

That Council in accordance with section 6.45(3) of the Local Government Act and Regulation 67 of the Local Government (Financial Management) Regulations 1996, impose administration fees for payment of rates and service charge by instalments - \$5.00 per instalment reminder notice plus interest at 5.5% per annum calculated daily (excluding eligible pensioners).

COUNCIL DECISION

Minute No. 10150

Moved: Cr D Learbuch

Seconded: Cr R Dessert

That Council in accordance with section 6.45(3) of the Local Government Act and Regulation 67 of the Local Government (Financial Management) Regulations 1996, impose administration fees for payment of rates and service charge by instalments - \$5.00 per instalment reminder notice plus interest at 5.5% per annum calculated daily (excluding eligible pensioners).

Carried Unanimously 5/0

EARLY PAYMENT DISCOUNT

A local government may, when imposing a rate or service charge, resolve to grant a discount or other incentive for the early payment of any rate or service charge.

In previous years a discount of 5% has been available to ratepayers who pay in full by the discount date. In 2009/2010 to provide a positive cash flow impact of the discount the discount date was changed from the due date to 14 days after issue of the Rates Notice.

Considerable feedback has been received from ratepayers that 14 days is not enough time, taking into account postal delays and weekends. It is therefore recommended that the eligibility period for rates discount be extended to 21 days after date of issue of the Rates Notice. Based on the proposed rating timeline the discount date will be 3 September 2013 at 4.00pm.

The discount rate of 5% on the current year rates, for all rates paid in full within 14 days of the date of issue, has been applied for several years. In 2012/13 the rates discount resulted in a reduction in rates revenue of \$199,802. Consultation with other Local Governments throughout Western Australia indicates that most Councils have reduced or do not offer rates discounts. To reduce the impact of the discount on rates revenue it is recommended that a discount rate of 2.5% be offered for 2013/14.

OFFICER'S RECOMMENDATION 16

That Council in accordance with section 6.46 of the Local Government Act 1995, allow a 2.5% discount on 2013/14 rates if all rates accounts are paid in full within 21 days of the date of issue of the Rates Notice.

COUNCIL DECISION

Minute No. 10151

Moved: Cr J Parker

Seconded: Cr D Learbuch

That Council in accordance with section 6.46 of the Local Government Act 1995, allow a 2.5% discount on 2013/14 rates if all rates accounts are paid in full within 21 days of the date of issue of the Rates Notice.

Carried Unanimously 5/0

RATES WAIVER UNDER POLICY CP/FIN-3200 – STRATEGIC RATING POLICY

Strategic Rating Policy CP/FIN-3200 was adopted by Council on 20 April 2010 and provides for not for profit community groups to apply for Council to grant a waiver or concession of rates annually in accordance with discretionary powers provided by section 6.47 of the Local Government Act 1985.

Waivers are required to be reviewed annually as part of the annual budget adoption process. It is to be noted that the waiver consideration applies to rates only, and all other services and levies will still apply.

Wyndham Gardens (Inc) is the organisation that owns the Wyndham Picture Gardens situated at Lot 1 Civic Way Wyndham. Minimum rates of \$975.00 would be applied to the property.

The assessment of the application for rates waiver under Policy CP/FIN-3200 – Strategic Rating Policy was completed in 2010/11 and the circumstances have not changed. The granting of waiver of rates in 2013/14 is again recommended.

OFFICER'S RECOMMENDATION 17

That Council grant a waiver of rates valued at \$975.00 for the financial year of 2013/14 in accordance with discretionary powers provided by section 6.47 of the Local Government Act 1985 to Wyndham Gardens (Inc) on A502 (Lot 1 Civic Way Wyndham).

COUNCIL DECISION

Minute No. 10152

Moved: Cr D Learbuch

Seconded: Cr J Parker

That Council grant a waiver of rates valued at \$975.00 for the financial year of 2013/14 in accordance with discretionary powers provided by section 6.47 of the Local Government Act 1985 to Wyndham Gardens (Inc) on A502 (Lot 1 Civic Way Wyndham).

Carried Unanimously 5/0

USER FEES AND CHARGES

The Fees and Charges for 2013/14 were adopted by Council at its Ordinary Meeting held on 18 June 2013.

Further clarification was received after 18 June 2013 on the application of GST. Please note that the following charges are outside the scope of GST and will apply from 1 August 2013:

• Waste Management Charge (per annum)	\$200.00
• Additional Waste Receptacle Charge (per receptacle per service per annum)	\$464.00
• Replacement of Bin	Full Cost Recovery
• Repairs to Bin	Full Cost Recovery
• Annual Swimming Pool Fee - \$55 every 4 years (charged pro-rata)	\$55.00

A new fee for the East Kimberley Regional Airport needs to be added, as follows:

• Aircraft Parking Fees (per night, landing fees not included) (GST incl.)	\$22.00

The following fees for the East Kimberley Regional Airport need to be deleted:

• Non-airport resident charter operators (per annum, plus landing fees)	\$1,200.00
• Non-airport resident charter operators (per night, plus landing fees)	\$52.00
• Private owners (non-commercial) (per annum, includes landing fees)	\$1,200.00
• Private owners (non-commercial) (per night, includes landing fees)	\$52.00

OFFICER'S RECOMMENDATION 18

That Council adopt the following amendments to fees and charges for 2013/14:

• Waste Management Charge (per annum)	\$200.00
• Additional Waste Receptacle Charge (per receptacle per service per annum)	\$464.00
• Replacement of Bin	Full Cost Recovery
• Repairs to Bin	Full Cost Recovery
• Annual Swimming Pool Fee - \$55 every 4 years (charged pro-rata)	\$55.00

A new fee for the East Kimberley Regional Airport needs to be added, as follows:

• Aircraft Parking Fees (per night, landing fees not included)	(GST incl.)	\$22.00

The following fees for the East Kimberley Regional Airport need to be deleted:

• Non-airport resident charter operators (per annum, plus landing fees)	\$1,200.00
• Non-airport resident charter operators (per night, plus landing fees)	\$52.00
• Private owners (non-commercial) (per annum, includes landing fees)	\$1,200.00
Private owners (non-commercial) (per night, includes landing fees)	\$52.00

COUNCIL DECISION

Minute No. 10153

Moved: Cr D Learbuch

Seconded: Cr D Ausburn

That Council adopt the following amendments to fees and charges for 2013/14:

- **Waste Management Charge (per annum) \$200.00**
- **Additional Waste Receptacle Charge (per receptacle per service per annum) \$464.00**
- **Replacement of Bin Full Cost Recovery**
- **Repairs to Bin Full Cost Recovery**
- **Annual Swimming Pool Fee - \$55 every 4 years (charged pro-rata) \$55.00**

A new fee for the East Kimberley Regional Airport needs to be added, as follows:

- **Aircraft Parking Fees (per night, landing fees not included) (GST incl.) \$22.00**

The following fees for the East Kimberley Regional Airport need to be deleted:

- **Non-airport resident charter operators (per annum, plus landing fees) \$1,200.00**
- **Non-airport resident charter operators (per night, plus landing fees) \$52.00**
- **Private owners (non-commercial) (per annum, includes landing fees) \$1,200.00**
- **Private owners (non-commercial) (per night, includes landing fees) \$52.00**

Carried Unanimously 5/0

BORROWINGS

Note 5 of Draft Budget 2013/14 details ongoing loan commitments as well as new loans.

- \$400,000 new loan for development of Liquid Waste Facility at the Kununurra Landfill. This represents a carry forward loan from 2012/13. A four year loan is recommended in this budget to match the payback period. Increased fees for the disposal of liquid waste will repay the loan.
- \$1,695,000 new loan to implement the recommendations arising from the Waste Management Strategy and 10 years Financial Model as presented to the councillors by Waste Management Working Group. The loan will be repaid over ten years from general funds.
- \$125,000 new loan to commence Stage 1 of improving Kununurra stormwater management as per presentation to council briefing. The loan will be repaid over ten years from general funds.
- \$88,498 new loan to cover the initial cost of purchase of new vacant land and two staff houses in Kununurra. The loan will be repaid over six years from general funds.

OFFICER'S RECOMMENDATION 19

That Council in accordance with Section 6.20 of the Local Government Act 1995, raise loans for the following amounts and purposes in 2013/14:

a) Liquid Waste Facility Kununurra Landfill	\$400,000
b) New Waste Management Strategy	\$1,695,000
c) New Drainage Strategy	\$125,000
d) Staff Houses	\$88,498

COUNCIL DECISION

Minute No. 10154

Moved: Cr D Learbuch
Seconded: Cr D Ausburn

That Council in accordance with Section 6.20 of the Local Government Act 1995, raise loans for the following amounts and purposes in 2013/14:

a) Liquid Waste Facility Kununurra Landfill	\$400,000
b) New Waste Management Strategy	\$1,695,000
c) New Drainage Strategy	\$125,000
d) Staff Houses	\$88,498

Carried Unanimously 5/0

COUNCILLOR FEES

Council adopted the following Councillor Fees in 2012/13:

Meeting Fees (x 1 for Councillors, x 2 for Shire President)	\$ 6,490
Communication Allowance	\$ 2,400
Information Technology Allowance	\$ 1,000
Shire President's Allowance	\$22,795
Deputy Shire President's Allowance	\$ 4,870

Based on discussions during budget workshops the following fees are recommended:

Meeting Fees (x 1 for Councillors, x 1 for Shire President)	\$ 14,500
Shire President's Allowance	\$ 22,795
Deputy Shire President's Allowance	\$ 5,699

OFFICER'S RECOMMENDATION 20

That Council adopt the following Councillor fees and allowances for 2013/14:

Meeting Fees (x 1 for Councillors, x 1 for Shire President)	\$ 14,500
Shire President's Allowance	\$ 22,795
Deputy Shire President's Allowance	\$ 5,699

COUNCIL DECISION

Minute No. 10155

Moved: Cr D Learbuch

Seconded: Cr D Ausburn

That Council adopt the following Councillor fees and allowances for 2013/14:

Meeting Fees (x 1 for Councillors, x 1 for Shire President)	\$ 14,500
Shire President's Allowance	\$ 22,795
Deputy Shire President's Allowance	\$ 5,699

Carried Unanimously 5/0

SETTING OF MATERIALITY FOR MONTHLY REPORTING

Local Government Act and Regulations require the Council to set the materiality level at which explanations are required for variations between Year to Date Budget and Year to Date Actual figures. The materiality level recommended is +/-10% and +/- \$10,000 at account level and +/-10% and +/- \$50,000 at financial statement level.

OFFICER'S RECOMMENDATION 21

That materiality level for monthly reporting be set at +/-10% and +/- \$10,000 at account level and +/-10% and +/- \$50,000 at financial statement level.

COUNCIL DECISION

Minute No. 10156

Moved: Cr J Parker

Seconded: Cr D Learbuch

That materiality level for monthly reporting be set at +/-10% and +/- \$10,000 at account level and +/-10% and +/- \$50,000 at financial statement level.

Carried Unanimously 5/0

ADOPTION OF ACCOUNTING POLICIES

Council should consider its accounting policies on an annual basis and adopt the policies to apply to financial reporting including the annual financial statements and the budget.

Current Policy CP/FIN3201 - Significant Accounting Policies is provided as Attachment 1 to this item.

Revised Policy CP/FIN3201 - Significant Accounting Policies is provided as Attachment 2 to this item.

OFFICER'S RECOMMENDATION 22

That Council adopts revised policy CP/FIN3201 - Significant Accounting Policies.

COUNCIL DECISION

Minute No. 10157

Moved: Cr J Parker

Seconded: Cr D Learbuch

That Council adopts revised policy CP/FIN3201 - Significant Accounting Policies.

Carried Unanimously 5/0

ADOPTION OF THE 2013/14 BUDGET

The management recommend that in order to maintain real operating expenditure and continue to position Council to undertake future projects of significant economic benefit and employment growth initiatives that Council adopt a 4.5% rate increase.

The general rate increase is 5.5% however the impact of valuation changes during 2012/13, the revaluation of UV valued properties and the need to amend the differential rates to reinstate the previous rating categories of Rural Agriculture 1, Rural Agriculture 2 and UV Other, resulted in a total rates revenue increase of 4.5% compared to the 2012/13 actual rates revenue.

The budget document is provided as a separate attachment to this agenda

OFFICER'S RECOMMENDATION 23

That the 2013/14 budget, reflecting a 4.5% increase in total GRV and total UV rates, be adopted.

COUNCIL DECISION

Minute No. 10158

Moved: Cr J Parker

Seconded: Cr D Learbuch

That the 2013/14 budget, reflecting a 4.5% increase in total GRV and total UV rates, be adopted.

Carried Unanimously 5/0

SHIRE of WYNDHAM | EAST KIMBERLEY



Council Policy Number: CP/FIN-3201 **Significant Accounting Policies**

OBJECTIVE:

To provide the basis for Council's accounting concepts and annual reporting guidelines. To maintain accounting reporting procedures that comply with statutory requirements and demonstrate Council's financial position.

POLICY:

Significant Accounting Policies

(a) Basis of Accounting and Preparation

The budget and financial report are general purpose financial reports which are to be prepared in accordance with applicable Australian Accounting Standards (as they apply to local government and not-for-profit entities), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the Local Government Act 1995 and accompanying regulations.

Except for cash flow and rate setting information, the budget and reports are also to be prepared on the accrual basis under the convention of historical cost accounting modified, where applicable by the measurement at fair value of selected non-current assets, financial assets and liabilities.

Critical Accounting Estimates

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

(b) The Local Government Reporting Entity

All Funds through which the Council controls resources to carry on its functions have been included in the financial statements forming part of the financial reports.

In the process of reporting on the local government as a single unit, all transactions and balances between those Funds (for example, loans and transfers between Funds) have been eliminated.

All monies held in the Trust Fund are excluded from the financial statements, but a separate statement of those monies appears in the financial reports.

(c) Actual Balances

Balances shown in budget documentation as previous year Actual are as forecast at the time of budget preparation and are subject to final adjustments.

(d) Rounding off Figures

All figures shown in financial reports, other than a rate in the dollar, are rounded to the nearest dollar.

(e) Rates, Grants, Donations and Other Contributions

Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions. Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.

Where contributions recognised as revenues during the reporting period are obtained on the condition that they be expended in particular manner or used over a particular period, and those conditions were undischarged as at the reporting date, the nature of and amounts pertaining to those undischarged conditions are disclosed in the financial report. The disclosure also includes the amount of contributions recognised as revenues in a previous reporting period which were obtained in respect of the local government's operations for the current reporting period.

(f) Goods and Services Tax

In accordance with recommended practice, revenues, expenses and assets capitalised are stated net of any GST recoverable.

Receivables and payables in the Statement of Financial Position are stated inclusive of applicable GST. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position.

Cash flows are presented on a Gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

(g) Superannuation

The Shire of Wyndham East Kimberley contributes to a number of Superannuation Funds on behalf of employees.

Contributions to defined contribution plans are recognised as an expense as they become payable. Prepaid contributions are recognised as an asset to the extent that a cash refund or a reduction in the future payments is available.

(h) Cash and Cash Equivalents

Cash and cash equivalents in the statement of financial position comprise cash at bank and in hand and short-term deposits with an original maturity of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.

For the purposes of the Cash Flow Statement, cash and cash equivalents consist of cash and cash equivalents as defined above, net of outstanding bank overdrafts. Bank overdrafts are included as short-term borrowings in current liabilities on the statement of financial position.

(i) Trade and Other Receivables

Collectability of trade receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.

(j) Inventories

General

Inventories are valued at the lower of cost and net realisable value. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

Land Held for Resale

Land purchased for development and/or resale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is completed are expensed.

Revenue arising from the sale of property is recognised in the operating statement as at the time of signing a binding contract of sale.

Land held for resale is classified as current except where it is held as non-current based on Council's intentions to release for sale.

(k) Fixed Assets

Each class of fixed assets is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.

Initial Recognition

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Council includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to the Council and the cost of the item can be measured reliably. All other repairs and maintenance are recognised as expenses in the statement of comprehensive income in the period in which they are incurred.

Revaluation

Certain asset classes may be re-valued on a regular basis such that the carrying values are not materially different from fair value. For infrastructure and other asset classes where no active market exists, fair value is determined to be the current replacement cost of an asset less, where applicable, accumulated depreciation calculated on a basis of such cost to reflect the already consumed or expired future economic benefits of the asset.

Increases in the carrying amount arising on revaluation of assets are credited to a revaluation surplus in equity. Decreases that offset previous increases of the same asset are charged against fair value reserves directly in equity; all other decreases are charged to the statement of comprehensive income.

Any accumulated depreciation at the date of revaluation is eliminated against the gross carrying amount of the asset and the net amount is restated to the revalued amount of the asset.

Those assets carried at a re-valued amount, being their fair value at the date of revaluation less any subsequent accumulated depreciation and accumulated impairment losses, are to be re-valued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.

Land Under Roads

In Western Australia, all land under roads is Crown land, the responsibility for managing which, is vested in the local government.

Effective as at 1 July 2008, Council elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard AASB 1051 Land Under Roads and the fact Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

In respect of land under roads acquired on or after 1 July 2008, as detailed above, Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

Whilst such treatment is inconsistent with requirements of AASB 1051, Local Government (Financial Management) Regulation 4(2) provides, in the event of such an inconsistency, the local government (Financial Management) Regulations prevail.

Consequently, any land under roads acquired on or after 1 July 2008 is not included as an asset of Council.

(l) Depreciation of Non-Current Assets

All non-current assets having a limited useful life are separately and systematically depreciated over their useful lives in a manner which reflects the consumption of the future economic benefits embodied in those assets.

Assets are depreciated from the date of acquisition or, in respect of internally constructed assets, from the time the asset is completed and held ready for use.

Depreciation is recognised on a straight-line basis, using rates which are reviewed each reporting period. Major depreciation periods and capitalisation threshold are as per Council adopted policy F20 Non Current Asset Capitalisation and Depreciation Control.

The assets residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.

Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in the statement of comprehensive income. When re-valued assets are sold, amounts included in the revaluation surplus relating to that asset are transferred to retained earnings.

Capitalisation Threshold

Expenditure on items of equipment under \$5,000 is not capitalised. Rather, it is recorded on an asset inventory listing.

(m) Financial Instruments

Initial Recognition and Measurement

Financial assets and financial liabilities are recognised when the Council becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the Council commits itself to either the purchase or sale of the asset (ie. trade date accounting is adopted).

Financial instruments are initially measured at fair value plus transaction costs, except where the instrument is classified 'at fair value through profit or loss', in which case transaction costs are expensed to profit or loss immediately.

Classification and Subsequent Measurement

Financial instruments are subsequently measured at fair value, amortised cost using the effective interest rate method or at cost.

Fair value represents the amount for which an asset could be exchanged or a liability settled, between knowledgeable, willing parties. Where available, quoted prices in an active market are used to determine fair value. In other circumstances, valuation techniques are adopted.

Amortised cost is calculated as:

- (a) the amount in which the financial asset or financial liability is measured at initial recognition;
- (b) less principal repayments;
- (c) plus or minus the cumulative amortisation of the difference, if any, between the amount initially recognised and the maturity amount calculated using the effective interest rate method; and
- (d) less any reduction for impairment.

The effective interest rate method is used to allocate interest income or interest expense over the relevant period and is equivalent to the rate that exactly discounts estimated future cash payments or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to the net carrying amount of the financial asset or financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying value with a consequential recognition of an income or expense in statement of comprehensive income.

(i) Financial assets at fair value through profit and loss

Financial assets at fair value through profit or loss are financial assets held for trading. A financial asset is classified in this category if acquired principally for the purpose of selling in the short term. Derivatives are classified as held for trading unless they are designated as hedges. Assets in this category are classified as current assets.

(ii) Loans and receivables

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost. They are included in current assets or liabilities, except for those with maturities greater than 12 months after the reporting date which are classified as non-current assets.

(iii) Held-to-maturity investments

Held-to-maturity investments are non-derivative financial assets with fixed or determinable payments and fixed maturities that the Council's management has the positive intention and ability to hold to maturity. They are subsequently measured at amortised cost. Held-to-maturity financial assets are included in non-current assets, except for those with maturities less than 12 months from the reporting date, which are classified as current assets.

(iv) Available-for-sale financial assets

Available-for-sale financial assets are non-derivative financial assets that are either not suitable to be classified into other categories of financial assets due to their nature, or they are designated as such by management. They comprise investments in the equity of other entities where there is neither a fixed maturity nor fixed or determinable payments.

They are subsequently measured at fair value with changes in such fair value (i.e. gains or losses) recognised in other comprehensive income (except for impairment losses). When the financial asset is derecognised, the cumulative gain or loss pertaining to that asset previously recognised in other comprehensive income is reclassified into statement of comprehensive income.

Available-for-sale financial assets are included in non-current assets, except for those which are expected to mature within 12 months of the end of the reporting period (classified as current assets).

(v) Financial liabilities

Non-derivative financial liabilities (excluding financial guarantees) are subsequently measured at amortised cost.

Impairment

At the end of each reporting period, the Council assesses whether there is objective evidence that a financial instrument has been impaired. In the case of available-for-sale financial instruments, a prolonged decline in the value of the instrument is considered to determine whether impairment has arisen. Impairment losses are recognised in the statement of comprehensive income.

Derecognition

Financial assets are derecognised where the contractual rights to receipt of cash flows expire or the asset is transferred to another party whereby the Council no longer has any significant continual involvement in the risks and benefits associated with the asset.

Financial liabilities are derecognised where the related obligations are discharged, cancelled or expired. The difference between the carrying amount of the financial liability extinguished or transferred to another party and the fair value of the consideration paid, including the transfer of non-cash assets or liabilities assumed, is recognised in statement of comprehensive income.

(n) Estimation of Fair Value

The fair value of financial assets and financial liabilities must be estimated for recognition and measurement or for disclosure purposes.

The fair value of financial instruments traded in active markets is based on quoted market prices at the reporting date.

The fair value of financial instruments that are not traded in an active market is determined using valuation techniques. Council uses a variety of methods and makes assumptions that are based on market conditions existing at each balance date. These include the use of recent arm's length transactions, reference to other instruments that are substantially the same, discounted cash flow analysis, and option pricing models making maximum use of market inputs and relying as little as possible on entity-specific inputs.

Quoted market prices or dealer quotes for similar instruments are used for long-term debt instruments held. Other techniques, such as estimated discounted cash flows, are used to determine fair value for the remaining financial instruments.

The nominal value less estimated credit adjustments of trade receivables and payables are assumed to approximate their fair values. The fair value of financial liabilities for disclosure purposes is estimated by discounting the future contractual cash flows at the current market interest rate that is available to the Council for similar financial instruments.

(o) Impairment

In accordance with Australian Accounting Standards the Council's assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.

Where such an indication exists, an impairment test is carried out on the asset by comparing the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, to the asset's carrying amount.

Any excess of the asset's carrying amount over its recoverable amount is recognised immediately in profit or loss, unless the asset is carried at a revalued amount in accordance with another standard (e.g. AASB 116) whereby any impairment loss of a revalued asset is treated as a revaluation decrease in accordance with that other standard.

For non-cash generating assets such as roads, drains, public buildings and the like, value in use is represented by the depreciated replacement cost of the asset.

At the time of adopting a budget, it is not possible to estimate the amount of impairment losses (if any) as at 30 June of that year.

In any event, an impairment loss is a non-cash transaction and consequently, has no impact on a budget document.

(p) Trade and Other Payables

Trade and other payables represent liabilities for goods and services provided to the Council prior to the end of the financial year that are unpaid and arise when the Council becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured and are usually paid within 30 days of recognition.

(q) Employee Benefits

Provision is made for the Council's liability for employee benefits arising from services rendered by employees to the end of the reporting period. Employee benefits that are expected to be settled within one year have been measured at the amounts expected to be paid when the liability is settled. Employee benefits payable later than one year have been measured at the present value of the estimated future cash outflows to be made for those benefits. In determining the liability, consideration is given to employee wage increases and the probability that the employee may not satisfy vesting requirements. Those cash flows are discounted using market yields on national government bonds with terms to maturity that match the expected timing of cash flows.

(r) Borrowing Costs

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset.

(s) Provisions

Provisions are recognised when:

- (a) The Council has a present legal or constructive obligation as a result of past events;
- (b) for which it is probable that an outflow of economic benefit will result to settle the obligation; and
- (c) the outflow can be reliably measured.

Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

(t) Leases

Leases of fixed assets where substantially all the risks and benefits incidental to the ownership of the asset, but not legal ownership, are transferred to the company are classified as finance leases.

Finance leases are capitalised recording an asset and a liability at the lower amounts equal to the fair value of the leased property or the present value of the minimum lease payments, including any guaranteed residual values. Lease payments are allocated between the reduction of the lease liability and the lease interest expense for the period.

Leased assets are depreciated on a straight line basis over the shorter of their estimated useful lives or the lease term.

Lease payments under operating leases, where substantially all the risks and benefits remain with the lessor, are charged as expenses in the periods in which they are incurred.

Lease incentives under operating leases are recognised as a liability and amortised on a straight line basis over the life of the lease term.

(u) Joint Venture

The Council's interest in a joint venture is to be recognised in the financial statements by including its share of any assets, liabilities, revenues and expenses of the joint venture within the relevant items reported in the statement of financial position and statement of comprehensive income.

The Council's interests in joint venture entities are recorded using the equity method of accounting in the financial report.

Where the Council contributes assets to the joint venture or if the Council purchases assets from the joint venture, only the portion of the gain or loss that is not attributable to the Council's share of the joint venture shall be recognised. The Council recognises the full amount of any loss when the contribution results in a reduction in the net realisable value of current assets or an impairment loss.

(v) Rates, Grants, Donations and Other Contributions

Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions. Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.

(w) Superannuation

The Council contributes to a number of Superannuation Funds on behalf of employees. All funds to which the Council contributes are defined contribution plans.

(x) Comparative Figures

Where required, comparative figures are to be adjusted to conform with changes in presentation for the current financial year.

When the Council applies an accounting policy retrospectively, make a retrospective restatement or reclassifies items in its financial statement, a statement of financial position as at the beginning of the earliest period will be disclosed.

(y) Budget Comparative Figures

Unless otherwise stated, the budget comparative figures shown in the budget/annual financial report relate to the amended budget estimate for the relevant item of disclosure.

(z) Current and Non-Current Classification

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for resale where it is held as non-current based on Council's intentions to release for sale.

(aa) New Accounting Standards and Interpretations for Application in Future Periods

Australian Accounting Standards and Interpretations that have recently been issued or amended but are not yet effective have not been adopted by the Council for the annual reporting period ending 30 June 2012.

Council's assessment of these new standards and interpretations is set out below:

	Title and Topic	Issued	Applicable (*)	Impact
(i)	AASB 9– Financial Instruments	December 2009	1 January 2013	Nil – The objective of this Standard is to improve and simplify the approach for classification and measurement of financial assets compared with the requirements of AASB 139. Given the nature of the financial assets of the Council, it is not anticipated the standard will have any material effect.
(ii)	AASB 1053 - Application of Tiers of Australian Accounting Standards	June 2010	01 July 2013	Nil - Due to its nature and statutory requirements the Council will be deemed a Tier 1 entity and will continue to prepare general purpose financial statements.
(iii)	AASB 2009– 11 Amendments to Australian Accounting Standards arising from AASB 9 [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 121, 127, 128, 131, 132, 136, 139, 1023 & 1038 and Interpretations 10 & 12)	December 2009	01 January 2013	Nil – The revisions embodied in this standard give effect to the consequential changes arising from the issuance of AASB 9 which is not anticipated to have any material effect on the Council (refer (i) above).
(iv)	AASB 2010 - 2 Amendments to	June 2010	01 July 2013	Nil - None of these amendments will have any

	Australian Accounting Standards arising from Reduced Disclosure Requirements [AASB 1, 2, 3, 5, 7, 8, 101, 102, 107, 108, 110, 111, 112, 116, 117, 119, 121, 123, 124, 127, 128, 131, 133, 134, 136, 137, 138, 140, 141, 1050, & 1052 and Interpretations 2, 4, 5, 15, 17, 127, 129 & 1052]			effect on the financial report as the standard does not apply in the case of general purpose financial statements.
(v)	AASB 2010 – 7 Amendments to Australian Accounting Standards arising from AASB 9 (December 2010) [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 121, 127, 128, 131, 132, 136, 139, 1023 & 1038 and Interpretations 2,5,10,12, 19 & 127)	December 2010	01 January 2013	Nil – The revisions embodied in this standard give effect to the consequential changes arising from the issuance of AASB 9 which is not anticipated to have any material effect on the Council (refer (i) above).
(vi)	AASB 2010 - 8 Amendments to Australian Accounting Standards - Deferred Tax: Recovery of Underlying Assets [AASB 112]	December 2010	01 July 2012	Nil - None of these amendments will have any effect on the financial report as none of the topics are relevant to the operations of the Council.
(vii)	AASB 2010 - 10 Further Amendments to Australian Accounting Standards - Removal of Fixed Dates for First-time Adopters [AASB 2009 - 11 & 2010 - 7]	December 2010	01 January 2013	Nil - None of these amendments will have any effect on the financial report as none of the topics are relevant to the operations of the Council.
(viii)	AASB 2011 – 2 Amendments to Australian Accounting Standards – Arising from the Trans – Tasman Consequence Project – Reduced Disclosure Requirements. [AASB 101 & AASB 1054]	May 2011	1 July 2013	Nil – None of these amendments will have any effect on the financial report as none of the topics are relevant to the operations of the Council.
	AASB 2011 – 3 Amendments to Australian Accounting Standards – Orderly	May 2011	1 July 2012	

	Adoption of Changes to ABS GFS manual and related Amendments. [AASB 1049] AASB 2011 – 6 Amendments to Australian Accounting Standards – Extending Relief from Consolidation, the Equity Method and Proportionate Consolidation – Reduced Disclosure Requirements [AASB 127, 128 & 131]	July 2011	1 July 2013	
(ix)	AASB 10 – Consolidated Financial Statements AASB 11 – Joint Arrangements AASB 12 – Disclosure of Interests in Other Entities AASB 127 – Separate Financial Statements AASB 128 – Investments in Associates and Joint Ventures AASB 2011 – 7 Amendments to Australian Accounting Standards arising from the Consolidation and Joint Arrangement Standards [AASB 1, 2, 3, 5, 7, 9, 2009-11, 101, 107, 112, 118, 121, 124, 132, 133, 131, 138, 139, 1023 & 1038 and Interpretations 5, 9, 16 & 17]	August 2011	1 January 2013	Nil – None of these except for AASB 128, are expected to have significant application to the operations of the Council. With respect to AASB 128, where the Council has an interest in a Joint Venture, the requirements of AASB 128 supercede those of the current Joint Venture Standard AASB 131. The new standard more clearly defines the accounting treatment and disclosure in relation to it. Due to the nature of the Joint Venture, it is not expected to have a significant impact on the Council.
(x)	AASB 13 – Fair Value Measurement AASB 2011 – 8 Amendments to Australian Accounting Standards arising from AASB 13 [AASB 1, 2, 3, 4, 5, 7, 9, 2009-11, 2010-7, 101, 102, 108, 110, 116, 117, 118, 119, 120, 121, 128, 131, 132, 133, 134, 136, 138, 139, 140, 141, 1004, 1023 & 1038 and	September 2011	1 January 2013	AASB 13 defines fair value, establishes a framework for measuring fair value and requires disclosures about fair value measurements. AASB 13 requires: - Inputs to all fair value measurements to be categorised in accordance with a fair value hierarchy; and

	Interpretations 2, 4, 12, 13, 14, 17, 19, 131 & 132]			- Enhanced disclosures regarding all assets and liabilities (including, but not limited to financial assets and financial liabilities) measured at fair value. AASB 13 will have particular relevance to the process of the Council adopting fair value methodology in relation to its fixed assets as mandated from 1 July 2012. Apart from the changes in value in relation to assets to be revalued (which are mandated by legislation and not changes to the standard) it is not expected to significantly impact the Council as the framework embodied in AASB 13 does not differ significantly from that which is present in existing standards. The amendment to the legislation requires the phasing in of fair value in relation to fixed assets over the three years from 1 July 2012. It is not possible to estimate the likely amount of any revaluations.
(xi)	AASB 2011 - 9 Amendments to Australian Accounting Standards – Presentation of Items of Other Comprehensive Income [AASB 1, 5, 7, 101, 112, 120, 121, 132, 133, 134, 1039 & 1049]	September 2011	1 July 2013	The main change embodied in this standard is the requirement to group items presented in other comprehensive income on the basis of whether they are potentially reclassifiable to profit or loss subsequently. It effects presentation only and is not expected to significantly impact the Council.

(xii)	AASB 119 – Employee Benefits AASB 2010 – 10 Amendments to Australian Accounting Standards arising from AASB 119 [AASB 1, 8, 101, 124, 134, 1049 & 2011 – 8 and Interpretation 14]	September 2011	1 January 2013	The changes in relation to defined benefit plans contained in this standard are not expected to significantly impact the Council nor are the changes to AASBs in relation to termination benefits.
(xiii)	AASB 2011-11 Amendments to AASB 119 (September 2011) arising from Reduced Disclosure Requirements AASB 2011 – 12 Amendments to Australian Accounting Standards arising from Interpretation 20 [AASB 1] AASB 2011 – 13 Amendments to Australian Accounting Standards – Improvements to AASB 1049	September 2011 November 2011 December 2011	1 July 2013 1 January 2013 1 July 2012	Nil – None of these amendments will have any effect on the financial report as none of the topics are relevant to the operations of the Council.

Notes: (*) Applicable to reporting periods commencing on or after the given date.

(ab) Adoption of New and Revised Accounting Standards

During the current year, the Council adopted all of the new and revised Australian Accounting Standards and Interpretations which became mandatory and which were applicable to its operations.

These new and revised standards were:

AASB 124
AASB 1054
AASB 2009 – 12
AASB 2010 – 4
AASB 2010 – 5
AASB 2010 – 6
AASB 2010 – 9
AASB 2010 – 14
AASB 2011 - 1

The standards adopted had a minimal effect on the accounting and reporting practices of the Council as they were either largely editorial in nature, were revisions to help ensure consistency with presentation, recognition and measurement criteria of IFRSs or related to topics not relevant to operations.

POLICY ADMINISTRATION

Directorate		Officer Title			
Corporate Services		Director Corporate Services			
Date Effective	19 July 2011				
Date Adopted	19 July 2011	Last Reviewed		7 August 2012	
Risk Rating	Low	Review Cycle	Annual	Next Due	July 2013
Organisational Compliance		Annual Financial Report Annual Adopted Budget			
Process Links		Financial Management Policies, Procedures and Practices.			

SHIRE of WYNDHAM | EAST KIMBERLEY



Council Policy Number: CP/FIN-3201 Significant Accounting Policies

OBJECTIVE:

To provide the basis for Council's accounting concepts and annual reporting guidelines. To maintain accounting reporting procedures that comply with statutory requirements and demonstrate Council's financial position.

POLICY:

(a) Basis of Preparation

The financial report is a general purpose financial statement which has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the Local Government Act 1995 and accompanying regulations.

Except for cash flow and rate setting information, the report has also been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

Critical Accounting Estimates

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

(b) The Local Government Reporting Entity

All Funds through which the Council controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

In the process of reporting on the local government as a single unit, all transactions and balances between those Funds (for example, loans and transfers between Funds) have been eliminated.

All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears at Note 19 to these financial statements.

(c) Goods and Services Tax

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO).

Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position.

Cash flows are presented on a Gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

(d) Cash and Cash Equivalents

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks, other short term highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts.

Bank overdrafts are shown as short term borrowings in current liabilities in the statement of financial position.

(e) Trade and Other Receivables

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets.

Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.

(f) Inventories

General

Inventories are measured at the lower of cost and net realisable value. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

Land Held for Resale

Land purchased for development and/or resale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is completed are expensed.

Gains and losses are recognised in the statement of comprehensive income at the time of signing an unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed on to the buyer at this point.

Land held for resale is classified as current except where it is held as non-current based on Council's intentions to release for sale.

(g) Fixed Assets

Each class of fixed assets is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.

Mandatory Requirement to Revalue Non-Current Assets

Effective from 1 July 2012, the Local Government (Financial Management) Regulations were amended and the measurement of non-current assets at Fair Value became mandatory.

The amendments allow for a phasing in of fair value in relation to fixed assets over three years as follows:

- (a) for the financial year ending on 30 June 2013, the fair value of all of the assets of the local government that are plant and equipment; and
- (b) for the financial year ending on 30 June 2014, the fair value of all of the assets of the local government –
 - (i) that are plant and equipment; and
 - (ii) that are –
 - (I) land and buildings; or
 - (II) infrastructure;

and

- (c) for a financial year ending on or after 30 June 2015, the fair value of all of the assets of the local government.

Thereafter, in accordance with the regulations, each asset class must be revalued at least every 3 years.

Council has commenced the process of adopting Fair Value in accordance with the Regulations.

Relevant disclosures, in accordance with the requirements of Australian Accounting Standards, have been made in the financial report as necessary.

Land Under Control

In accordance with Local Government (Financial Management) Regulation 16(a), the Council is required to include as an asset (by 30 June 2013), Crown Land operated by the local government as a golf course, showground, racecourse or other sporting or recreational facility of State or regional significance.

Upon initial recognition, these assets were recorded at cost in accordance with AASB 116. They were then classified as Land and revalued along with other land in accordance with the other policies detailed in this Note.

Whilst they were initially recorded at cost, fair value at the date of acquisition was deemed cost as per AASB 116.

Consequently, these assets were initially recognised at cost but revalued along with other items of Land and Buildings at 30 June 2013.

Initial Recognition

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Council includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to the Council and the cost of the item can be measured reliably. All other repairs and maintenance are recognised as expenses in the statement of comprehensive income in the period in which they are incurred.

Revaluation

When performing a revaluation, the Council uses a mix of both independent and management valuations using the following as a guide:

Revalued assets are carried at their fair value being the price that would be received to sell the asset, in an orderly transaction between market participants at the measurement date (Level 1 inputs in the fair value hierarchy).

For land and buildings, fair value will be determined based on the nature of the asset class. For land and non-specialised buildings, fair value is determined on the basis of observable open market values of similar assets, adjusted for conditions and comparability at their highest and best use (Level 2 inputs in the fair value hierarchy).

With regards to specialised buildings, fair value is determined having regard for current replacement cost and both observable and unobservable costs. These include construction costs based on recent contract prices, current condition (observable Level 2 inputs in the fair value hierarchy), residual values and remaining useful life assessments (unobservable Level 3 inputs in the fair value hierarchy).

For infrastructure and other asset classes, fair value is determined to be the current replacement cost of an asset (Level 2 inputs in the fair value hierarchy) less, where applicable, accumulated depreciation calculated on the basis of such cost to reflect the already consumed or expired future economic benefits of the asset (Level 3 inputs in the fair value hierarchy).

Increases in the carrying amount arising on revaluation of assets are credited to a revaluation surplus in equity. Decreases that offset previous increases of the same asset are recognised against revaluation surplus directly in equity. All other decreases are recognised in profit or loss.

Any accumulated depreciation at the date of revaluation is eliminated against the gross carrying amount of the asset and the net amount is restated to the revalued amount of the asset.

Those assets carried at a revalued amount, being their fair value at the date of revaluation less any subsequent accumulated depreciation and accumulated impairment losses, are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.

In addition, the amendments to the Financial Management Regulations mandating the use of Fair Value imposes a further minimum of 3 years revaluation requirement. As a minimum, all assets carried at a revalued amount, will be revalued at least every 3 years.

Transitional Arrangement

During the time it takes to transition the carrying value of non-current assets from the cost approach to the fair value approach, the Council may still be utilising both methods across differing asset classes.

Those assets carried at cost will be carried in accordance with the policy detailed in the ***Initial Recognition*** section as detailed above.

Those assets carried at fair value will be carried in accordance with the ***Revaluation*** Methodology section as detailed above.

Early Adoption of AASB 13 – Fair Value Measurement

Whilst the new accounting standard in relation to Fair Value, *AASB 13 – Fair Value Measurement* does not become applicable until the year ended 30 June 2014 (in relation to Council), given the legislative need to commence using Fair Value methodology for this reporting period, the Council chose to early adopt AASB 13 (as allowed for in the standard).

As a consequence, the principles embodied in *AASB 13 – Fair Value Measurement* have been applied to this reporting period (year ended 30 June 2013).

Due to the nature and timing of the adoption (driven by legislation) the adoption of this standard has had no effect on previous reporting periods.

Land Under Roads

In Western Australia, all land under roads is Crown land, the responsibility for managing which, is vested in the local government.

Effective as at 1 July 2008, Council elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard AASB 1051 Land Under Roads and the fact Local Government (Financial Management) Regulation 16 (a)(i) prohibits local governments from recognising such land as an asset.

In respect of land under roads acquired on or after 1 July 2008, as detailed above, Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

Whilst such treatment is inconsistent with the requirements of AASB 1051, Local

Government (Financial Management) Regulation 4(2) provides, in the event of such an inconsistency, the Local Government (Financial Management) Regulations prevail.

Consequently, any land under roads acquired on or after 1 July 2008 is not included as an asset of the Council.

Depreciation of Non-Current Assets

All non-current assets having a limited useful life (excluding freehold land) are systematically depreciated over their useful lives in a manner which reflects the consumption of the future economic benefits embodied in those assets.

Assets are depreciated from the date of acquisition or, in respect of internally constructed assets, from the time the asset is completed and held ready for use.

Depreciation is recognised on a straight-line basis, using rates which are reviewed each reporting period. Major depreciation periods and capitalisation threshold are as per Council adopted policy F20 Non Current Asset Capitalisation and Depreciation Control.

The assets residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.

Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in the statement of comprehensive income in the period in which they arise. When revalued assets are sold, amounts included in the revaluation surplus relating to that asset are transferred to retained surplus.

Capitalisation Threshold

Expenditure on items of equipment under \$5,000 is not capitalised. Rather, it is recorded on an asset inventory listing.

(h) Intangible Assets

Easements

Due to legislative changes, Easements are required to be recognised as assets.

They are initially recognised at cost and have an indefinite useful life.

Financial assets and financial liabilities are recognised when the Council becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the Council commits itself to either the purchase or sale of the asset (ie trade date accounting is adopted).

(i) Financial Instruments

Initial Recognition and Measurement

Financial instruments are initially measured at fair value plus transaction costs, except where the instrument is classified 'at fair value through profit or loss', in which case transaction costs are expensed to profit or loss immediately.

Classification and Subsequent Measurement

Financial instruments are subsequently measured at fair value, amortised cost using the effective interest rate method, or cost.

Fair value represents the amount for which an asset could be exchanged or a liability settled, between knowledgeable, willing parties. Where available, quoted prices in an active market are used to determine fair value. In other circumstances, valuation techniques are adopted.

Amortised cost is calculated as:

(a) the amount in which the financial asset or financial liability is measured at initial recognition;

- (b) less principal repayments;
- (c) plus or minus the cumulative amortisation of the difference, if any, between the amount initially recognised and the maturity amount calculated using the effective interest rate method; and
- (d) less any reduction for impairment.

The effective interest method used is to allocate interest income or interest expense over the relevant period and is equivalent to the rate that discounts estimated future cash payments or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to the net carrying amount of the financial asset or financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying value with a consequential recognition of an income or expense in profit or loss.

(i) Financial assets at fair value through profit and loss

Financial assets at fair value through profit or loss are financial assets held for trading. A financial asset is classified in this category if acquired principally for the purpose of selling in the short term. Derivatives are classified as held for trading unless they are designated as hedges. Assets in this category are classified as current. They are subsequently measured at fair value with changes to carrying amount being included in profit or loss.

(ii) Loans and receivables

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.

Loans and receivables are included in current assets where they are expected to mature within 12 months after the end of the reporting period.

(iii) Held-to-maturity investments

Held-to-maturity investments are non-derivative financial assets with fixed maturities and fixed or determinable payments that the Council's management has the positive intention and ability to hold to maturity. They are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.

Held-to-maturity investments are included in current assets where they are expected to mature within 12 months after the end of the reporting period. All other investments are classified as non-current.

(iv) Available-for-sale financial assets

Available-for-sale financial assets are non-derivative financial assets that are either not suitable to be classified into other categories of financial assets due to their nature, or they are designated as such by management. They comprise investments in the equity of other entities where there is neither a fixed maturity nor fixed or determinable payments.

They are subsequently measured at fair value with changes in such fair value (i.e. gains or losses) recognised in other comprehensive income (except for impairment losses).

When the financial asset is derecognised, the cumulative gain or loss pertaining to that asset previously recognised in other comprehensive income is reclassified into profit or loss.

Available-for-sale financial assets are included in current assets, where they are expected to be sold within 12 months after the end of the reporting period. All other available-for-sale financial assets are classified as non-current.

(v) Financial liabilities

Non-derivative financial liabilities (excluding financial guarantees) are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.

Impairment

At the end of each reporting period, the Council assesses whether there is objective evidence that a financial instrument has been impaired.

A financial asset is deemed to be impaired if, and only if, there is objective evidence of impairment as a result of one or more events having occurred, which will have an impact on the estimated future cash flows of the financial asset(s).

In the case of available-for-sale financial instruments, a significant or prolonged decline in the market value of the instrument is considered a loss event. Impairment losses are recognised in profit or loss immediately. Also, any cumulative decline in fair value previously recognised in other comprehensive income is reclassified to profit or loss at this point.

Derecognition

Financial assets are derecognised where the contractual rights to receipt of cash flows expire or the asset is transferred to another party whereby the Council no longer has any significant continual involvement in the risks and benefits associated with the asset.

Financial liabilities are derecognised where the related obligations are discharged, cancelled or expired. The difference between the carrying amount of the financial liability extinguished or transferred to another party and the fair value of the consideration paid, including the transfer of non-cash assets or liabilities assumed, is recognised in profit or loss.

(j) Impairment

In accordance with Australian Accounting Standards the Council's assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.

Where such an indication exists, an impairment test is carried out on the asset by comparing the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, to the asset's carrying amount.

Any excess of the asset's carrying amount over its recoverable amount is recognised immediately in profit or loss, unless the asset is carried at a revalued amount in accordance with another standard (e.g. AASB 116) whereby any impairment loss of a revalued asset is treated as a revaluation decrease in accordance with that other standard.

For non-cash generating assets such as roads, drains, public buildings and the like, value in use is represented by the depreciated replacement cost of the asset.

(k) Trade and Other Payables

Trade payables and other payables represent liabilities for goods and services provided to the Council prior to the end of the financial year that are unpaid and arise when the Council becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.

(l) Employee Benefits

Provision is made for the Council's liability for employee benefits arising from services rendered by employees to the end of the reporting period. Employee benefits that are expected to be settled within one year have been measured at the amounts expected to be paid when the liability is settled. Employee benefits payable later than one year have been measured at the present value of the estimated future cash outflows to be made for those benefits. In determining

the liability, consideration is given to employee wage increases and the probability that the employee may not satisfy vesting requirements. Those cash flows are discounted using market yields on national government bonds with terms to maturity that match the expected timing of cash flows.

(m) Borrowing Costs

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset.

(n) Provisions

Provisions are recognised when the Council has a present legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.

Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

(o) Leases

Leases of fixed assets where substantially all the risks and benefits incidental to the ownership of the asset, but not legal ownership, are transferred to the Council, are classified as finance leases.

Finance leases are capitalised recording an asset and a liability at the lower amounts equal to the fair value of the leased property or the present value of the minimum lease payments, including any guaranteed residual values. Lease payments are allocated between the reduction of the lease liability and the lease interest expense for the period.

Leased assets are depreciated on a straight line basis over the shorter of their estimated useful lives or the lease term.

Lease payments for operating leases, where substantially all the risks and benefits remain with the lessor, are charged as expenses in the periods in which they are incurred.

Interpretation 115.4 Lease incentives under operating leases are recognised as a liability and amortised on a straight line basis over the life of the lease term.

(p) Investments in Associates

Associates are entities in which the Council has significant influence through holding, directly or indirectly, 20% or more of the voting power of the Council. Investments in associates are accounted for in the financial statements by applying the equity method of accounting, whereby the investment is initially recognised at cost and adjusted thereafter for the post-acquisition change in the Council's share of net assets of the associate entity. In addition, the Council's share of the profit or loss of the associate entity is included in the Council's profit or loss

The carrying amount of the investment includes goodwill relating to the associate. Any discount on acquisition, whereby the Council's share of the net fair value of the associate exceeds the cost of investment, is recognised in profit or loss in the period in which the investment is acquired.

Profits and losses resulting from transactions between the Council and the associate are eliminated to the extent of the Council's interest in the associate.

(q) Joint Venture

The Council's interest in a joint venture has been recognised in the financial statements by including its share of any assets, liabilities, revenues and expenses of the joint venture within the appropriate line items of the financial statement. Information about the joint venture is set out in Note 18.

The Council's interests in joint venture entities are recorded using the equity method of accounting (refer to Note 1 (p) for details) in the financial report.

Where the Council contributes assets to the joint venture or if the Council purchases assets from the joint venture, only the portion of the gain or loss that is not attributable to the Council's share of the joint venture shall be recognised. The Council recognises the full amount of any loss when the contribution results in a reduction in the net realisable value of current assets or an impairment loss.

(r) Rates, Grants, Donations and Other Contributions

Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions.

Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.

Where contributions recognised as revenues during the reporting period were obtained on the condition that they be expended in a particular manner or used over a particular period, and those conditions were undischarged as at the reporting date, the nature of and amounts pertaining to those undischarged conditions are disclosed in Note 2(c). That note also discloses the amount of contributions recognised as revenues in a previous reporting period which were obtained in respect of the local government's operations for the current reporting period.

(s) Superannuation

The Council contributes to a number of Superannuation Funds on behalf of employees. All funds to which the Council contributes are defined contribution plans.

(t) Current and Non-Current Classification

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where the Council

does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for resale where it is held as non-current based on the Council's intentions to release for sale.

(u) Rounding Off Figures

All figures shown in this annual financial report, other than a rate in the dollar, are rounded to the nearest dollar.

(v) Comparative Figures

Where required, comparative figures have been adjusted to conform with changes in presentation for the current financial year.

When the Council applies an accounting policy retrospectively, makes a retrospective restatement or reclassifies items in its financial statement, a statement of financial position as at the beginning of the earliest period will be disclosed.

(w) Budget Comparative Figures

Unless otherwise stated, the budget comparative figures shown in this annual financial report relate to the original budget estimate for the relevant item of disclosure.

(x) New Accounting Standards and Interpretations for Application in Future Periods

The AASB has issued a number of new and amended Accounting Standards and Interpretations that have mandatory application dates for future reporting periods, some of which are relevant to the Council. Management's assessment of the new and amended pronouncement that are relevant to the Council, applicable to future reporting periods and which have not yet been adopted are set out as follows.

Council's assessment of these new standards and interpretations is set out below:

	Title and Topic	Issued	Applicable (*)	Impact
(i)	AASB 9 – Financial Instruments	December 2009	1 January 2013	Nil – The objective of this Standard is to improve and simplify the approach for classification and
	AASB 2012 – 6 Amendments to Australian Accounting Standards – Mandatory	September 2012	Deferred AASB 9 until 1 January	measurement of financial assets compared with the requirements of AASB 139. Given the nature of the

	effective date of AASB 9 and Transition Disclosures		2015	financial assets of the Council, it is not anticipated the standard will have any material effect.
(ii)	AASB 2009 – 11 Amendments to Australian Accounting Standards arising from AASB 9 [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 121, 127, 128, 131, 132, 136, 139, 1023 & 1038 and Interpretations 10 & 12)	December 2009	1 January 2013	Nil – The revisions embodied in this standard give effect to the consequential changes arising from the issuance of AASB 9 which is not anticipated to have any material effect on the Council (refer (i) above).
iii)	AASB 2010 – 7 Amendments to Australian Accounting Standards arising from AASB 9 (December 2010) [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 120, 121, 127, 128, 131, 132, 136, 137, 139, 1023 & 1038 and Interpretations 2, 5, 10, 12, 19 & 127]	December 2010	1 January 2013	Nil – The revisions embodied in this standard give effect to the consequential changes arising from the issuance of AASB 9 which is not anticipated to have any material effect on the Council (refer (i) above).
(iv)	AASB 10 – Consolidated Financial Statements AASB 11 – Joint Arrangements AASB 12 – Disclosure of Interests in Other Entities AASB 127 – Separate Financial Statements AASB 128 – Investments in Associates and Joint Ventures AASB 2011 – 7 Amendments to Australian Accounting Standards arising from the Consolidation and	August 2011	1 January 2013	Nil – None of these except for AASB 128, are expected to have significant application to the operations of the Council. With respect to AASB 128, where the Council has an interest in a Joint Venture, the requirements of AASB 128 supercede those of the current Joint Venture Standard AASB 131. The new standard more clearly defines the accounting treatment and disclosure in relation to it. Due to the nature of the

	Joint Arrangement Standards [AASB 1, 2, 3, 5, 7, 9, 2009-11, 101, 107, 112, 118, 121, 124, 132, 133, 131, 138, 139, 1023 & 1038 and Interpretations 5, 9, 16 & 17]			Joint Venture, it is not expected to have a significant impact on the Council.
(v)	AASB 2011 - 9 Amendments to Australian Accounting Standards – Presentation of Items of Other Comprehensive Income [AASB 1, 5, 7, 101, 112, 120, 121, 132, 133, 134, 1039 & 1049]	September 2011	1 July 2013	The main change embodied in this standard is the requirement to group items presented in other comprehensive income on the basis of whether they are potentially reclassifiable to profit or loss subsequently. It effects presentation only and is not expected to significantly impact the Council.
(vi)	AASB 119 – Employee Benefits AASB 2011 – 10 Amendments to Australian Accounting Standards arising from AASB 119 [AASB 1, 8, 101, 124, 134, 1049 & 2011 – 8 and Interpretation 14]	September 2011	1 January 2013	The changes in relation to defined benefit plans contained in this standard are not expected to significantly impact the Council nor are the changes to AASBs in relation to termination benefits.
(vii)	AASB 2012-2 Amendments to Australian Accounting Standards – Disclosures – Offsetting Financial Assets and Financial Liabilities [AASB 7 & 32]	June 2012	1 January 2013	Principally amends AASB 7: Financial Instruments: Disclosures to require entities to include information that will enable users of their financial statements to evaluate the effect or potential effect of netting arrangements,

				including rights of set-off associated with the entity's recognised financial assets and recognised financial liabilities, on the entity's financial position. This Standard is not expected to significantly impact on the Council's financial statements.
(viii)	AASB 2012-3: Amendments to Australian Accounting Standards – Offsetting Financial Assets and Financial Liabilities [AASB 132]	June 2013	1 January 2014	This Standard adds application guidance to AASB 132: <i>Financial Instruments: Presentation</i> to address potential inconsistencies identified in applying some of the offsetting criteria of AASB 132, including clarifying the meaning of “currently has a legally enforceable right of set-off” and that some gross settlement systems may be considered equivalent to net settlement. This Standard is not expected to significantly impact the Council's financial statements.
(ix)	AASB 2012-5: Amendments to Australian Accounting Standards arising from Annual Improvements 2009-2011 Cycle . [AASB1,101,116,132,134 and Interpretation 2]	June 2012	1 January 2013	Outlines changes to the various standards and interpretations as listed. These topics are not currently relevant to Council, nor are they expected to be in the future. As a consequence, this Standard is not expected to significantly impact on the Council's financial statements.
(x)	AASB 2012-10: Amendments to Australian Accounting	December 2012	1 January 2013	Mainly consequential changes relating to transition guidance. It is not expected to have a

Standards – Transition Guidance and Other Amendments. [AASB 1, 5, 7, 8, 10, 11, 12, 13, 101, 102, 108, 112, 118, 119, 127, 128, 132, 133, 134, 137, 1023, 1038, 1039, 1049 & 2011-7 and Interpretation 12]			significant impact on Council.

Notes: (*) Applicable to reporting periods commencing on or after the given date.

(y) Adoption of New and Revised Accounting Standards

During the current year, the Council adopted all of the new and revised Australian Accounting Standards and Interpretations which became mandatory and which were applicable to its operations.

These new and revised standards were:

AASB 2010 – 8

AASB 2011 - 3

AASB 2011 - 13

The standards adopted had a minimal effect on the accounting and reporting practices of the Council as they were either not applicable, largely editorial in nature, were revisions to help ensure consistency with presentation, recognition and measurement criteria of IFRSs or related to topics not relevant to operations.

The Council also chose to early adopt *AASB 13 – Fair Value Measurement* as allowed for in the standard.

POLICY ADMINISTRATION

Directorate		Officer Title			
Corporate Services		Director Corporate Services			
Date Effective	1 August 213				
Date Adopted	1 August 213	Last Reviewed		23 July 2014	
Risk Rating	Low	Review Cycle	Annual	Next Due	July 2014
Organisational Compliance		Annual Financial Report Annual Adopted Budget			
Process Links		Financial Management Policies, Procedures and Practices.			



Government of **Western Australia**
Department of **Local Government**

Our Ref: WE5-1#02 E1318569

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

Attention: Dave Hannington

Dear Mr Gaffney

**DIFFERENTIAL GENERAL RATES APPROVAL 2013/2014
SHIRE OF WYNDHAM EAST KIMBERLEY**

I refer to the Shire's letter of 1 July 2013 requesting ministerial approval to impose a differential general rate.

The Minister for Local Government has approved, pursuant to section 6.33(3) of the *Local Government Act 1995*, for the Shire to impose a differential general rate for Unimproved Value – Mining, as proposed in the Shire's letter, which is more than twice the lowest differential rate in the Unimproved Value category.

This approval is valid for the 2013/2014 financial year.

If you require any further information regarding the above, please feel free to contact Bei Bei Guo on 6552 1568 or by email at beibei.guo@dlgc.wa.gov.au.

Yours sincerely

Darrelle Merritt
PRINCIPAL POLICY OFFICER, LEGISLATION

24 July 2013

04 JUL 2013

To Gary Gaffney.

I wish to make clear my objection for yet another year of imposed differential rate increase for our shire.

I have lived in Kununurra for over 16 years and have a family here. Over the past 10 years the cost of living in this town has been growing considerably on a yearly basis. My wife and I purchased our house in Kununurra some 9 years ago and since then we have seen our rates rise to an unaffordable level.

I believe the shire needs to remember that not all houses in this town are rentals and for those of us who live in our own houses here the cost of living in this town has become extreme. I say this because we have taken to a twice annual trip across to Katherine for a day of major shopping. The cost of basic shopping items such as groceries, shoes, clothing and alike is regularly half to a third the cost of identical items in Kununurra. It is so worth our time to drive over to Katherine that the difference in pricing well and truly pays for the fuel and leaves a couple of hundred left over.

Not to mention the price of fuel where it is often tens of cents cheaper in Wyndham even after the fuel travels through Kununurra to get to Wyndham.

Friends of ours that we have spoken to recently are also struggling with the cost of living and the rates in this town.

Recently we have had two lots of friends sell up and leave town and have headed over east where it is far more affordable to live.

Cost of living is a major issue in town and not all of us are on large salaries such as yourself and some of the councillors.

Cost of living has impacted on us greatly recently as we are bring up our child here. I have given up work to look after our child full time as child care fees meant that I would be working purely to pay the fees with nothing left over from my wage. We are now on my wife's income alone.

How about the shire give people a break for once instead of trying to pull as much money out of everyone as though they are some never ending cash cow for the shire's spending.

Please consider the impact this is having on those of us who do have our own homes in the shire. These constant increases in cost of living is not only giving the town a bad name for expense but is pushing people who can't afford to live here out.

Adam Hunter

Po Box 1734
Kununurra W.A.
6743

A2180.
27 Grevillea Ave

FM-11.2
28 JUN 2013
0-15005

Silke Becke

26 June 2013

PO Box 2132

Kununurra WA 6743

Shire of Wyndham/East Kimberley

Chief Executive Officer

PO Box 614

Kununurra WA 6743

Dear Madam/Sir,

Re: 2014 Proposal to impose differential Rates

I'm writing to you in regards to proposed Shire Rates for 2014, as advertised in The Kimberley Echo, 6/6/13.

I'm hoping this really is still a "Proposal", i.e. open to amendments, and not already "set in concrete", considering the new financial year starts in just under 4 weeks from date of this public announcement. And I'm guessing the Shire might be a bit in trouble if it hasn't finalised its budget by now.

From past correspondence I haven't got too much hope of being able to influence the Shire's decision. Nonetheless I feel the need to at least let you know my disappointment with the Shire's approach of increasing the rates substantially year after year.

Ever since the Shire did a major adjustment to rates in 2010 when they increased up to 20% (which was also partly due to the full revaluation of GRV), the rates continued to go up by around 5.5% each year. And if you're going to tell me (again) that this is in line with CPI, the weighted medium of it is currently around 2.7 to 2.8% going by general sources.

It would be too nice if the Shire could give the rate payer a bit of a break for a change and keep the rates the same for one year, or even better adjust them down (as we know is possible according to Mr Gaffney's explanation in the Kimberley Echo article from July/August 2010: 'rate in dollar amount' was adjusted down from 11 cents to 7 cents that year).

Hoping you surprise and proof me wrong,

Regards,



Silke Becke



Our Ref: I-18996
Your Ref:
Enquiries: Shelley Binnie

T | 08 9168 4100
F | 08 9168 1798
E | mail@swek.wa.gov.au
W | www.swek.wa.gov.au
ABN | 35 647 145 756

08 July 2013

Adam Hunter
PO Box 1734
Kununurra WA 6743

Dear Mr Hunter

2014 Proposal to impose differential Rates

The Shire of Wyndham East Kimberley would like to acknowledge receipt of your letter regarding our proposal to impose differential rates.

Unfortunately we are unable to accept submissions after the cut-off date of the 28 June 2013 and your letter was received on the 4 July 2013.

If you would like to discuss this matter further please don't hesitate to contact us. If you believe that you may have difficulties in paying your rates please contact the Rates Officer to discuss payment arrangement options on (08) 9168 4100 or email rates@swek.wa.gov.au

Yours sincerely

Shelley Binnie
Finance Officer – Rates & Property



Our Ref:1-18914 FM.11.2

Your Ref:

Enquiries: Mr Dave Hannington

5 July 2013

Silke Becke
 PO Box 2132
 Kununurra
 WA 6743

Dear Ms Becke,

Re: 2014 Proposal to impose differential Rates

Thank-you for your letter of 26 June 2013 on the above subject. Your letter has been treated as a 'submission' under section 6.36 of the Local Government Act 1995. The requirements of Section 6.36 of the Act will be used to determine the treatment of your submission from this point on. In the meantime, I am happy to provide a response to the issues you have raised.

The rates advertised in the Kimberley Echo on 6 June 2013 were, as you have correctly put it, a proposal on the intention to impose differential rates. The actual rates which will be applied can alter for a variety of reasons, such as a submission from a ratepayer, or changes in valuation.

Although I accept that your figure of weighted medium of CPI of around 2.7 to 2.8% may appear a reasonable approximation in general terms, the Western Australian Local Government Association (WALGA) has been running a Local Government Cost Index for the past four years which has been recommended by WALGA to be applied to council rates as a more appropriate measure of inflation on council costs.

The March 2013 WALGA Local Government Economic Brief projects the Local Government Cost Index to increase by 3.2% in year ending June 2014 with the Wages Price Index is projected to increase 4.2%.

It is normal for a Local Government to spend in the region of 40% of its total operating expenditure on Salaries and Wages, which again means that a general measure of CPI is not directly relevant.

Additionally the Systemic Sustainability Study commissioned by WALGA noted that many Local Governments are not increasing rates by a sufficient amount and this was causing issues with their ability to maintain ageing and deteriorating infrastructure.

This is certainly an issue for the Shire of Wyndham East Kimberley, with a relatively small and dispersed population, but a very large infrastructure network.



A further problem for Local Government is a reduction in the level of funding it receives from State and Federal Government. This impacts on a Local Government's ability to fund services on behalf of its community.

Turning now to the subject of revaluation increases, Council is very much aware of the impact of rate increases on the ratepayers. Where possible, the Council will seek to limit the full impact of revaluation increases by an appropriate reduction of the rate in the dollar, which – as you again correctly point out – happened in 2010.

I hope that the above addresses the matters raised in your letter of 26 June 2013.

I confirm that a copy of your submission will be distributed to each Councillor as part of the budget formulation and adoption process.

In accordance with the requirements of section 6.36 of the Local Government Act 1995, will you also please note that a copy of your letter, and this response, will be sent to the Minister for Local Government.

Should you have any further queries, please contact the Shire's Director Corporate Services, Dave Hannington on 9168 4121 in the first instance.

Yours sincerely

Gary Gaffney
Chief Executive Officer



SHIRE of WYNDHAM | EAST KIMBERLEY

ADOPTED BUDGET

2013 | 2014

SHIRE of WYNDHAM EAST KIMBERLEY

Adopted Budget - 2013-2014

Contact Details:

Chief Executive Officer
PO Box 614
KUNUNURRA WA 6743

Kununurra Administration
20 Coolibah Drive
KUNUNURRA

Wyndham Administration
Koolama Street
WYNDHAM

Phone: 08 9168 4100
Fax: 08 9168 1798

Phone: 08 9161 1002
Fax: 08 9161 1295

Email: mail@swek.wa.gov.au

Website: www.swek.wa.gov.au

Vision

For the East Kimberley to be a thriving community with opportunities for all

Mission

To enable the East Kimberley to develop in a manner that will achieve social, cultural, economic and environmental benefits for all.

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SHIRE of WYNDHAM EAST KIMBERLEY

Adopted Budget - 2013-2014

Members of Council

Shire President



Cr John Moulden

Elected - 2007

Term expires - 2015

Elected Shire President - October 2011

Deputy Shire President



Cr Di Ausburn

Elected - 2006

Term expires - 2013

Councillors



Cr Jane Parker

Elected - 2005

Term expires - 2013



Cr Ralph Addis

Elected - 2007

Term expires - 2015

SHIRE of WYNDHAM EAST KIMBERLEY

Adopted Budget - 2013-2014

Councillors



Cr Jackie McCoy

Elected - 2009
Term expires - 2013



Cr Raymond Dessert

Elected - 2010
Term expires - 2015



Cr Don Learbuch

Elected - 2013
Term expires - 2015



Cr Maryanne Kelly

Elected - 2013
Term expires - 2013

SHIRE of WYNDHAM EAST KIMBERLEY

Adopted Budget - 2013-2014

Shire President's Prologue



The Council's 2013/14 budget has been challenging with maintaining service delivery and asset improvement balanced against the reduction of 11

% (\$325 000) of Commonwealth Sustainability Grants.

Council is mindful of the various rates and charges that residents pay and the high cost of living. As a result Council has adopted a rating strategy based on 5.5% rates and an increase of 4% on the majority of fees and charges.

In the past 12 months Council completed all the requirements of the State Government's Integrated Planning requirements which included the Council's Strategic Community Plan 2012 -2022, Asset Management Plan, Long Term Financial Plan Corporate Business Plan and Workforce Management Plan.

Council adopted its Waste Management Strategy and has been working to achieve compliance with the Department of Environment and Regulation's licence conditions for both the Kununurra and Wyndham landfills. It is hoped with better management of the Shire's landfills, DER will consider a licence extension to enable the Shire time to plan for the establishment of a new landfill in Kununurra and rehabilitation of the old facility. In reviewing landfill operations there was a requirement to move to a 'user pays' for waste management as there is significant cross subsidisation issues with the existing fees and charges model.

This year's capital works program is concentrating on asset renewal and landfill management. The rehabilitation of the Wyndham and Kununurra landfill sites and the construction of new facilities will be the major aspect of waste management. Stormwater management is a major issue and this year will see the drainage works in Kununurra upgraded. The reconstruction of Erythrina St and the Messmate way roundabout are also budgeted for. The East Kimberley Regional Airport will see car parking improved with the creation of a secure parking precinct and runway reseal.

The Councillors and staff look forward to continuing to improve service and assets for our municipality over the next financial year.

Best wishes

Cr John Moulden
Shire President

SHIRE of WYNDHAM EAST KIMBERLEY

Adopted Budget - 2013-2014

Our Strategic Direction

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

Objective 1: Strong community engagement

- Local planning strategy \$135 000
- Foreshore planning \$30 000
- Tourism strategy \$40 000
- Community Development Officer position in budget
- Website development and upgrade \$10 000

Objective 2: Alignment of regional and local priorities with other agencies and community groups

- Kimberley Zone \$75 000
- Finance service review

Objective 3: Advocacy of East Kimberley issues and opportunities at regional state and national levels.

- Lobby and representation \$11 000

Objective 4: Business innovation, efficiency and improved service

- Integrated planning strategies \$70 000
- Affordable staff housing \$2 827 964
- Upgrade inter-site network connectivity \$60 000

SHIRE of WYNDHAM EAST KIMBERLEY

Adopted Budget - 2013-2014

Our Strategic Direction

Goal 2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure

Objective 1: A highly valuable East Kimberley economy that maximises social benefits

- Economic Development Grants \$50 000
- Sponsorship \$80 000

Objective 2: Maintenance of economic diversity and greater community returns from investment in the region

- East Kimberley Regional Airport runway upgrade \$2 850 000
- East Kimberley Regional Airport security car park \$150 000
- East Kimberley Regional Airport car park upgrades \$150 000
- East Kimberley Regional Airport maintenance area \$200 000
- East Kimberley Regional Airport apron upgrades \$100 000
- Wyndham Airport car park \$20 000
- Wyndham Airport runway \$30 000

Objective 3: Facilities are appropriate for their intended purpose and factor in whole of life costing and maintenance

- Street road and bridge maintenance \$3 422 000
- Develop and implement the Stormwater Management Strategy for Kununurra, Stage 1, Ironwood Drive / Weaber Plain Road, \$150 000
- Renew / upgrade sections Carlton Hill Rd, \$450 000
- Manage road safety improvements to Coolibah Drive (Ivanhoe Caravan Park), drainage and entrance, \$153 000
- Mangaloo Street traffic management improvements, \$49 500
- Commence design for renew / upgrade Weaber Plain Road bridge over D4 drain, by Main Roads Western Australia
- Renewal Erythrina Street, Kununurra, \$800 000

Objective 4: High standard of health and community facilities and services available to all residents

- Environmental Health \$467 542
- Youth Services Kununurra and Wyndham \$300 000
- Wyndham Childcare
- Ewin Early Learning Centre

Objective 5: East Kimberley residents have access to a broad range of educational opportunities

- Continued advocacy for educational diversity

SHIRE of WYNDHAM EAST KIMBERLEY

Adopted Budget - 2013-2014

Our Strategic Direction

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

Objective 1: A broad range of lifestyle opportunities and activities are available for East Kimberley residents

- Community Programs (Australia Day) \$11 000
- Quick Grants and Annual Grant Scheme \$80 000

Objective 2: Waste management and protection of environmental values

- Manage landfills and provide waste / litter services, \$2 141 839
- Implement the Waste Management Strategy, \$1 891 403

Objective 3: Towns are safe and inviting for locals and tourists

- Improve street lighting in priority areas of Kununurra, \$40 000
- Develop and implement an Animal Management Plan, \$15 000
- Implement new Local Laws, using Ranger Staff
- Implement Cat Act, \$10 000
- Provide Ranger Services, \$548 342
- Provide Emergency Services Support, \$70 000
- Airport Welcome to Country Signage \$80 000

Objective 4: Protection and enhancement of community facilities

- Construction of Public toilets Wyndham oval \$80 000
- Wyndham Youth Centre fit out \$40 000
- Kununurra Community Library upgrade \$42 000
- Kununurra Leisure Centre Gym equipment \$20 000

Objective 5: An active outdoor lifestyle is encouraged and promoted

- Maintain boat ramps Kununurra and Wyndham \$91 982
- Wyndham foreshore protection and enhancement plan
- Club Development Officer \$88 000
- Sports Oval Maintenance Wyndham \$38 768
- Sports Oval Maintenance Kununurra Town \$94 924
- Sports Oval Maintenance Kununurra Agricultural \$35 260
- Parks & Gardens Wyndham \$227 642
- Parks & Gardens Kununurra \$1 024 896
- Kununurra Swimming Complex \$414 000
- Wyndham Swimming Complex \$ 109 500

Financial Statement

SHIRE OF WYNDHAM EAST KIMBERLEY
DRAFT BUDGET 2013-14
Statement of Comprehensive Income by Nature or Type
For the Year Ended 30 June 2014

	Note	2013/14 Draft Budget \$	2012/13 Actual \$	2012/13 Amended Budget \$
Revenue				
Rates	8	7,431,122	7,006,756	7,044,356
Operating Grants, Subsidies, Contributions		2,186,158	6,156,847	4,505,499
Fees and Charges	11	7,628,785	6,905,943	6,761,694
Service Charges	10	300,000	282,816	282,759
Interest Earnings	2(a)	463,750	719,590	667,760
Other Revenue		80,654	299,484	320,158
		<u>18,090,468</u>	<u>21,371,436</u>	<u>19,582,226</u>
Expenses				
Employee Costs		(10,535,918)	(9,871,292)	(10,033,412)
Materials and Contracts		(6,525,699)	(6,043,157)	(6,532,957)
Utility Charges		(929,208)	(1,000,854)	(1,055,741)
Depreciation on Non-Current Assets	2(a)	(4,694,750)	(3,751,475)	(4,116,354)
Interest Expenses	2(a)	(253,670)	(171,093)	(198,293)
Insurance Expenses		(538,238)	(489,540)	(435,266)
Other Expenditure		(848,913)	(750,425)	(834,008)
		<u>(24,326,395)</u>	<u>(22,077,835)</u>	<u>(23,206,030)</u>
Non-Operating Grants, Subsidies, Contributions		6,493,853	3,223,502	4,505,393
Profit on Asset Disposals	4	778,004	73,871	788,642
Loss on Asset Disposals	4	0	(53,326)	(59,763)
Net Result		1,035,930	2,537,647	1,610,468
Other Comprehensive Income		0	0	0
Total Comprehensive Income		<u>1,035,930</u>	<u>2,537,647</u>	<u>1,610,468</u>
		0	0	0

Notes: Fair value adjustments to financial assets at fair value through Profit or Loss and Other Comprehensive Income (if any), is impacted upon by external forces and is not able to be reliably estimated at the time of budget adoption.

It is anticipated, in all instances, any other comprehensive income will relate to non-cash transactions and as such, have no impact on this budget document.

Fair value adjustments will be assessed at the time they occur with compensating budget amendments made as necessary.

This statement is to be read in conjunction with the accompanying notes.

SHIRE OF WYNDHAM EAST KIMBERLEY

DRAFT BUDGET 2013-14

Statement of Comprehensive Income by Program

For the Year Ended 30 June 2014

	Note	2013/14 Draft Budget	2012/13 Actual	2012/13 Amended Budget
Revenue (Refer Notes 1,2,8 to 13)		\$	\$	\$
General Purpose Funding		9,682,667	11,677,015	9,588,036
Governance		103,850	262,704	811,090
Law, Order, Public Safety		53,318	46,038	47,438
Health		75,200	23,443	19,500
Education and Welfare		174,377	199,568	164,305
Housing		258,794	188,789	176,182
Community Amenities		2,588,387	2,465,749	2,310,225
Recreation and Culture		620,744	635,567	557,914
Transport		4,255,209	5,325,889	5,384,807
Economic Services		175,000	149,180	114,500
Other Property and Services		102,922	487,122	433,229
		<u>18,090,468</u>	<u>21,461,066</u>	<u>19,607,226</u>
Expenses Excluding Finance Costs (Refer Notes 1,2 & 14)				
General Purpose Funding		(650,513)	(532,470)	(573,716)
Governance		(3,218,068)	(1,651,149)	(2,282,677)
Law, Order, Public Safety		(674,839)	(570,546)	(588,147)
Health		(467,542)	(456,582)	(420,012)
Education and Welfare		(481,361)	(406,536)	(452,207)
Housing		(592,886)	(650,550)	(695,604)
Community Amenities		(4,824,868)	(4,579,892)	(4,620,909)
Recreation & Culture		(4,947,799)	(4,550,745)	(4,488,466)
Transport		(7,053,704)	(7,024,667)	(7,771,949)
Economic Services		(946,796)	(751,063)	(783,235)
Other Property and Services		(214,350)	(822,173)	(358,149)
		<u>(24,072,726)</u>	<u>(21,996,372)</u>	<u>(23,035,071)</u>
Finance Costs (Refer Notes 2 & 5)				
Governance		(167,243)	(97,725)	(98,092)
Education and Welfare		(20,989)	(18,326)	(26,719)
Housing		(4,599)	(3,365)	(4,936)
Community Amenities		0	0	0
Recreation & Culture		(60,839)	(51,677)	(66,213)
		<u>(253,670)</u>	<u>(171,093)</u>	<u>(195,960)</u>

SHIRE OF WYNDHAM EAST KIMBERLEY
DRAFT BUDGET 2013-14
Statement of Comprehensive Income by Program (Continued)
For the Year Ended 30 June 2014

	Note	2013/14 Draft Budget	2012/13 Actual	2012/13 Amended Budget
Non-Operating Grants, Subsidies, Contributions				
Governance		1,553,790	0	948,000
Law, Order, Public Safety		504,504	0	0
Housing		947,765	947,764	947,765
Community Amenities		0	10,000	10,000
Recreation & Culture		13,461	633,771	661,948
Transport		3,474,333	1,631,967	1,937,680
		<u>6,493,853</u>	<u>3,223,502</u>	<u>4,505,393</u>
Profit/(Loss) on Disposal of Assets (Refer Note 4)				
Law, Order, Public Safety		0	0	0
Housing		720,665	0	716,874
Community Amenities		4,596	(7,852)	0
Transport		12,325	12,847	13,496
Other Property and Services		40,418	15,549	(1,491)
		<u>778,004</u>	<u>20,545</u>	<u>728,879</u>
Net Result		<u>1,035,929</u>	<u>2,537,647</u>	<u>1,610,468</u>
Other Comprehensive Income		<u>0</u>	<u>0</u>	<u>0</u>
Total Comprehensive Income		<u>1,035,929</u>	<u>2,537,647</u>	<u>1,610,468</u>
		(0)	(0)	

Notes: Fair value adjustments to financial assets at fair value through Profit or Loss and Other Comprehensive Income (if any), is impacted upon by external forces and is not able to be reliably estimated at the time of budget adoption.

It is anticipated, in all instances, any other comprehensive income will relate to non-cash transactions and as such, have no impact on this budget document.

Fair value adjustments will be assessed at the time they occur with compensating budget amendments made as necessary.

This statement is to be read in conjunction with the accompanying notes.

SHIRE OF WYNDHAM EAST KIMBERLEY

DRAFT BUDGET 2013-14

Statement of Cash Flows

For the Year Ended 30 June 2014

	Note	2013/14 Draft Budget \$	2012/13 Actual \$	2012/13 Amended Budget \$
Cash Flows From Operating Activities				
Receipts				
Rates		7,681,122	6,847,228	7,064,356
Operating Grants, Subsidies, Contributions		2,931,028	6,401,717	4,550,999
Service Charges		300,000	282,816	282,759
Fees and Charges		7,753,785	6,866,163	6,911,694
Interest Earnings		385,250	716,390	667,760
Goods and Services Tax		2,270,820	2,038,914	1,494,286
Other Revenue		80,654	197,448	320,158
		<u>21,402,658</u>	<u>23,350,676</u>	<u>21,292,012</u>
Payments				
Employee Costs		(10,215,918)	(9,894,814)	(9,858,412)
Materials and Contracts		(6,289,630)	(6,000,179)	(6,494,957)
Utility Charges		(884,208)	(979,863)	(1,005,741)
Insurance Expenses		(488,238)	(517,540)	(407,266)
Interest Expenses		(253,670)	(171,093)	(198,293)
Goods and Services Tax		(1,644,878)	(1,209,198)	(1,648,101)
Other Expenditure		(848,913)	(750,425)	(804,008)
		<u>(20,625,454)</u>	<u>(19,523,111)</u>	<u>(20,416,777)</u>
Net Cash Provided By Operating Activities	15(b)	<u>777,204</u>	<u>3,827,565</u>	<u>875,235</u>
Cash Flows from Investing Activities				
Payments for Development of				
Land Held for Resale		(504,504)	(23,185)	(24,000)
Payments for Purchase of				
Property, Plant & Equipment		(4,428,913)	(6,028,215)	(7,657,638)
Payments for Construction of				
Infrastructure		(10,844,598)	(6,593,428)	(8,043,042)
Non-Operating Grants, Subsidies, Contributions used for the Development of Assets		5,993,853	3,223,502	4,505,393
Proceeds from Sale of				
Land Held for Resale		0	0	0
Proceeds from Sale of				
Plant & Equipment	4	<u>1,015,027</u>	<u>310,535</u>	<u>1,127,327</u>
Net Cash Used in Investing Activities		<u>(8,769,135)</u>	<u>(9,110,790)</u>	<u>(10,091,960)</u>

SHIRE OF WYNDHAM EAST KIMBERLEY

DRAFT BUDGET 2013-14

Statement of Cash Flows (Continued)

For the Year Ended 30 June 2014

	Note	2013/14 Draft Budget \$	2012/13 Actual \$	2012/13 Amended Budget \$
Cash Flows from Financing Activities				
Repayment of Debentures	5	(478,397)	(352,993)	(352,991)
Repayment of Finance Leases		0	0	0
Proceeds from Self Supporting Loans		0	0	0
Proceeds from New Debentures	5	2,308,498	4,000,000	4,400,000
Net Cash Provided By (Used In)				
Financing Activities		1,830,101	3,647,007	4,047,009
Net Increase (Decrease) in Cash Held		(6,161,830)	(1,636,219)	(5,169,716)
Cash at Beginning of Year		12,913,101	14,549,320	14,549,320
Cash and Cash Equivalents				
at the End of the Year	15(a)	6,751,271	12,913,101	9,379,604

SHIRE OF WYNDHAM EAST KIMBERLEY

DRAFT BUDGET 2013-14

Rate Setting Statement

For the Year Ended 30 June 2014

	2013/14 Draft Budget \$	2012/13 Actual \$	2012/13 Amended Budget \$
Revenue			
General Purpose Funding	2,251,545	4,670,259	2,543,680
Governance	103,850	262,704	811,090
Law, Order, Public Safety	53,318	46,038	47,438
Health	75,200	23,443	19,500
Education and Welfare	174,377	199,568	164,305
Housing	979,459	188,789	893,056
Community Amenities	2,592,983	2,465,749	2,310,225
Recreation and Culture	620,744	635,567	557,914
Transport	4,267,534	5,338,737	5,398,303
Economic Services	175,000	149,180	114,500
Other Property and Services	143,340	502,671	491,501
	<u>11,437,350</u>	<u>14,482,706</u>	<u>13,351,512</u>
Expenses			
General Purpose Funding	(650,513)	(532,470)	(573,716)
Governance	(3,385,311)	(1,748,874)	(2,380,769)
Law, Order, Public Safety	(674,839)	(570,546)	(588,147)
Health	(467,542)	(456,582)	(420,012)
Education and Welfare	(502,350)	(424,862)	(478,926)
Housing	(597,485)	(653,915)	(700,540)
Community Amenities	(4,824,868)	(4,587,744)	(4,620,909)
Recreation & Culture	(5,008,638)	(4,602,422)	(4,554,679)
Transport	(7,053,704)	(7,024,667)	(7,771,949)
Economic Services	(946,796)	(751,063)	(783,235)
Other Property and Services	(214,350)	(822,173)	(417,912)
	<u>(24,326,396)</u>	<u>(22,175,317)</u>	<u>(23,290,794)</u>
Adjustments for Cash Budget Requirements:			
Non-Cash Expenditure and Revenue			
(Profit)/Loss on Asset Disposals	(778,004)	(20,545)	(728,879)
Movement in Accruals and Provisions	48,452	17,711	52,204
Depreciation on Assets	4,694,750	3,751,475	4,116,354
Capital Expenditure and Revenue			
Purchase Land Held for Resale	(504,504)	(23,185)	(24,000)
Purchase Land and Buildings	(3,076,164)	(3,913,725)	(5,608,132)
Purchase Infrastructure Assets - Roads	(2,058,500)	(3,607,117)	(4,692,412)
Purchase Infrastructure Assets - Footpaths	(31,000)	(16,560)	(22,500)
Purchase Infrastructure Assets - Drainage	(675,000)	(608,818)	(1,083,995)
Purchase Infrastructure Assets - Other	(7,142,044)	(1,617,523)	(2,662,894)
Purchase Plant and Equipment	(833,485)	(1,111,852)	(1,151,300)
Purchase Furniture and Equipment	(469,264)	(1,075,564)	(1,046,206)
Grants / Contributions for Development of Assets	6,493,853	3,223,502	4,505,393
Proceeds from Disposal of Assets	1,015,027	310,535	1,127,327
Proceeds from Sale of Land Held for Resale	0	0	0
Repayment of Debentures	(478,397)	(352,993)	(352,991)
Proceeds from New Debentures	2,308,498	4,000,000	4,400,000
Transfers to Reserves (Restricted Assets)	(2,205,013)	(1,409,851)	(915,037)
Transfers from Reserves (Restricted Assets)	3,111,153	752,195	910,777
ADD Estimated Surplus/(Deficit) July 1 B/Fwd	6,068,866	8,457,035	8,457,035
LESS Estimated Surplus/(Deficit) June 30 C/Fwd	31,300	6,068,866	2,385,819
Amount Required to be Raised from Rates	<u>7,431,122</u>	<u>7,006,756</u>	<u>7,044,356</u>
	0	0	(0)

SHIRE OF WYNDHAM EAST KIMBERLEY
DRAFT BUDGET 2013-14
Notes to and Forming Part of the Budget
For the Year Ended 30 June 2014

1. SIGNIFICANT ACCOUNTING POLICIES

The significant accounting policies which have been adopted in the preparation of this financial report are:

(a) Basis of Accounting

The budget has been prepared in accordance with applicable Australian Accounting Standards (as they apply to local government and not-for-profit entities), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the Local Government Act 1995 and accompanying regulations. Except for cash flow and rate setting information, the budget has also been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

(b) The Local Government Reporting Entity

All Funds through which the Council controls resources to carry on its functions have been included in the financial statements forming part of this budget.

In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between Funds) have been eliminated.

All monies held in the Trust Fund are excluded from the financial statements, but a separate statement of those monies appears at Note 16 to this budget document.

(c) 2012/13 Actual Balances

Balances shown in this budget as 2012/13 Actual are as forecast at the time of budget preparation and are subject to final adjustments.

(d) Rounding Off Figures

All figures shown in this budget, other than a rate in the dollar, are rounded to the nearest dollar.

(e) Rates, Grants, Donations and Other Contributions

Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions. Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.

(f) Goods and Services Tax

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO).

Receivables and payables in the statement of financial position are stated inclusive of applicable GST. The net amount of GST recoverable from, or payable to the ATO, is included with receivables or payables in the statement of financial position.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to the ATO, are presented as operating cash flows.

(g) Superannuation

The Council contributes to a number of superannuation funds on behalf of employees. All funds to which the Council contributes are defined contribution plans.

SHIRE OF WYNDHAM EAST KIMBERLEY
DRAFT BUDGET 2013-14
Notes to and Forming Part of the Budget
For the Year Ended 30 June 2014

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(h) Cash and Cash Equivalents

Cash and cash equivalents include cash on hand, cash at bank, deposits held at call with banks, other short term highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts.

Bank overdrafts are shown as short term borrowings in current liabilities on the statement of financial position.

(i) Trade and Other Receivables

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets.

Collectibility of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.

(j) Inventories

General

Inventories are measured at the lower of cost and net realisable value.

Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

Land Held for Resale

Land purchased for development and/or resale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is complete are expensed.

Gains and losses are recognised in profit or loss at the time of signing an unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed on to the buyer at this point.

Land held for resale is classified as current except where it is held as non-current based on Council's intentions to release for sale.

SHIRE OF WYNDHAM EAST KIMBERLEY
DRAFT BUDGET 2013-14
Notes to and Forming Part of the Budget
For the Year Ended 30 June 2014

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(k) Fixed Assets

Each class of fixed assets is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation or impairment losses.

Mandatory Requirement to Revalue Non-Current Assets

Mandatory Requirement to Revalue Non-Current Assets

Effective from 1 July 2012, the Local Government (Financial Management) Regulations were amended and the measurement of non-current assets at Fair Value became mandatory.

The amendments allow for a phasing in of fair value in relation to fixed assets over three years as follows:

- (a) for the financial year ending on 30 June 2013, the fair value of all of the assets of the local government that are plant and equipment; and
- (b) for the financial year ending on 30 June 2014, the fair value of all of the assets of the local government –
 - (i) that are plant and equipment; and
 - (ii) that are –
 - (I) land and buildings; or
 - (II) infrastructure;

and

- (c) for a financial year ending on or after 30 June 2015, the fair value of all of the assets of the local government.
- Council has commenced the process of adopting Fair Value in accordance with the Regulations.

Land Under Control

In accordance with Local Government (Financial Management) Regulation 16(a), the Council is required to include as an asset (by 30 June 2013), Crown Land operated by the local government as a golf course, showground, racecourse or other sporting or recreational facility of state or regional significance.

Upon initial recognition, these assets were recorded at cost in accordance with AASB 116. They are then classified as Land and revalued along with other land in accordance with the other policies detailed in this Note. Whilst they were initially recorded at cost, fair value at the date of acquisition is deemed cost as per AASB 116.

Consequently, these assets were initially recognised at cost but revalued along with other items of Land and Buildings at 30 June 2013.

Initial Recognition

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Council includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to the Council and the cost of the item can be measured reliably. All other repairs and maintenance are recognised as expenses in the statement of comprehensive income in the period in which they are incurred.

SHIRE OF WYNDHAM EAST KIMBERLEY
DRAFT BUDGET 2013-14
Notes to and Forming Part of the Budget
For the Year Ended 30 June 2014

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

Revaluation

When performing a revaluation, the Council uses a mix of both independent and management valuations using the following as a guide:

Revalued assets are carried at their fair value being the price that would be received to sell the asset, in an orderly transaction between market participants at the measurement date (Level 1 inputs in the fair value hierarchy).

For land and buildings, fair value will be determined based on the nature of the asset class. For land and non-specialised buildings, fair value is determined on the basis of observable open market values of similar assets, adjusted for conditions and comparability at their highest and best use (Level 2 inputs in the fair value hierarchy). With regards to specialised buildings, fair value is determined having regard for current replacement cost and both observable and unobservable costs. There include construction costs based on recent contract prices, current condition (observable Level 2 inputs in the fair value hierarchy), residual values and remaining useful life assessments (unobservable Level 3 inputs in the fair value hierarchy).

For infrastructure and other asset classes, fair value is determined to be the current replacement cost of an asset (Level 2 inputs in the fair value hierarchy) less, where applicable, accumulated depreciation calculated on the basis of such cost to reflect the already consumed or expired future economic benefits of the asset (Level 3 inputs in the fair value hierarchy).

Increases in the carrying amount arising on revaluation of assets are credited to a revaluation surplus in equity. Decreases that offset previous increases of the same asset are recognised against revaluation surplus directly in equity. All other decreases are recognised in profit or loss.

Any accumulated depreciation at the date of revaluation is eliminated against the gross carrying amount of the asset and the net amount is restated to the revalued amount of the asset.

Those assets carried at a revalued amount, being their fair value at the date of revaluation less any subsequent accumulated depreciation and accumulated impairment losses, are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.

In addition, the amendments to the Financial Management Regulations mandating the use of Fair Value imposes a further minimum 3 year revaluation requirement. As a minimum, all assets carried at a revalued amount, will be revalued at least every 3 years.

Transitional Arrangements

During the time it takes to transition the carrying value of non-current assets from the cost approach to the fair value approach, the Council may still be utilising both methods across differing asset classes.

Those assets carried at cost will be carried in accordance with the policy detailed in the Initial Recognition section as detailed above.

Those assets carried at fair value will be carried in accordance with the Revaluation Methodology section as detailed above.

SHIRE OF WYNDHAM EAST KIMBERLEY
DRAFT BUDGET 2013-14
Notes to and Forming Part of the Budget
For the Year Ended 30 June 2014

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

Early Adoption of AASB 13 – Fair Value Measurement

Whilst the new accounting standard in relation to Fair Value, AASB 13 – Fair Value Measurement do not become applicable until the year ended 30 June 2014 (in relation to this Council), given the legislative need to commence using Fair Value methodology for this reporting period, the Council chose to early adopt AASB 13 (as allowed for in the standard).

As a consequence, the principles embodied in AASB 13 – Fair Value Measurement were applied to the previous reporting period being the year ended 30 June 2013 (2012/13 Actual in this budget document).

(k) Fixed Assets (Continued)

Land Under Roads

In Western Australia, all land under roads is Crown Land, the responsibility for managing which, is vested in the local government.

Effective as at 1 July 2008, Council elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard AASB 1051 Land Under Roads and the fact Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

In respect of land under roads acquired on or after 1 July 2008, as detailed above, Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

Whilst this treatment is inconsistent with the requirements of AASB 1051, Local Government (Financial Management) Regulation 4(2) provides, in the event of such an inconsistency, the Local Government (Financial Management) Regulations prevail.

Consequently, any land under roads acquired on or after 1 July 2008 is not included as an asset of the Council.

Depreciation of Non-Current Assets

All non-current assets having a limited useful life are systematically depreciated over their useful lives in a manner which reflects the consumption of the future economic benefits embodied in those assets.

Assets are depreciated from the date of acquisition or, in respect of internally constructed assets, from the time the asset is completed and held ready for use.

Depreciation is recognised on a straight-line basis, using rates which are reviewed each reporting period.

Major depreciation periods are as per Council adopted policy F20 Non Current Asset Capitalisation and Depreciation Control.

Land and Buildings

Land	Not depreciated
Buildings	30 to 40 years
Minor Buildings and Building Improvements	10 years

SHIRE OF WYNDHAM EAST KIMBERLEY
DRAFT BUDGET 2013-14
Notes to and Forming Part of the Budget
For the Year Ended 30 June 2014

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

Furniture and Equipment

Computers	3 years
Communications	5 years
Furniture	10 years
Equipment	5 years

Plant and Equipment

Light Plant	3 years
Medium Plant	7 years
Heavy Plant	10 years
Minor Plant	7 to 10 years

Roads

Town Roads	10 to 45 years
Rural Roads	10 to 40 years
Runways/ Aprons / Taxiways	25 years

(k) Fixed Assets (Continued)

Depreciation of Non-Current Assets (Continued)

Footpaths	15 to 20 years
Drainage	40 years
Infrastructure - Parks and Ovals	
Parks and Ovals	35 years
Infrastructure - Other	
Street Lighting	25 years
Boat Ramps	10 years

The assets residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.

Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in the statement of comprehensive income. When revalued assets are sold, amounts included in the revaluation surplus relating to that asset are transferred to retained surplus.

Capitalisation Threshold

Expenditure on items of equipment under \$5,000 is not capitalised and is expensed in the year it is acquired and is recorded on an attractive items listing.

SHIRE OF WYNDHAM EAST KIMBERLEY
DRAFT BUDGET 2013-14
Notes to and Forming Part of the Budget
For the Year Ended 30 June 2014

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(I) Financial Instruments

Initial Recognition and Measurement

Financial assets and financial liabilities are recognised when the Council becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the Council commits itself to either the purchase or sale of the asset (ie trade date accounting is adopted).

Financial instruments are initially measured at fair value plus transaction costs, except where the instrument is classified 'at fair value through profit or loss', in which case transaction costs are expensed to profit or loss immediately.

Classification and Subsequent Measurement

Financial instruments are subsequently measured at fair value, amortised cost using the effective interest rate method or at cost.

Fair value represents the amount for which an asset could be exchanged or a liability settled, between knowledgeable, willing parties. Where available, quoted prices in an active market are used to determine fair value. In other circumstances, valuation techniques are adopted.

Amortised cost is calculated as:

- (a) the amount in which the financial asset or financial liability is measured at initial recognition;
- (b) less principal repayments;
- (c) plus or minus the cumulative amortisation of the difference, if any, between the amount initially recognised and the maturity amount calculated using the effective interest rate method; and
- (d) less any reduction for impairment.

(I) Financial Instruments (Continued)

Classification and Subsequent Measurement (Continued)

The effective interest rate method is used to allocate interest income or interest expense over the relevant period and is equivalent to the rate that exactly discounts estimated future cash payments or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to the net carrying amount of the financial asset or financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying value with a consequential recognition of an income or expense in profit or loss.

(i) Financial assets at fair value through profit and loss

Financial assets at fair value through profit or loss are financial assets held for trading. A financial asset is classified in this category if acquired principally for the purpose of selling in the short term. Derivatives are classified as held for trading unless they are designated as hedges. Assets in this category are classified as current assets. They are subsequently measured at fair value with changes in carrying amount being included in profit or loss.

SHIRE OF WYNDHAM EAST KIMBERLEY
DRAFT BUDGET 2013-14
Notes to and Forming Part of the Budget
For the Year Ended 30 June 2014

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(ii) Loans and receivables

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.

Loans and receivables are included in current assets, except for those which are not expected to mature within 12 months after the end of the reporting period.

(iii) Held-to-maturity investments

Held-to-maturity investments are non-derivative financial assets with fixed maturities and fixed or determinable payments that the Council's management has the positive intention and ability to hold to maturity. They are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.

Held-to-maturity investments are included in current assets where they are expected to mature within 12 months after the end of the reporting period. All other investments are classified as non-current.

(iv) Available-for-sale financial assets

Available-for-sale financial assets are non-derivative financial assets that are either not suitable to be classified into other categories of financial assets due to their nature, or they are designated as such by management. They comprise investments in the equity of other entities where there is neither a fixed maturity nor fixed or determinable payments.

They are subsequently measured at fair value with changes in such fair value (ie gains or losses) recognised in other comprehensive income (except for impairment losses). When the financial asset is derecognised, the cumulative gain or loss pertaining to the asset previously recognised in other comprehensive income, is reclassified into profit or loss.

Available-for-sale financial assets are included in current assets, where they are expected to be sold within 12 months after the end of the reporting period. All other available for sale financial assets are classified as non-current.

(v) Financial liabilities

Non-derivative financial liabilities (excluding financial guarantees) are subsequently measured at amortised cost. Gains or losses are recognised in the profit or loss.

Impairment

At the end of each reporting period, the Council assesses whether there is objective evidence that a financial instrument has been impaired.

A financial asset is deemed to be impaired if, and only if, there is objective evidence of impairment as a result of one or more events having occurred, which will have an impact on the estimated future cash flows of the financial asset(s).

In the case of available-for-sale financial instruments, a significant or prolonged decline in the market value of the instrument is considered a loss event. Impairment losses are recognised in profit or loss immediately. Also, any cumulative decline in fair value is reclassified to profit or loss at this point.

SHIRE OF WYNDHAM EAST KIMBERLEY
DRAFT BUDGET 2013-14
Notes to and Forming Part of the Budget
For the Year Ended 30 June 2014

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(l) Financial Instruments (Continued)

Classification and Subsequent Measurement (Continued)

Derecognition

Financial assets are derecognised where the contractual rights to receipt of cash flows expire or the asset is transferred to another party whereby the Council no longer has any significant continued involvement in the risks and benefits associated with the asset.

Financial liabilities are derecognised where the related obligations are discharged, cancelled or expire. The difference between the carrying amount of the financial liability extinguished or transferred to another party and the fair value of the consideration paid, including the transfer of non-cash assets or liabilities assumed, is recognised in profit or loss.

(m) Impairment

In accordance with Australian Accounting Standards the Council's assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.

Where such an indication exists, an impairment test is carried out on the asset by comparing the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, to the asset's carrying amount.

Any excess of the asset's carrying amount over its recoverable amount is recognised immediately in profit or loss, unless the asset is carried at a revalued amount in accordance with another standard (eg AASB 116). Any impairment loss of a revalued asset is treated as a revaluation decrease in accordance with that other standard.

For non-cash generating assets such as roads, drains, public buildings and the like, value in use is represented by the depreciated replacement cost of the asset.

At the time of adopting this budget, it is not possible to estimate the amount of impairment losses (if any) as at 30 June 2014.

In any event, an impairment loss is a non-cash transaction and consequently, has no impact on this budget document.

(n) Trade and Other Payables

Trade and other payables represent liabilities for goods and services provided to the Council prior to the end of the financial year that are unpaid and arise when the Council becomes obliged to make future payments in respect of the purchase of these goods and services.

The amounts are unsecured and are usually paid within 30 days of recognition.

(o) Employee Benefits

Provision is made for the Council's liability for employee benefits arising from services rendered by employees to the end of the reporting period. Employee benefits that are expected to be settled within one year have been measured at the amounts expected to be paid when the liability is settled. Employee benefits payable later than one year have been measured at the present value of the estimated future cash outflows to be made for the benefits. In determining the liability, consideration is given to the employee wage increases and the probability the employee may not satisfy vesting requirements. Those cash flows are discounted using market yields on national government bonds with terms to maturity matching the expected timing of cash flows.

SHIRE OF WYNDHAM EAST KIMBERLEY
DRAFT BUDGET 2013-14
Notes to and Forming Part of the Budget
For the Year Ended 30 June 2014

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(p) Borrowing Costs

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset.

(q) Provisions

Provisions are recognised when the Council has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.

Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

(r) Current and Non-Current Classification

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where the Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for resale where it is held as non-current based on the Council's intentions to release for sale.

(s) Comparative Figures

Where required, comparative figures have been adjusted to conform with changes in presentation of the current budget year.

(t) Budget Comparative Figures

Unless otherwise stated, the budget comparative figures shown in this budget document relate to the Amended Budget estimate for the relevant item of disclosure.

SHIRE OF WYNDHAM EAST KIMBERLEY
DRAFT BUDGET 2013-14
Notes to and Forming Part of the Budget
For the Year Ended 30 June 2014

	Note	2013/14 Draft Budget \$	2012/13 Actual \$	2012/13 Amended Budget \$
2. OPERATING REVENUES AND EXPENSES				
(a) Result from Ordinary Activities				
The result from ordinary activities includes:				
(i) Charging as Expenses:				
Auditors Remuneration				
Audit		(40,000)	(35,811)	(35,000)
Other Services		0	0	0
Depreciation				
<u>By Program</u>				
Governance		2,560	2,350	2,560
General Purpose Funding		0	0	0
Law, Order, Public Safety		5,000	7,764	5,090
Health		1,460	1,338	1,460
Education and Welfare		71,000	64,957	70,405
Housing		252,835	236,609	257,811
Community Amenities		118,200	104,710	117,120
Recreation and Culture		869,485	704,016	761,700
Transport		2,302,745	1,952,976	2,125,195
Economic Services		4,465	4,096	4,465
Other Property and Services		1,067,000	672,659	770,549
		<u>4,694,750</u>	<u>3,751,475</u>	<u>4,116,354</u>
<u>By Class</u>				
Land and Buildings		1,174,332	938,383	1,029,654
Furniture and Equipment		235,978	188,565	206,906
Plant and Equipment		819,462	654,814	718,504
Roads		1,491,849	1,192,107	1,308,052
Footpaths		85,565	68,373	75,023
Drainage		16,771	13,401	14,704
Other Infrastructure		870,793	695,832	763,511
		<u>4,694,750</u>	<u>3,751,475</u>	<u>4,116,354</u>
Interest Expenses (Finance Costs)				
- Debentures (refer note 5(a))		253,670	171,093	198,293
		<u>253,670</u>	<u>171,093</u>	<u>198,293</u>
(ii) Crediting as Revenues:				
Interest Earnings				
Investments				
- Reserve Funds		246,250	324,748	300,000
- Other Funds		100,000	271,211	244,986
Other Interest Revenue (refer note 13)		117,500	123,632	122,774
		<u>463,750</u>	<u>719,590</u>	<u>667,760</u>

SHIRE OF WYNDHAM EAST KIMBERLEY
DRAFT BUDGET 2013-14
Notes to and Forming Part of the Budget
For the Year Ended 30 June 2014

2. OPERATING REVENUES AND EXPENSES (Continued)

(b) Statement of Objective

Vision

For the East Kimberley to be a thriving community with opportunities for all.

Mission

To enable the East Kimberley to develop in a manner that will achieve social, cultural, economic and environmental benefits for all.

Commitment

Council and staff will make decisions with integrity, transparency and consistency.

In order to discharge its responsibilities to the community, Council has developed a set of operational and financial objectives. These objectives have been established both on an overall basis and for each of its broad activities/programs.

Council operations as disclosed in this budget encompass the following service orientated activities/programs:

GENERAL PURPOSE FUNDING

Rates, general purpose government grants and interest revenue.

GOVERNANCE

Administration and operation of facilities and services to members of Council; other costs that relate to the tasks of assisting elected members and ratepayers on matters which do not concern specific council services.

LAW, ORDER, PUBLIC SAFETY

Supervision of various by-laws, fire prevention, emergency services and animal control.

HEALTH

Food quality and pest control.

EDUCATION AND WELFARE

Operation of day care centre.

HOUSING

Provision of staff and residential housing.

COMMUNITY AMENITIES

Rubbish Collection services, operation of tips, noise control, administration of the town planning scheme, maintenance of cemeteries, maintenance of storm water drainage, environmental services, public conveniences and cemetery operation. Community assistance grants, crime prevention and Youth Services.

RECREATION AND CULTURE

Maintenance of halls, aquatic centres, recreation centres and various reserves; operation of library and community development services.

TRANSPORT

Construction and maintenance of streets, roads, bridges; cleaning and lighting of streets, depot maintenance. The Provision and operation of airport services.

ECONOMIC SERVICES

The regulation and provision of tourism, area promotion, building control, noxious weeds and vermin control.

OTHER PROPERTY & SERVICES

Private works operation, plant repairs, operations and administrative costs.

SHIRE OF WYNDHAM EAST KIMBERLEY
DRAFT BUDGET 2013-14
Notes to and Forming Part of the Budget
For the Year Ended 30 June 2014

	2013/14 Draft Budget \$	2012/13 Amended Budget \$
3. ACQUISITION OF ASSETS		
The following assets are budgeted to be acquired during the year:		
<u>By Program</u>		
Governance	5,000	4,820,000
General Purpose Funding	0	0
Law, Order, Public Safety	27,700	70,000
Health	5,000	22,000
Education and Welfare	28,000	1,000
Housing	2,847,964	381,373
Community Amenities	2,325,953	628,706
Recreation and Culture	270,641	1,911,053
Transport	7,742,972	7,158,457
Economic Services	0	0
Other Property and Services	1,032,227	1,274,850
	<u>14,285,457</u>	<u>16,267,439</u>
<u>By Class</u>		
Land and Buildings	3,076,164	5,608,132
Furniture and Equipment	469,264	1,046,206
Plant and Equipment	833,485	1,151,300
Infrastructure Assets - Roads	2,058,500	4,692,412
Infrastructure Assets - Footpaths	31,000	22,500
Infrastructure Assets - Drainage	675,000	1,083,995
Infrastructure Assets - Other	7,142,044	2,662,894
	<u>14,285,457</u>	<u>16,267,439</u>
	0	0

To obtain further details of Asset Acquisitions refer to attachment
- Acquisition of Assets - 2013/14 Budget

SHIRE OF WYNDHAM EAST KIMBERLEY
DRAFT BUDGET 2013-14
Notes to and Forming Part of the Budget
For the Year Ended 30 June 2014

4. DISPOSALS OF ASSETS

The following assets are budgeted to be disposed of during the year.

By Program

	Net Book Value	Sale Proceeds	Profit(Loss)
	2013/14 BUDGET \$	2013/14 BUDGET \$	2013/14 BUDGET \$
Housing			
LB107/179- 29 Boobialla Street	41,864	400,000	358,136
LB108/180 - 23 Boobialla Street	37,471	400,000	362,529
Other Property and Services			
Light Plant			
P358 - Toyota 4wd Hilux WY14226	12,729	18,480	5,751
P212 - Toyota Hilux WY12885	12,719	18,480	5,761
P371 - Toyota Hilux Dual Cab 4WD WY07	14,199	33,122	18,923
P467 - Toyota Hilux 4WD Single Cab WY12448	9,608	18,480	8,872
P314 - Toyota Land cruiser LC78 Workmate WY12352	14,044	35,000	20,956
Medium Plant			
P481 - John Deere Ride on Mower with Dump Catcher	3,960	6,295	2,335
P362 - Kubota F3680 Ride on Mower	10,774	6,306	(4,468)
Heavy Plant			
P469 - Komatsu Skid Steer Loader with Bucket	8,229	21,715	13,486
P360 - Fuso Canter 3T Tipper Truck	50,968	19,770	(31,198)
Landfill Plant			
P365 - Toyota Hilux 2WD	9,054	13,650	4,596
Airport Plant			
P476 - John Deere Tractor Mower	11,404	9,729	(1,675)
P345 - Line Marker	-	4,000	4,000
P351 - Massey Ferguson Tractor	-	10,000	10,000
	237,023	1,015,027	778,004

By Class

	Net Book Value	Sale Proceeds	Profit(Loss)
	2013/14 BUDGET \$	2013/14 BUDGET \$	2013/14 BUDGET \$
Land and Buildings	79,335	800,000	720,665
Plant and Equipment	157,688	215,027	57,339
	237,023	1,015,027	778,004

Summary

	2013/14 BUDGET \$
Profit on Asset Disposals	815,345
Loss on Asset Disposals	(37,341)

SHIRE OF WYNDHAM EAST KIMBERLEY

DRAFT BUDGET 2013-14

Notes to and Forming Part of the Budget
For the Year Ended 30 June 2014

5. INFORMATION ON BORROWINGS

(a) Debenture Repayments

Particulars	Maturity Date	Interest Rate %	Principal 1-Jul-13	New Loans	Principal Repayments		Interest Repayments		Principal Outstanding	
					2013/14 Budget \$	2012/13 Actual \$	2013/14 Budget \$	2012/13 Actual \$	2013/14 Budget \$	2012/13 Actual \$
Governance										
L122 Administration Building Land	25.06.2020	6.00%	372,044		44,202	41,665	23,203	24,080	327,842	372,044
L123 Administration Building Bridging Loan	08.12.2014	3.26%	1,500,000		0	0	50,124	25,200	1,500,000	0
L124 Administration Building Loan	07.12.2022	3.82%	2,396,183		213,621	103,817	93,916	48,445	2,182,562	0
Education and Welfare										
L120 Kununurra Childcare Centre	02.09.2019	6.19%	405,690		52,445	49,343	20,989	18,326	353,245	405,690
Housing										
L115 Staff Housing	28.08.2018	6.14%	75,920		11,994	11,290	4,599	3,365	63,926	75,920
Community Amenities										
NL Liquid Waste Facility	01.01.2018	3.50%	0	400,000	0	0	0	0	400,000	0
NL Waste Management	01.01.2024	3.80%	0	1,695,000	0	0	0	0	1,695,000	0
NL Staff House	01.04.2014	3.80%	0	88,498	0	0	0	0	88,498	0
NL Drainage	01.04.2014	3.80%	0	125,000	0	0	0	0	125,000	0
Recreation and Culture										
L113 KNX Aquatic Centre Refurbishment	28.08.2018	6.14%	424,205		67,017	63,084	25,695	18,801	357,188	424,205
L114 WYN Recreation Centre	28.08.2018	6.14%	177,938		28,111	26,461	10,778	7,886	149,827	177,938
L118 KNX Youth Centre	30.06.2018	7.24%	147,185		25,371	23,614	10,121	11,843	121,814	147,185
L119 Multi Purpose Courts	08.05.2019	5.61%	246,632		35,636	33,718	14,245	13,146	210,996	246,632
			5,745,798	2,308,498	478,397	352,993	253,669	171,093	7,575,899	1,849,615

All debenture repayments are to be financed by general purpose revenue.

SHIRE OF WYNDHAM EAST KIMBERLEY

DRAFT BUDGET 2013-14

Notes to and Forming Part of the Budget
For the Year Ended 30 June 2014

5. INFORMATION ON BORROWINGS (Continued)

(b) New Debentures - 2013/14

Particulars/Purpose	Amount Borrowed Budget	Institution	Loan Type	Term (Years)	Total Interest & Charges	Interest Rate %	Amount Used Budget	Balance Unspent \$
NL Liquid Waste Facility	400,000	WATC	Debenture	4	32,137	3.5	400,000	0
NL Wast Management	1,695,000	WATC	Debenture	10	358,260	3.8	1,695,000	0
NL Staff House	88,498	WATC	Debenture	6	16,214	3.8	88,498	0
NL Drainage	125,000	WATC	Debenture	10	18,289	3.8	125,000	0

(c) \$400,000 loan for development of Liquid Waste Facility at the Kununurra Landfill. This represents a carry forward loan from 2012/13. A four year loan is recommended in this budget to match the payback period. Increased fees for the disposal of liquid waste will repay the loan.

(d) \$1,695,000 loan to implement the recommendations arising from the Waste Management Strategy and 10 years Financial Model as presented to the councillors by Waste Management Working Group. The loan will be repaid over ten years from general funds.

(e) \$88,498 loan to cover the initial cost of purchase of new vacant land and two staff houses in Kununurra. The loan will be repaid over six years from general funds.

(f) \$125,000 loan to commence Stage 1 of improving Kununurra stormwater management as per presentation to council briefing. The loan will be repaid over ten years from general funds.

(g) Unspent Debentures

Council had no unspent debenture funds as at 30th June 2013 nor is it expected to have unspent debenture funds as at 30th June 2014.

(h) Overdraft

Council has not utilised an overdraft facility during the financial year 2012/13. It is not anticipated that an overdraft facility will be required to be utilised during 2013/14

SHIRE OF WYNDHAM EAST KIMBERLEY
DRAFT BUDGET 2013-14
Notes to and Forming Part of the Budget
For the Year Ended 30 June 2014

	2013/14 Draft Budget \$	2012/13 Actual \$	2012/13 Amended Budget \$
6. RESERVES			
(a) Waste Management			
Opening Balance	268,457	553,690	553,690
Amount Set Aside / Transfer to Reserve	444,771	300,877	298,759
Amount Used / Transfer from Reserve	(230,753)	(586,110)	(502,169)
	482,475	268,457	350,280
(b) Airport General			
Opening Balance	5,026,632	4,184,595	4,184,595
Amount Set Aside / Transfer to Reserve	1,614,550	842,037	350,761
Amount Used / Transfer from Reserve	(2,558,400)	0	(65,668)
	4,082,782	5,026,632	4,469,688
(c) Plant and Equipment			
Opening Balance	75,305	71,705	71,705
Amount Set Aside / Transfer to Reserve	2,595	3,600	3,326
Amount Used / Transfer from Reserve	(75,000)	0	0
	2,900	75,305	75,031
(d) Parking			
Opening Balance	234,084	279,376	279,376
Amount Set Aside / Transfer to Reserve	8,305	14,026	12,957
Amount Used / Transfer from Reserve	(110,000)	(59,318)	(140,000)
	132,389	234,084	152,333
(e) Non-Potable Water			
Opening Balance	89,570	85,288	85,288
Amount Set Aside / Transfer to Reserve	3,087	4,282	3,956
Amount Used / Transfer from Reserve	(88,000)	0	(88,000)
	4,657	89,570	1,244
(f) Civic Buildings			
Opening Balance	7,353	7,001	7,001
Amount Set Aside / Transfer to Reserve	253	352	324
Amount Used / Transfer from Reserve	0	0	0
	7,606	7,353	7,325
(g) East Kimberley Tourism			
Opening Balance	116,481	107,691	107,691
Amount Set Aside / Transfer to Reserve	13,997	15,902	14,995
Amount Used / Transfer from Reserve	(10,000)	(7,112)	(8,540)
	120,478	116,481	114,146
(h) Foreshore			
Opening Balance	83,155	8,749	8,749
Amount Set Aside / Transfer to Reserve	61,610	74,406	55,822
Amount Used / Transfer from Reserve	0	0	0
	144,765	83,155	64,571

SHIRE OF WYNDHAM EAST KIMBERLEY
DRAFT BUDGET 2013-14
Notes to and Forming Part of the Budget
For the Year Ended 30 June 2014

	2013/14 Draft Budget \$	2012/13 Actual \$	2012/13 Amended Budget \$
6. RESERVES (Continued)			
(i) Staff Entitlement			
Opening Balance	221,430	216,644	216,644
Amount Set Aside / Transfer to Reserve	7,631	10,877	10,048
Amount Used / Transfer from Reserve		(6,091)	(6,091)
	<u>229,061</u>	<u>221,430</u>	<u>220,601</u>
(j) Recreation Hardcourts			
Opening Balance	47,126	62,976	62,976
Amount Set Aside / Transfer to Reserve	1,315	25,162	24,921
Amount Used / Transfer from Reserve	(14,000)	(41,012)	(45,309)
	<u>34,441</u>	<u>47,126</u>	<u>42,588</u>
(k) Bio Security			
Opening Balance	258,372	246,021	246,021
Amount Set Aside / Transfer to Reserve	8,904	12,351	11,410
Amount Used / Transfer from Reserve	0	0	0
	<u>267,277</u>	<u>258,372</u>	<u>257,431</u>
(l) Childcare			
Opening Balance	118,662	106,261	106,261
Amount Set Aside / Transfer to Reserve	16,090	15,835	41,856
Amount Used / Transfer from Reserve		(3,434)	(1,000)
	<u>134,751</u>	<u>118,662</u>	<u>147,117</u>
(m) Parks			
Opening Balance	297,160	329,724	329,724
Amount Set Aside / Transfer to Reserve	10,241	16,554	15,292
Amount Used / Transfer from Reserve		(49,118)	(54,000)
	<u>307,401</u>	<u>297,160</u>	<u>291,016</u>
(n) Legal Fees			
Opening Balance	3,396	3,234	3,234
Amount Set Aside / Transfer to Reserve	117	162	150
Amount Used / Transfer from Reserve	0	0	0
	<u>3,513</u>	<u>3,396</u>	<u>3,384</u>
(o) Youth Bus			
Opening Balance	18,541	10,816	10,816
Amount Set Aside / Transfer to Reserve	2,572	7,725	5,502
Amount Used / Transfer from Reserve	0	0	0
	<u>21,113</u>	<u>18,541</u>	<u>16,318</u>
(p) Footpaths			
Opening Balance	260,389	194,685	194,685
Amount Set Aside / Transfer to Reserve	8,974	65,704	64,959
Amount Used / Transfer from Reserve	(25,000)	0	
	<u>244,363</u>	<u>260,389</u>	<u>259,644</u>
Total Reserves	<u>6,219,972</u>	<u>7,126,112</u>	<u>6,472,715</u>

SHIRE OF WYNDHAM EAST KIMBERLEY
DRAFT BUDGET 2013-14
Notes to and Forming Part of the Budget
For the Year Ended 30 June 2014

	2013/14 Draft Budget	2012/13 Actual	2012/13 Amended Budget
	\$	\$	\$
6. RESERVES (Continued)			
Summary of Transfers			
Transfers to Reserves			
Waste Management	444,771	300,877	298,759
Airport General	1,614,550	842,037	350,761
Plant and Equipment	2,595	3,600	3,326
Parking	8,305	14,026	12,957
Non-Portable Water	3,087	4,282	3,956
Civic Buildings	253	352	324
East Kimberley Tourism	13,997	15,902	14,995
Foreshore	61,610	74,406	55,822
Staff Entitlement	7,631	10,877	10,048
Recreation Hardcourts	1,315	25,162	24,921
Bio Security	8,904	12,351	11,410
Childcare	16,090	15,835	41,856
Parks	10,241	16,554	15,292
Legal Fees	117	162	150
Youth Bus	2,572	7,725	5,502
Footpaths	8,974	65,704	64,959
	<u>2,205,013</u>	<u>1,409,851</u>	<u>915,036</u>
Transfers from Reserves			
Waste Management	(230,753)	(586,110)	(502,169)
Airport General	(2,558,400)	0	(65,668)
Plant and Equipment	(75,000)	0	0
Parking	(110,000)	(59,318)	(140,000)
Non-Portable Water	(88,000)	0	(88,000)
Civic Buildings	0	0	0
East Kimberley Tourism	(10,000)	(7,112)	(8,540)
Foreshore	0	0	0
Staff Entitlement	0	(6,091)	(6,091)
Recreation Hardcourts	(14,000)	(41,012)	(45,309)
Bio Security	0	0	0
Childcare	0	(3,434)	(1,000)
Parks	0	(49,118)	(54,000)
Legal Fees	0	0	0
Youth Bus	0	0	0
Footpaths	(25,000)	0	0
	<u>(3,111,153)</u>	<u>(752,195)</u>	<u>(910,777)</u>
Total Transfer to/(from) Reserves	<u>(906,140)</u>	<u>657,656</u>	<u>4,259</u>

SHIRE OF WYNDHAM EAST KIMBERLEY
DRAFT BUDGET 2013-14
Notes to and Forming Part of the Budget
For the Year Ended 30 June 2014

6. RESERVES (Continued)

In accordance with council resolutions in relation to each reserve account, the purpose for which the reserves are set aside are as follows:

Waste Management

This reserve is for the upgrade and rationalisation of Refuse Disposal Facilities within the Shire

Airport General

This reserve is for the improvement of Council's airport facilities, and also acts as the "float" for transferring the profit or loss on the operations of the airports inline with Council Policy F4

Plant and Equipment Replacement

This reserve is for the purchase of major plant and equipment

Parking

This Reserve is for the land purchase and/or the construction and maintenance of vehicle parking facilities with the Shire

Non-Potable Water

This reserve is for the development of non-potable water supply in Wyndham

Civic Buildings

This reserve is for the construction and/or capital maintenance of Civic Buildings within the Shire

East Kimberley Tourism

This is for the capital maintenance and/or upgrading of the East Kimberley Tourism House

Foreshore

This reserve is for maintaining the foreshore of Lake Kununurra, funded from the contributions of leases on portion of Reserve 41812

Staff Entitlement

This reserve is to provide for Shire employee entitlements

Recreation Hardcourts

This Reserve is for purpose of providing for future capital upgrade of Recreational Hardcourts

Bio Security

To hold funds for use in emergency situations that threaten the bio security of the East Kimberley

Childcare

To hold lease payments from Kununurra Childcare Centre to provide for the capital maintenance of the building

Parks

To hold the funds from the sale of parks provided by the State to undertake major upgrades and to establish new parks and public open spaces in the Shire

SHIRE OF WYNDHAM EAST KIMBERLEY
DRAFT BUDGET 2013-14
Notes to and Forming Part of the Budget
For the Year Ended 30 June 2014

6. RESERVES (Continued)

Legal Fees

To hold funds not expended in any budget year to accumulate to cover any significant legal costs or expenses related to regulatory prosecution and enforcement matters

Youth Bus

To transfer fees from hire of Youth Buses to provide funds for repairs, maintenance and replacement of the Youth Buses.

Footpaths

To hold developer contributions for construction of footpaths after housing construction is completed in new subdivisions

	2013/14 Draft Budget \$	2012/13 Actual \$	2012/13 Amended Budget \$
7. NET CURRENT ASSETS			
Composition of Estimated Net Current Asset Position			
CURRENT ASSETS			
Cash - Unrestricted	500,000	2,009,043	546,071
Cash - Restricted	6,219,972	7,126,112	6,472,715
Cash - Restricted Unspent Grants	31,300	3,777,946	2,360,819
Receivables	562,800	1,554,116	1,415,000
Inventories	15,000	18,930	11,500
	<u>7,329,072</u>	<u>14,486,147</u>	<u>10,806,105</u>
LESS: CURRENT LIABILITIES			
Payables and Provisions	<u>(1,077,800)</u>	<u>(1,291,169)</u>	<u>(1,947,571)</u>
NET CURRENT ASSET POSITION	6,251,272	13,194,978	8,858,534
Less: Cash - Restricted	<u>(6,219,972)</u>	<u>(7,126,112)</u>	<u>(6,472,715)</u>
ESTIMATED SURPLUS/(DEFICIENCY) C/FWD	<u>31,300</u>	<u>6,068,866</u>	<u>2,385,819</u>

The estimated surplus/(deficiency) c/fwd in the 2012/13 actual column represents the surplus (deficit) brought forward as at 1 July 2013.

The estimated surplus/(deficiency) c/fwd in the 2013/14 budget column represents the surplus (deficit) carried forward as at 30 June 2014.

SHIRE OF WYNDHAM EAST KIMBERLEY
DRAFT BUDGET 2013-14
Notes to and Forming Part of the Budget
For the Year Ended 30 June 2014

8. RATING INFORMATION - 2013/14 FINANCIAL YEAR

RATE TYPE	Rate in \$	Number of Properties	Rateable Value \$	Budgeted Rate Revenue \$	Budgeted Interim Rates \$	Budgeted Back Rates \$	Budgeted Total Revenue \$	2012/13 Actual \$
Differential General Rate								
GRV - Townsites	8.3607	1,701	60,363,774	5,046,834	15,000	0	5,061,834	4,721,819
GRV - Other	8.3607	1	101,764	6,807	0	0	6,807	6,452
UV - Rural Residential	0.8425	172	47,659,000	401,527	0	0	401,527	381,030
UV - Rural Agriculture 1	0.8375	85	69,246,200	579,937	0	0	579,937	0
UV - Rural Agriculture 2	0.5666	111	56,325,000	319,137	0	0	319,137	0
UV - Other	0.5666	23	14,723,000	83,421	10,000	0	93,421	932,603
UV - Pastoral	2.7803	21	9,022,039	250,840	0	0	250,840	239,706
UV - Mining	23.2100	71	1,971,464	457,577	0	0	457,577	532,432
Sub-Totals		2,185	259,412,241	7,146,079	25,000	0	7,171,079	6,814,042
Minimum Rates	Minimum \$							
GRV - Townsites	975.00	347	2,641,700	338,325	0	0	338,325	329,300
GRV - Other	975.00	0	0	0	0	0	0	0
UV - Rural Residential	975.00	0	0	0	0	0	0	0
UV - Rural Agriculture 1	975.00	0	0	0	0	0	0	0
UV - Rural Agriculture 2	975.00	0	0	0	0	0	0	0
UV - Other	975.00	9	679,400	8,775	0	0	8,775	8,325
UV - Pastoral	975.00	3	68,361	2,925	0	0	2,925	2,775
UV - Mining	925.00	70	103,858	64,750	0	0	64,750	105,825
Sub-Totals		429	3,493,319	414,775	0	0	414,775	446,225
Ex Gratia Rates							7,585,854	7,260,267
Discounts							4,000	4,159
Excess Rates Adjustment							7,589,854	7,264,425
Totals							(100,000)	(199,802)
							(58,732)	(57,867)
							7,431,122	7,006,756

SHIRE OF WYNDHAM EAST KIMBERLEY

DRAFT BUDGET 2013-14

Notes to and Forming Part of the Budget
For the Year Ended 30 June 2014

RATING INFORMATION (Continued) - 2013/14 FINANCIAL YEAR

All land except exempt land in the Shire of Wyndham East Kimberley is rated according to its Gross Rental Value (GRV) in townsites or Unimproved Value (UV) in the remainder of the Shire.

The general rates detailed above for the 2013/14 financial year have been determined by Council on the basis of raising the revenue required to meet the deficiency between the total estimated expenditure proposed in the budget and the estimated revenue to be received from all sources other than rates and also considering the extent of any increase in rating over the level adopted in the previous year.

The minimum payments have been determined by Council on the basis that all ratepayers must make a reasonable contribution to the cost of the Local Government services/facilities.

Differential Rates

A Public Notice pursuant to Section 6.36(1) of the Local Government Act 1995 was published in the Kimberley Echo on 11 July 2013.

Submissions from electors and ratepayers were invited up to 4.00pm on 1 August 2013.

The Differential Rates advertised are detailed in the table below.

	Cents in the dollar	Min Rate \$
GRV - Townsites	8.3607	975.00
GRV - Other	6.6885	975.00
UV - Rural Residential	0.8425	975.00
UV - Rural Agriculture 1	0.8375	975.00
UV - Rural Agriculture 2	0.5666	975.00
UV - Other	0.5666	975.00
UV - Pastoral	2.7803	975.00
UV - Mining	23.2100	925.00

The advertised rate for GRV - Other was amended to 8.3067 cents in the dollar to comply with the Local Government Act.

A concession of 20% for properties rated GRV - Other will replace the discount rate in the dollar.

SHIRE OF WYNDHAM EAST KIMBERLEY
DRAFT BUDGET 2013-14
Notes to and Forming Part of the Budget
For the Year Ended 30 June 2014

9. SPECIFIED AREA RATE - 2013/14 FINANCIAL YEAR

The Shire of Wyndham East Kimberley did not have an specified area rates for 2012/13 and does not plan to raise any specified area rates in 2013/14.

10. SERVICE CHARGES - 2013/14 FINANCIAL YEAR

The Shire of Wyndham East Kimberley does not impose a service charge on any of the prescribed services listed under Local Government (Financial Management) Regulations 1996, regulation 54.

11. FEES & CHARGES REVENUE

	2013/14 Draft Budget	2012/13 Actual
	\$	\$
Governance	4,191	1,761
General Purpose Funding	17,045	16,698
Law, Order, Public Safety	19,200	18,706
Health	75,200	23,443
Education and Welfare	122,000	127,191
Housing	227,594	188,789
Community Amenities	2,298,387	1,900,913
Recreation & Culture	537,500	466,117
Transport	4,153,744	4,013,268
Economic Services	173,923	149,056
Other Property & Services		0
	7,628,785	6,905,943

12. RATE PAYMENT DISCOUNTS, WAIVERS & CONCESSIONS.
- 2013/14 FINANCIAL YEAR

A discount of 2.5% of the current rates levied (excluding service charges) will be offered to rate payers whose payment of the full amount owing, including arrears, and service charges is received on or before 3 September 2013 or 21 days after the date of service appearing on the rate notice whichever is later.

The discount will not apply to interim rates issued after the billing date. The total value of the discount is estimated to be \$100,000.

Council has granted a waiver of rates in accordance with discretionary powers provided by section 6.47 of the Local Government Act 1985 to Wyndham Gardens (Inc) on A502 (Lot 1 Civic Way Wyndham). The waiver is valued at \$975.00.

13. INTEREST CHARGES AND INSTALMENTS - 2013/14 FINANCIAL YEAR

Rates are due and payable on 17 September 2013 or 35 days after the date of service appearing on the rate notice whichever is later.

An interest rate of 11% will be charged on all rate payments which are late. It is estimated this will generate income of \$90,000.00.

SHIRE OF WYNDHAM EAST KIMBERLEY
DRAFT BUDGET 2013-14
Notes to and Forming Part of the Budget
For the Year Ended 30 June 2014

13. INTEREST CHARGES AND INSTALMENTS - 2013/14 FINANCIAL YEAR (Continued)

Instalment Options

Instalment options are available to ratepayers for payment of their rates.

Option 1 (Full Payment)

Full amount of rates and charges including arrears to be paid on or before 17 September 2013 or 35 days after the date of service appearing on the rate notice whichever is later.

Option 2 (Two Instalments)

First instalment to be received on or before 17 September 2013 or 35 days after the date of service appearing on the rate notice whichever is later and including all arrears and one quarter of the current rates and service charge. The second instalment to be made on 21 January 2014 or four months and 35 days from service of rates notice whichever is later.

Option 3 (Four Instalments)

First instalment to be received on or before 17 September 2013 or 35 days after the date of service appearing on the rate notice whichever is later and including all arrears and half of the current rates and service charges. The second, third and fourth instalments are to be made on 19 November 2013, 21 January 2014 and 25 March 2014 or at two month intervals whichever is later.

The cost of instalment plans will comprise a simple interest of 5.5%p.a calculated from the date the first instalment is due, together with an administration fee of \$5.00 for each instalment notice (ie \$15 for option 3)

The revenue from the imposition of the interest and administration charge under this option is estimated at \$27,500 as is dissected as follows:

	2013/14 Budget \$
Charges on Instalment Plan	7,500
Interest on Instalment Plan	20,000
	<u>27,500</u>

14. COUNCILLORS' REMUNERATION

	2013/14 Draft Budget \$	2012/13 Actual \$	2012/13 Amended Budget \$
The following fees, expenses and allowances are to be paid to council members and/or the president.			
Meeting Fees	130,500	57,928	59,492
President's Allowance	22,795	19,480	19,480
Deputy President's Allowance	5,699	4,870	4,870
Travelling Expenses	5,000	5,569	5,000
Technology Allowance	0	7,833	8,000
Telecommunications Allowance	0	18,200	19,000
	<u>163,994</u>	<u>113,881</u>	<u>115,842</u>

SHIRE OF WYNDHAM EAST KIMBERLEY

DRAFT BUDGET 2013-14
Notes to and Forming Part of the Budget
For the Year Ended 30 June 2014

15. NOTES TO THE CASH FLOW STATEMENT

(a) Reconciliation of Cash

For the purposes of the cash flow statement, cash includes cash and cash equivalents, net of outstanding bank overdrafts. Estimated cash at the end of the reporting period is as follows:

	2013/14 Draft Budget \$	2012/13 Actual \$	2012/13 Amended Budget \$
Cash - Unrestricted	500,000	2,009,043	546,071
Cash - Restricted	6,251,272	10,904,058	8,833,534
	<u>6,751,272</u>	<u>12,913,101</u>	<u>9,379,605</u>

The following restrictions have been imposed by regulation or other externally imposed requirements:

Reserves

Waste Management	482,475	268,457	350,280
Airport General	4,082,782	5,026,632	4,469,688
Plant and Equipment	2,900	75,305	75,031
Parking	132,389	234,084	152,333
Non-Portable Water	4,657	89,570	1,244
Civic Buildings	7,606	7,353	7,325
East Kimberley Tourism	120,478	116,481	114,146
Foreshore Reserve	144,765	83,155	64,571
Staff Entitlement	229,061	221,430	220,601
Recreation Hard courts	34,441	47,126	42,588
Bio Security	267,277	258,372	257,431
Childcare	134,751	118,662	147,117
Parks	307,401	297,160	291,016
Legal Fees	3,513	3,396	3,384
Youth Bus Reserve	21,113	18,541	16,318
Footpaths	244,363	260,389	259,644
	<u>6,219,972</u>	<u>7,126,112</u>	<u>6,472,715</u>

SHIRE OF WYNDHAM EAST KIMBERLEY

DRAFT BUDGET 2013-14

Notes to and Forming Part of the Budget
For the Year Ended 30 June 2014

15. NOTES TO THE CASH FLOW STATEMENT (Continued)

	2013/14 Draft Budget	2012/13 Actual	2012/13 Amended Budget
(a) Reconciliation of Cash (Continued)			
Other Restricted Cash - Unspent Grants	\$	\$	\$
Club Development Officer (DSR)	0	45,159	0
Youth Services Grants (FaCHSIA)	0	49,044	0
Youth Services Grants (AGD)	0	133,000	0
Youth Trainee (DLG)	0	0	0
Sustainable Regions	26,300	26,300	26,300
Aboriginal Access Roads (WALGGC)	0	15,833	0
Roads to Recovery (DOTARS)	0	104,846	0
Regional Road Group (MRWA)	0	106,667	51,910
Regional Local Community Infrastructure (DLG)	0	7,917	0
Road Upgrade - Carlton Hill Road	0	221,365	0
Royalties for Regions (CLGF)	0	568,211	0
Kimberley Regional Grants Scheme (KDC)	0	0	0
Kimberley Zone (Members)	0	0	0
Kimberley Zone Housing Construction	0	2,446,594	1,597,845
Regional Collaborative Group (Members)	0	15,700	0
Kimberley Zone Strategic Planning (DLG)	0	0	0
Kimberley Regional Collaborative Group (DLG)	0	0	603,710
Kimberley Joint Shires (DLG)	0	1,424	1,424
Integrated Planning (DLG)	0	8,210	0
Wyndham Foreshore Protection	0	0	0
KLC Hall Upgrade	0	0	0
Kids in Sport	0	23,414	21,130
Lake Kununurra Foreshore Recreational Nature Trail	0	0	58,500
Kimberley Kids in the Kitchen - Youth Services	0	562	0
Libraries (Childrens Book Week)	5,000	3,700	0
	<u>31,300</u>	<u>3,777,946</u>	<u>2,360,819</u>
Total Restricted Cash	<u>6,251,272</u>	<u>10,904,058</u>	<u>8,833,534</u>
(b) Reconciliation of Net Cash Provided By Operating Activities to Net Result			
Net Result	1,035,930	2,537,647	1,610,468
Depreciation	4,694,750	3,751,475	4,116,354
(Profit)/Loss on Sale of Asset	(778,004)	(20,545)	(728,879)
(Increase)/Decrease in Receivables	825,525	1,483,697	777,780
(Increase)/Decrease in Inventories	(3,135)	(382)	(4,196)
Increase/(Decrease) in Payables	1,447,539	(718,537)	(443,103)
Increase/(Decrease) in Employee Provisions	48,452	17,711	52,204
Grants/Contributions for the Development of Assets	(6,493,853)	(3,223,502)	(4,505,393)
Net Cash from Operating Activities	<u>777,204</u>	<u>3,827,565</u>	<u>875,235</u>

SHIRE OF WYNDHAM EAST KIMBERLEY

DRAFT BUDGET 2013-14

Notes to and Forming Part of the Budget
For the Year Ended 30 June 2014

15. NOTES TO THE CASH FLOW STATEMENT (Continued)

	2013/14 Draft Budget	2012/13 Actual	2012/13 Amended Budget
(c) Undrawn Borrowing Facilities			
Credit Standby Arrangements			
Bank Overdraft limit	0	0	0
Bank Overdraft at Balance Date	0	0	0
Credit Card limit	41,000	41,000	50,000
Credit Card Balance at Balance Date	0	0	0
Total Amount of Credit Unused	41,000	41,000	50,000
Loan Facilities			
Loan Facilities in use at Balance Date	0	0	0
Unused Loan Facilities at Balance Date	0	0	0

16. TRUST FUNDS

Estimated movements in funds held over which the Municipality has no control and which are not included in the financial statements are as follows:

Detail	Balance 30-Jun-13 \$	Estimated Amounts Received \$	Estimated Amounts Paid (\$)	Estimated Balance 30-Jun-14 \$
Housing Bond	1,600		(1,600)	0
Councillor Nomination Fees	320	0	(320)	0
ASIC - Airport Security Card	5,740	500	(3,000)	3,240
Footpath Bonds	39,650	0	0	39,650
Hall Hire Bonds - Kununurra Leisure Centre	6,650	5,000	(10,000)	1,650
Hall Hire Bonds - Peter Reid Memorial Hall	1,140	300	(1,140)	300
Wyndham Port Hall Bond	10,000	0	0	10,000
Wyndham Oval Hire Bonds	200	200	(400)	0
Kununurra Youth Centre Bond	4,500	6,000	(7,750)	2,750
Other	0	0	0	0
Public Open Space Contributions	396,065	0	0	396,065
Builders Registration Board	23,416	10,000	(33,416)	(0)
Building & Construction Industry Training Fund	18,987	30,000	(48,987)	(0)
Kimberley Aboriginal Community Housing	10,000	30,000	(40,000)	0
Kununurra 50th Birthday Brick Fund	7,305	0	0	7,305
50th Anniversary Special Series Number Plates	11,725	0	0	11,725
Terminal Security Access Cards	795	500	(795)	500
Bus Hire Bond	2,500		(2,500)	0
Health Application Fee	140		(140)	0
	540,733	82,500	(150,048)	473,185

17. MAJOR LAND TRANSACTIONS

It is not anticipated that any major land transactions will occur in 2013/14

18. TRADING UNDERTAKINGS AND MAJOR TRADING UNDERTAKINGS

It is not anticipated that any trading undertakings or major trading undertakings will occur in 2013/14.

Minutes Special Council Meeting	1 August 2013	115 of 150
	44 of 78	
Minutes Ordinary Council Meeting	27 May 2014	125 of 648

Budget Schedules

SHIRE OF WYNDHAM EAST KIMBERLEY

DRAFT BUDGET 2013-14

Asset Additions

For the Year Ended 30 June 2014

General Ledger	Description	Budget 2013/14	Method of Funding					Revenue GL	C/F from 2012/13	
			C / F Grant	Grant 13/14	From Reserve	Other Fund	Net to Council			Revenue Description
Purchase Land and Buildings										
04050310	Wyndham Pound	(27,700)					27,700	C/F		27,700
04080410	Wyndham Childcare Centre Capital Improvements	(28,000)					28,000	C/F		28,000
04090119	Waterlily Place - Staff Housing Stage One	(1,905,464)	179,500	1,667,553			58,411	C/F	03090210 03040420	237,911
04090120	Purchase of 4x2 house in Kununurra	(730,000)		664,000		66,000			03040420	
04090121	Purchase of vacant land in Lakeside	(192,500)		170,002		22,498	60,000	C/F	03040420	60,000
04140214	Kununurra Depot Upgrade	(60,000)						CLGF (R4R) - 11/12 Allocation	03090210	80,000
04111130	Wyndham Oval Toilet	(80,000)	80,000				35,000	C/F		35,000
04110311	Building Upgrades - Kununurra Swimming Complex	(35,000)						C/F		17,500
04140511	Banking Security Upgrade - Wyndham Office	(17,500)					17,500	C/F		
		(3,076,164)	259,500	2,501,555		88,498	226,611			486,111
Purchase Infrastructure Assets - Roads										
04120210	Kalumburu Road - Re-sheet	(455,000)		455,000				Aboriginal Roads Funding - Federal Grants - \$ 436,667/- Aboriginal Roads Funding - State Grants - \$ 218,333/- (\$200k transfer to Opex)	03120210 03120211	
04120213	Weaber Plain Road - RRG - Reconstruct	(110,000)		73,333			36,667	Regional Road Group \$73,333, Road Contributions - Carlton Hill Road C/F -50% 12/13 contribution & 50% - 13/14 balance contribution	03120212	
04120223	Road Upgrade Carlton Hill Road	(450,000)	225,000	225,000						225,000
04120226	Messmate Way Roundabout - Reconstruct and Seal	(420,000)	266,667				153,333	C/F - Regional road group \$160,000/-	03120214	420,000
04120228	Kalumburu Road - RRG Projects	(30,000)					30,000	C/F		30,000
04120238	Kerb renewal	(25,000)					25,000			
04120297	Meatworks Road Wyndham - Reconstruct and Seal	(100,000)				100,000		Dot reimbursement	03120219	
04120312	Resheeting, King River Road	(50,000)					50,000			
04120314	Widen 1st 75m, Egret Close to match new pavement	(50,000)					50,000			
04120240	Bridges (5123) - Reaserch Station Rd	(66,000)		66,000				Bridges Maintenance - FEDS	03120221	
04120241	Bridges (4214) - Stock Route Rd	(60,000)		60,000				Bridges Maintenance - FEDS	03120221	
04120298	Welch Street, Wyndham -Seal	(25,000)					25,000	C/F		25,000
04120242	Coolibah - cvan pk & high school	(153,000)		82,000			71,000	State Local Road Black Spot	03120220	
04120265	Foreshore Rd, Wyndham final section pavers	(35,000)					35,000			

General Ledger	Description	Budget 2013/14	Method of Funding					Revenue GL	C/F from 2012/13
			C / F Grant	Grant 13/14	From Reserve	Other Fund	Net to Council		
04120243	Coolibah - ironwood mangaroo	(29,500)		19,667			9,833	State Local Road Black Spot	
		(2,058,500)	491,667	981,000		100,000	485,833		700,000
Purchase Infrastructure Assets - Footpaths									
04120233	Footpath renewal	(31,000)			25,000		6,000	Footpath Reserve	6,000
		(31,000)			25,000		6,000		6,000
Purchase Infrastructure Assets - Drainage									
04120230	D2 Drain Rehabilitation	(40,000)				40,000		Carryover plus top off to hand to watercorp	40,000
04120251	River Farm Road - Drainage Upgrades	(105,000)	22,572				82,428	C/F Road to recovery - \$22572/- (balance left from \$65000/- C/F for 12/13)	72,000
04120258	Drainage - Picture Gardens/Coolibah Drive	(300,000)	300,000					CLGF 11/12 - (\$419,765/- allocated for the project in 12/13)	300,000
04120260	Drainage Strategy, Cutoff Drain B, rock beaching	(20,000)				20,000		New Loan	
04120261	Drainage Strategy, re-instate drain, 746m to 1149m	(60,000)				60,000		New Loan	
04120262	Drainage Strategy, survey, design section 1, ironwood	(25,000)					25,000	New Loan	
04120263	Drainage Strategy, survey, outlet sth hwy to Lilly lagoon	(15,000)				15,000		New Loan	
04120264	Drainage Strategy, survey / design, Area 'V', little BP	(30,000)				30,000		New Loan	
04120266	Replace culvert, Gully Road, Wyndham	(50,000)					50,000		
04120268	Repair drainage, Hibiscus Drive between Setosa / Gardenia	(30,000)					30,000		
		(675,000)	322,572			165,000	187,428		412,000
Purchase Infrastructure Assets - Other									
04100112	Kununurra Landfill Site - Fencing Upgrades	(45,000)			45,000			Wast Management reserve	20,000
04100115	Kununurra Landfill Site - Liquid Waste Facility	(440,000)			40,000	400,000		Proposed New Loan \$400,000/-	
04101012	Park Lighting Upgrades							Bastion Solar and other locations	
04110511	Wyndham Boat Ramp Pontoon Jetty	(20,000)					20,000	C/F - \$15,000/-	15,000
04110512	Celebrity Tree Boat Ramp - Planning	(13,641)	13,641					\$16000/- Recreational Boating Facility Grant - Received as a reimbursement	13,641
04111319	Wyndham Waste Water Treatment Facility	(45,000)			45,000			Non-portable water reserve	45,000
04111120	Wyndham - Non Potable Water to Reserves	(43,000)			43,000			Non-portable water reserve	43,000
04120237	Konkerberry Drive Carparks (x3)	(90,000)			90,000			C/F - Parking Reserve	90,000
04120280	Street Light Upgrades	(40,000)					40,000		
04120712	Carpark Upgrade - East Kimberley Regional Airport	(150,000)			150,000			C/F - Airport Reserve	150,000
04120728	Security Fence Upgrade - East Kimberley Regional Airport	(25,000)			25,000			C/F - Airport Reserve	13,000
04120730	Reseal Apron - East Kimberley Regional Airport	(100,000)			100,000			C/F - Airport Reserve	100,000
04120733	Pavement Engineering Consultant	(150,000)		75,000	75,000			RADS 50% funding \$75 000 Reserve \$75000	
04120734	Runway asphalt overlay	(2,850,000)		1,425,000	1,425,000			RADS 50% funding \$1425000 Reserve \$1425000	

General Ledger	Description	Budget 2013/14	Method of Funding					Revenue Description	Revenue GL	C/F from 2012/13
			C / F Grant	Grant 13/14	From Reserve	Other Fund	Net to Council			
04120735	Welcome to Country Signage	(80,000)			80,000			Funded in the EKDP and transferred to reserve	03017002	
04120736	Upgrade Maintenance Area	(200,000)			200,000			Airport Reserve	03017002	
04120737	KNX Airport Security Parking Area - Stage 1	(150,000)			150,000			Airport Reserve	03017002	
04120732	Waiting Area Eastern GA - East Kimberley Regional Airport	(45,000)			45,000			C/F - Airport Reserve	03017002	45,000
04120815	Car Park Repairs - Wyndham Airport	(20,000)			20,000			C/F - Airport Reserve	03017002	20,000
04120816	Runway Maintenance - Wyndham Airport	(30,000)			30,000			C/F - Airport Reserve	03017002	30,000
04120300	Erythrina St - reconstruct, seal pavement & footpath re-instate	(800,000)		533,333			266,667	Regional Road Group Grants	03120212	
04120317	Parking / Safety improvements Mangaloo St	(20,000)			20,000			Parking Reserve		
04111010	Multi Purpose Courts Redevelopment Kununurra	(14,000)			14,000			Recreational Hard court reserve - C/F	03111010	14,000
04100116	Kununurra Landfill Site - Stome water & bores	(60,000)				60,000		Proposed New Loan \$1,695,000/-		
04100117	Wyndham Landfill Site - bores	(20,000)				20,000		Proposed New Loan \$1,695,000/-		
04100120	Kununurra Landfill Site - Extend Landfill operating face	(45,000)				45,000		Proposed New Loan \$1,695,000/-		
04100121	Kununurra Landfill Site - Green Waste Hardstand	(40,000)				40,000		Proposed New Loan \$1,695,000/-		
04100123	Wyndham Landfill Site - Capping existing site	(52,000)				52,000		Proposed New Loan \$1,695,000/-		
04100125	Kununurra Landfill Site - New Landfill site identification	(145,000)				145,000		Proposed New Loan \$1,695,000/-		
04100118	Kununurra Landfill Site - New gate house	(65,000)				65,000		Proposed New Loan \$1,695,000/-		
04100119	Wyndham Landfill Site - New gate house	(70,000)				70,000		Proposed New Loan \$1,695,000/-		
04100122	Kununurra Landfill Site - Capping existing site	(450,000)				450,000		Proposed New Loan \$1,695,000/-		
04100124	Kununurra Landfill Site - Re-hab & de-commission liquid waste lagoon	(550,000)				550,000		Proposed New Loan \$1,695,000/-		
		(6,867,641)	13,641	2,033,333	2,597,000	1,897,000	326,667			598,641
Purchase Plant and Equipment										
04110817	Gymnasium Equipment - Recreation	(20,000)					20,000			
04120714	Airport Plant - Purchase Price	(203,472)			179,743	23,729		Airport Plant - Trade value		
04100126	Landfill Plant - Purchase Price	(274,403)			120,753	153,650		Landfill Plant - Trade value & waste management loan		
04140810	Heavy Plant - Purchase Price	(267,691)			75,000	41,485	151,206	Heavy Plant - Trade value, Plant reserve		
04140811	Medium Plant - Purchase Price	(79,517)				12,601	66,916	Medium Plant - Trade value		
04140812	Light Plant - Purchase Price	(262,805)				123,562	139,243	Light Plant - Trade value		
		(1,107,888)			375,496	355,027	377,365			
Purchase Furniture and Equipment										
04040216	20, Coolibah - Admin Building Furniture & Equipment	(5,000)					5,000			
04090112	Staff Housing - Furniture and Fitout	(20,000)					20,000			
04101211	Wyndham Youth Service - Setup	(29,550)	20,450				9,100	C/F - AGD		20,450

General Ledger	Description	Budget 2013/14	Method of Funding					Revenue Description	Revenue GL	C/F from 2012/13
			C / F Grant	Grant 13/14	From Reserve	Other Fund	Net to Council			
04120723	Furniture and Equipment - East Kimberley Regional Airport	(25,000)			25,000			Airport Reserve		
04070511	Trailer for Fogger - Preventative Services - Pest Control	(5,000)					5,000	C/F		5,000
04101210	Youth Centre Fitout	(40,000)					40,000	C/F		40,000
04140411	Archive Shelving - Records Management	(3,657)			3,657			C/F - Airport Reserve		3,657
04140610	Server and Network Upgrades - Information Technology	(60,000)					60,000			
04140611	Laptop and Desktop Upgrades - Information Technology	(58,556)					58,556			
04140614	GIS - Information Technology	(25,000)					25,000			
04140621	Telecommunications	(11,502)					11,502			
04140623	Implement replacement Public Web Site Content Management System	(10,000)					10,000			
04140624	Implement replacement Intranet Content Management System	(15,000)					15,000			
04140628	Upgrade inter-site Network Connectivity	(60,000)			50,000		10,000	Airport Reserve		
04140630	Communications System - Unified Presence and Outlook Integration Upgrade	(30,000)					30,000			
04140632	Infrastructure Dept. Landfill Software	(38,000)			25,000	13,000		Wast Management reserve + New Loan		
04140634	Helpdesk System	(8,000)					8,000			
04140636	Server Room Backup Software	(15,000)					15,000			
04140638	Peripheral Maintenance	(10,000)					10,000			
		(469,264)	20,450		103,657	13,000	332,158			69,107
	Grand Total	(14,285,457)	1,107,830	5,515,888	3,101,153	2,618,525	1,942,062			2,271,859

Fees and Charges

SHIRE OF WYNDHAM EAST KIMBERLEY
Adopted Budget - 2013-2014
Fees and Charges

Fees and Charges are set by Council as part of the budget setting process and may be amended from time to time.

These Fees and Charges can only be modified by a resolution of Council or under delegated authority by the Chief Executive Officer.

All requests for concessions on Fees and Charges must be in made in advance, in writing.

Requests should be addressed to the Chief Executive Officer.

Collection of Fees and Charges will be in accordance with Council Policy.

The prescribed rate of 11% per annum applies to overdue payment of these charges that are permitted to be invoiced as per Council Policy.

Statutory charges are charges that are set by another legislative body.

These have been published in this document for indicative reference only, and may change at any time without this document being amended.

SHIRE OF WYNDHAM EAST KIMBERLEY
Adopted Budget - 2013-2014
Fees and Charges

	COUNCIL CHARGE		STATUTORY CHARGE		LEGISLATIVE REFERENCE
	GST	Effective 01 July 2013	Effective 1 January 2014	Per regulation as at 01 July 2013	
GOVERNANCE AND GENERAL PURPOSE FUNDING					
Administrative Charges					
Change of Ownership Advices (via settlement agents) - Rating information - per lot	x	36.00			LGA 1995 Part 6 Division 5 Subdivision 2
Copy of Rate Notice - per copy (Hard/Electronic copy)	x	20.00			
Debtor special payment arrangement administrative charge (by prior approval only)	✓	33.00			LGA 1995 (6.16, 6.17, 6.18, 6.19)
Special Series Number Plates	x	286.00			
Retrieval and research fee for information / documentation (per hour - one hour minimum). <i>Note: freedom of information restrictions may apply (additional fees apply for copying)</i>	✓	57.00			LGA 1995 Part 6 Division 5 Subdivision 2
Photocopying / Printing					
A4 Black & white (single sided) per copy - multiply by two for a double sided copy.	✓	0.60			
A4 Colour (single sided) per copy - multiply by two for a double sided copy.	✓	3.00			
A3 Black & White (single sided) per copy - multiply by two for a double sided copy	✓	1.20			
A3 Colour (single sided) per copy - multiply by two for a double sided copy	✓	5.60			
A2 Black & White (single sided) per copy	✓	3.00			LGA 1995 (6.16, 6.17, 6.18, 6.19)
A2 Colour (single sided) per copy (printing electronic version only)	✓	11.00			
A1 Black & White (single sided) per copy	✓	5.50			
A1 Colour (single sided) per copy (printing electronic version only)	✓	22.50			
A0 Black & White (single sided) per copy	✓	12.50			
A0 Colour (single sided) per copy (printing electronic version only)	✓	45.00			
Agenda's / Minutes					
Note: these are available free of charge on Councils website and provided to Media at no cost. Hard copies will not be provided in colour.					
Agenda Only (per meeting)	x	22.50			
Minutes Only (per meeting)	x	22.50			
Minutes & Agenda (per meeting)	x	39.00			
Agenda Only (per annum)	x	195.00			LGA 1995 Part 6 Division 5 Subdivision 2
Minutes Only (per annum)	x	195.00			
Minutes & Agendas (per annum)	x	378.00			

SHIRE OF WYNDHAM EAST KIMBERLEY
Adopted Budget - 2013-2014
Fees and Charges

	COUNCIL CHARGE		STATUTORY CHARGE		LEGISLATIVE REFERENCE
	GST	Effective 01 July 2013	Effective 1 January 2014	Per regulation as at 01 July 2013	
GOVERNANCE AND GENERAL PURPOSE FUNDING (continued)					
Other Council Publications					
Rate Book					
Rate book will only be provided on completion of a statutory declaration that the information will not be used for commercial purposes by the purchaser or another person.					
Annual Rate Book (per Hard Copy) - at billing					
	x	348.00			LGA 1995 Part 6 Division 5 Subdivision 2
Annual Rate Book (per Electronic Copy) - at billing					
	x	14.50			
Rate Book Subscription Per Annum (Electronic Copy - amendments sent each update during year)					
	x	118.00			
Other					
Local Laws (per law) - note these can be downloaded at no cost from State Publisher website					
	✓	27.00			LGA 1995 Part 6 Division 5 Subdivision 2
Tender documents (where document charge is required in tender information)					
	✓	67.50			

LAW, ORDER, PUBLIC SAFETY

Animal Control						
Sterilised Dog Registration						
One Year						
Normal Fee	x	10.00				
Pensioner Concession	x	5.00				Dog Regulations 1976 Second Schedule
Working Dogs	x	2.50				
Three Years						
Normal Fee	x	18.00				
Pensioner Concession	x	9.00				Dog Regulations 1976 Second Schedule
Working Dogs	x	4.50				
Unsterilised Dog Registration						
One Year						
Normal Fee	x	30.00				
Pensioner Concession	x	15.00				Dog Regulations 1976 Second Schedule
Working Dogs	x	7.50				

SHIRE OF WYNDHAM EAST KIMBERLEY
Adopted Budget - 2013-2014
Fees and Charges

	COUNCIL CHARGE		STATUTORY CHARGE	LEGISLATIVE REFERENCE
	GST	Effective 01 July 2013 1 January 2014	Per regulation as at 01 July 2013	
LAW, ORDER, PUBLIC SAFETY (continued)				
Animal Control (continued)				
Unsterilised Dog Registration				
Three Years				
Normal Fee	x		75.00	
Pensioner Concession	x		37.50	Dog Regulations 1976 Second Schedule
Working Dogs	x		18.50	
Other Animal Control				
Replacement Dog Tags	✓	5.00		
Dog Seizure Fees. Note: this fee is payable in addition to Infringement Fees as per Dog Act 1976 and Dog Regulations 1976.	x	83.00		LGA 1995 (6.16, 6.17, 6.18, 6.19)
Dog pound charge - each day thereafter	x	21.00		
Destruction of dog. Note: impounded animals are destroyed after 72 hours of detention.	✓	73.00		
Abandoned Vehicles				
Abandoned Vehicle Infringement	x		100.00	Activities in Thoroughfares and Public Places and Trading Local Law 2003
Towing Abandoned Vehicle - In addition to Infringement	✓	Full cost recovery		
Poundage Charges, each day	x	15.50		LGA 1995 (6.16, 6.17, 6.18, 6.19)
Road Closure Approval for Public Events				
Not for Profit / Non Government user groups as defined under "Community and Recreation Facilities and Services"	x	83.00		LGA 1995 Part 6 Division 5 Subdivision 2
Commercial / Government / Private user groups as defined under "Community and Recreation Facilities and Services"	x	166.50		
Traffic Management Signage and Temporary Fencing				
Short term Hire of SWEK Traffic Management Signs (per sign / per week). Note: erection of Traffic Management Signage must be undertaken by qualified person(s) and is only available to approved public events	✓	5.50		
Erection of Traffic Management Signage by qualified Shire employees per hour	✓	143.50		
Short term hire of SWEK temporary fencing (per panel / per week). Note: only available to Not for Profit / Non Government User Groups as defined under "Community and Recreation Facilities and Services". Pick up and delivery is hirers responsibility.	✓	5.50		LGA 1995 Part 6 Division 5 Subdivision 2
Bond	x	520.00		

SHIRE OF WYNDHAM EAST KIMBERLEY
Adopted Budget - 2013-2014
Fees and Charges

	COUNCIL CHARGE		STATUTORY CHARGE	LEGISLATIVE REFERENCE
	Effective 01 July 2013	Effective 1 January 2014	Per regulation as at 01 July 2013	
BUILDING CONTROL				
Building License as per Building Regulations (0.35% of 10/11 Domestic and 0.2% of 10/11 Commercial building cost (GST inclusive) or minimum charge of \$85). <i>Note: applications made prior to 2/4/2012.</i>	x		Calculation	Building Regulations 1989 (part 6)
Building Permit Application Certified Class 1 -10 (0.19% of the estimated value of work - but not less than \$90)	x		Calculation (minimum fee \$90)	Building Regulations 2012 Schedule 2 - Fees (reg 11) Division 1 & Building Act 2011 (s. 16(1))
Building Permit Application Certified Class 1B, 2 -9 (0.09% of the estimated value of work - but not less than \$90)	x		Calculation (minimum fee \$90)	Building Regulations 2012 Schedule 2 - Fees (reg 11) Division 1 & Building Act 2011 (s. 16(1))
Building Permit Application Uncertified Class 1A & 10 (0.32% of the estimated value of work - but not less than \$90)	x		Calculation	Building Regulations 1989 (part 6)
Amended building License - 50% of full fee (minimum of \$20). <i>Note: applications made prior to 2/4/2012.</i>	x		Calculation	
Building approval Certificate Fee class 1 & 10, 0.7% of 10/11 of the estimated current value of the unauthorised building work as determined by the Local Gov., but not less than \$170. <i>Note: applications made prior to 2/4/2012.</i>	x		Calculation	
Building approval Certificate Fee for a building other than a class 1 & 10, 0.4% of 10/11 of the estimated current value of the unauthorised building work as determined by the Local Gov., but not less than \$170. <i>Note: applications made prior to 2/4/2012.</i>	x		Calculation	
Building Approval Certificate Application (for a building in respect of which unauthorised work has been carried out) (0.38% of the estimated value of work - but not less than \$90)	x		Calculation (minimum fee \$90)	Building Regulations 2012 Schedule 2 - Fees (reg 11) Division 1 & Building Act 2011 (s. 51(3))
Building Approval Certificate Application (for existing building where unauthorised work has not been carried out)	x		90.00	Building Regulations 2012 Schedule 2 - Fees (reg 11) Division 2 & Building Act 2011 (s. 52(2))
Application for Hoarding , Road Closure & Permit to excavate/deposit materials on street. (\$1.00 per metre square per month)	x		Calculation	Building Regulations 2012 Part 9 Division 3 (r 64 (4))
Demolition - per storey. <i>Note: applications made prior to 2/4/2012.</i>	x		Calculation	Building Regulations 1989 (part 6)
Demolition Permit Application - Class 1 - 10	x		90.00	Building Regulations 2012 Schedule 2 - Fees (reg 11) Division 1 & Building Act 2011 (s. 16(1))
Demolition Permit Application - Class 2 - 9 (\$90 for each storey of the building)	x		Calculation	
Application Extension of Time (Building or Demolition Permit)	x		90.00	Building Regulations 2012 Schedule 2 - Fees (reg 11) Division 1 & Building Act 2011 (s. 32(3)(f))

SHIRE OF WYNDHAM EAST KIMBERLEY
Adopted Budget - 2013-2014
Fees and Charges

	COUNCIL CHARGE		STATUTORY CHARGE	LEGISLATIVE REFERENCE
	Effective 01 July 2013	Effective 1 January 2014	Per regulation as at 01 July 2013	
BUILDING CONTROL (continued)				
Application for Occupancy Permit (completed building)	x		90.00	Building Regulations 2012 Schedule 2 - Fees (reg 11) Division 2 & Building Act 2011 (s. 46)
Application for Temporary Occupancy Permit (incomplete building)	x		90.00	Building Regulations 2012 Schedule 2 - Fees (reg 11) Division 2 & Building Act 2011 (s. 47)
Application for Modification of Occupancy Permit (additional use of building on a temporary basis)	x		90.00	Building Regulations 2012 Schedule 2 - Fees (reg 11) Division 2 & Building Act 2011 (s. 48)
Application for Replacement Occupancy Permit (permanent change of use/classification)	x		90.00	Building Regulations 2012 Schedule 2 - Fees (reg 11) Division 2 & Building Act 2011 (s. 49)
Application for Occupancy Permit or Building Approval Certificate (for registration of strata scheme, plan of re-subdivision) (\$10.00 for each strata unit, but not less than \$100)	x		Calculation (minimum fee \$100)	Building Regulations 2012 Schedule 2 - Fees (reg 11) Division 2 & Building Act 2011 (s. 50(1) and (2))
Application for Occupancy Permit (for building in respect of which unauthorised work has been done) (0.18% of estimated value of unauthorised work but not less than \$90.00)	x		Calculation (minimum fee \$90)	Building Regulations 2012 Schedule 2 - Fees (reg 11) Division 2 & Building Act 2011 (s. 51 (2))
Application to Replace Occupancy Permit (for an existing building)	x		90.00	Building Regulations 2012 Schedule 2 - Fees (reg 11) Division 2 & Building Act 2011 (s. 52 (1))
Application to extend the time during which an Occupancy Permit or Building Approval Certificate has effect.	x		90.00	Building Regulations 2012 Schedule 2 - Fees (reg 11) Division 2 & Building Act 2011 (s. 65 (3)(a))
Annual Swimming Pool Fee - \$55 every 4 years (charged pro-rata)	x		13.75 per annum	Building Regulations 1989 Part 10 Regulation 38F Building Regulations 2012 Part 8 Division 2 (r 53 (2))
Application for Approval of Battery Operated Smoke Alarm	x		170.00	Building Regulations 2012 Part 8 Division 3 (r 61 (3)(b))

SHIRE OF WYNDHAM EAST KIMBERLEY
Adopted Budget - 2013-2014
Fees and Charges

COUNCIL CHARGE		STATUTORY CHARGE		LEGISLATIVE REFERENCE
Effective 01 July 2013	Effective 1 January 2014	Per regulation as at 01 July 2013		
GST				
BUILDING CONTROL (continued)				
Application for Variation/Modification of Building Standards in which declaration is sought from Building Commissioner	x		2,000 per standard variation	Building Regulations 2012 Part 9 Division 3 (r 64 (4))
Inspection Fees (for third party requests)	✓	230.00		LGA 1995 section 6.16.
Builder registration board levy. Note: applications made prior to 2/4/2012.	x		40.50	Set by Builders Registration Board.
Building Services Levy for Building Permit (Minimum \$40.50 and 0.09% of work value exceeding \$45,000)	x		Calculation (minimum fee \$40.50)	
Building Services Levy for Demolition Permit (Minimum \$40.50 and 0.09% of work value exceeding \$45,000)	x			
Building Services Levy for Occupancy Permit (Minimum)	x		40.50	Set by Building (Services) Act 2011 and Building Services Commission
Building Services Levy for Building Approval Certificate (Minimum)	x		40.50	
Building Services Levy for Unauthorised Building Work (Minimum \$91.00 and 0.18% of work value exceeding \$45,000)	x		Calculation (minimum fee \$91.00)	
Construction Industry Training Fund (0.2% of construction value over \$20,000.)	x		Calculation	Set by Construction and Training Industry group.
Retrieval and research fee for building information / documentation (per hour - one hour minimum). Note: freedom of information restrictions may apply (additional fees apply for copying)	✓	57.00		
Change of Ownership Advices (via settlement agents) - Building - per lot	x	73.00		LGA 1995 Part 6 Division 5 Subdivision 2
Signage Approvals				
Standard Signs				
Pylon Sign	✓	32.00		
Illuminated Sign	✓	27.00		LGA 1995 Pt 6 Division 5 Subdivision 2; Local Planning Policy
Hoardings per annum	✓	54.00		
Portable sign	✓	27.00		
Development sign	✓	27.00		LGA 1995 Pt 6 Division 5 Subdivision 2; Local Planning Policy
Any other sign	✓	16.00		

SHIRE OF WYNDHAM EAST KIMBERLEY
Adopted Budget - 2013-2014
Fees and Charges

	COUNCIL CHARGE		STATUTORY CHARGE	LEGISLATIVE REFERENCE
	Effective 01 July 2013	Effective 1 January 2014	Per regulation as at 01 July 2013	
GST				
BUILDING CONTROL (continued)				
Signage Approvals (continued)				
Non Standard Signs				
Pylon Sign	✓	65.00		LGA 1995 Pt 6 Division 5 Subdivision 2; Local Planning Policy
Illuminated Sign	✓	54.00		
Hoardings per annum	✓	108.00		
Portable sign	✓	54.00		
Development sign	✓	54.00		
Any other sign	✓	27.00		LGA 1995 Pt 6 Division 5 Subdivision 2; Local Planning Policy
Instructional Sign	✓	16.00		
Confiscated sign	✓	27.00		
Supply of Generic Engineering Footing Specification Detail (per set)				
Sea Containers	✓	54.00		LGA 1995 Part 6 Division 5 Subdivision 2
Shade Sails	✓	54.00		
Deposit to Repair Damage to Footpath, Kerb, Road or Road Reserve				
(Footpath and kerb bond)				
Single Residential Block, having one street boundary	x	520.00		LGA 1995 Part 6 Division 5 Subdivision 2
Single Residential Block, having two street boundaries	x	624.00		
Duplex Block, having one street boundary	x	624.00		
Duplex Block, having two street boundaries	x	728.00		
Multi Residential Block, up to maximum	x	1,092.00		
Services Trades and Commercial, up to maximum	x	1,664.00		
ECONOMIC SERVICES				
Water Supply/Reticulation Charges				
Water supply/retic charges, per kilolitre	x	0.70		LGA 1995 (6.16, 6.17, 6.18, 6.19)

SHIRE OF WYNDHAM EAST KIMBERLEY
Adopted Budget - 2013-2014
Fees and Charges

HEALTH					
Caravan Parks					
	GST	COUNCIL CHARGE Effective 01 July 2013	CHARGE Effective 1 January 2014	STATUTORY CHARGE Per regulation as at 01 July 2013	LEGISLATIVE REFERENCE
Registration Per Camp Site / annum	x			3.00	Caravan Parks and Camping Ground Regulations 1997
Registration Per Short Stay Site / annum	x			6.00	
Registration Per Long Stay Site / annum	x			6.00	
Registration Per Overflow Site / annum	x			1.50	
** Note: a \$200 minimum overall fees / annum applies to above. **					
Additional fee for renewal after expiry	x			20.00	
Transfer of Caravan Park Licence	x			100.00	
Food Business					
Food Registration and Notification					
Temporary Food Stall Application	x		No Cost	50.00	Food Act 2008 s107; LGA 1995 Part 6 Div 5 Subdiv 2.
Temporary Food Stall Application - Not for Profit / Non Government User Groups as defined under "Community and Recreation Facilities and Services"					Food Act 2008 s107; LGA 1995 Part 6 Div 5 Subdiv 2.; Food Regulations 2009 r.10
Registration Application	x			50.00	Food Act 2008 s107; LGA 1995 Part 6 Div 5 Subdiv 2.
Assessment of Food Business					
(Assessment fees below are in addition to the Registration Application fee above)					
High Risk	x		250.00		Food Act 2008 s110 4(B); LGA 1995 Part 6 Div 5 Subdiv 2.
Medium Risk	x		125.00		
Low Risk	x		62.40		
Food Business Annual Surveillance Charge					
High Risk	x		400.00		Food Act 2008 s140 (1) ; LGA 1995 Part 6 Div 5 Subdiv 2
Medium Risk	x		266.00		
Low Risk	x		133.00		

SHIRE OF WYNDHAM EAST KIMBERLEY
Adopted Budget - 2013-2014
Fees and Charges

	COUNCIL CHARGE		STATUTORY CHARGE	LEGISLATIVE REFERENCE
	Effective 01 July 2013	Effective 1 January 2014	Per regulation as at 01 July 2013	
HEALTH (continued)				
Infringements				
Offences under the Food Act 2008	x		As prescribed	Food Act 2008
Offences under the Food Regulations 2009	x		As prescribed	Food Regulations 2009
Offences under the Environmental Protection Act 1986	x		As prescribed	Environmental Protection Act 1986
Offences under the Environmental Protection (Noise) Regulations 1997	x		As prescribed	Environmental Protection (Noise) Regulations 1997
Offences under the Environmental Protection (Unauthorised Discharges) Regulations 2004	x		As prescribed	Environmental Protection (Unauthorised Discharges) Regulations 2004
Effluent Disposal				
On-site effluent disposal applications (includes local government application fee \$113 and permit to use apparatus fee \$113)	x		226.00	Determined by WA Department of Health.
Health Department Application Fee (Local Government report)	x		35.00	
Swimming Pool Sampling				
Pool Sample Fee	✓	75.00		LGA 1995 section 6.16.
Re-sample of pool following failure of monthly sample	✓	166.00		
Application for a Public Event				
Low Risk building or event		No Cost		Health Act 1911 Sec 176, Health (Public Building) Regulations 1992 schedule 1
Medium Risk building or event	✓	112.00		
High Risk building or event	✓	222.00		
Other Health Fees and Charges				
Lodging House Registration per annum	x	205.00		Health Act 1911 section 158; Sec 8.1.4 of SWEK Health Local Law; 344C of the Health Act 1911.
Inspection Fee (Settlement request, certificate of local government under Liquor Control Act 1988)	✓	215.00		LGA 1995 Part 6 Division 5 Subdivision 2
Offensive Trade Registration	x		As prescribed	Offensive Trade (Fees) Regulations 1976
Retrieval and research fee for health information / documentation (per hour - one hour minimum). Note:freedom of information restrictions may apply (additional fees apply for copying)	✓	57.00		LGA 1995 Part 6 Division 5 Subdivision 2

SHIRE OF WYNDHAM EAST KIMBERLEY

Adopted Budget - 2013-2014

Fees and Charges

COUNCIL CHARGE		STATUTORY CHARGE		LEGISLATIVE REFERENCE
Effective 01 July 2013	Effective 1 January 2014	Effective Per regulation as at 01 July 2013		
GST				
TOWN PLANNING AND REGIONAL DEVELOPMENT				
Determination of Applications				
Development Application (other than for an extractive industry) where the development has not commenced or been carried out and the estimated cost of the development (Ex GST) is:				
A) not more than \$50 000	x		147.00	
B) more than \$50 000 but not more than \$500 000	x	0.32% of the estimated cost of development		Planning and Development Act 2005, Town Planning Regulations 2009 Reg47 Schedule 2.
C) more than \$500 000 but not more than \$2.5 million	x	\$1,600 + 0.257% for every \$1 in excess of \$500 000		
D) more than \$2.5 million but not more than \$5 million	x	\$6,740 + 0.206% for every \$1 in excess of \$2.5 million		
E) more than \$5 million but not more than \$21.5 million	x	\$11,890 + 0.123% for every \$1 in excess of \$5 million		
F) more than \$21.5 million	x		34,196.00	Planning and Development Act 2005, Town Planning Regulations 2009 Reg47 Schedule 2.
Extractive Industry Application - where the development has not commenced or been carried out	x		739.00	
Change of Use and Non Conforming Use Application Only	x		295.00	
Retrospective Applications for Development / Land use - Non Conforming Use / Extractive Industry - To discourage unlawful development	x	3 x cost of application fee as per above categories		
Public Event Approval				
Low Risk building or event		No cost		Planning and Development Act 2005, Town Planning Regulations 2009 Reg47 Schedule 2.
Medium Risk building or event	x	70.00		
High Risk building or event	x	139.00		
Home Occupation				
Initial Application	x		222.00	
Annual Renewal	x		73.00	Planning and Development Act 2005, Town Planning Regulations 2009 Reg47 Schedule 2.
Penalty for conducting Home Occupation without Planning Consent, or for conducting a Home Occupation after expiration of annual renewal	x	3 x Home Occupation Application or Renewal		

SHIRE OF WYNDHAM EAST KIMBERLEY
Adopted Budget - 2013-2014
Fees and Charges

TOWN PLANNING AND REGIONAL DEVELOPMENT (continued)				
Scheme Amendment and Structure Plans				
Note: Fees are calculated per officer per hour.				
Initial application fee				
Assessment fees will then be calculated on the following basis - per hour per officer:				
Director / City / Shire Planner \$83.00 per hour				
Manager / Senior Planner \$63.00 per hour				
Planning Officer \$34.70 per hour				
Other staff eg: Environmental Health Officer \$34.70 per hour				
Secretary / Administration Clerk \$28.40 per hour				
Fees will be calculated when works completed as per above. A refund or further charge will then apply for any costs outside the initial application fee.				
Advertising	✓	Full cost recovery		
Strata Plan, Re-subdivision or Consolidation of Lots Applications (per lot)				
A) Not more than 5 lots				
Base assessment fee; plus	x		637.00	
Assessment fee per lot	x		64.00	
B) More than 5 lots (up to and including 100 lots)				
Base assessment fee; plus	x		957.00	
Assessment fee per lot	x		42.40	
C) More than 100 lots (capped)	x		4,985.00	
Subdivision / Strata Clearance (per lot)				
Not more than 5 lots (per lot)	x		73.00	
More than 5 lots but not more than 195 lots - first 5 lots as per fee above, Lots 6 - 195 (per lot)	x		73.00	
More than 195 lots	x		7,393.00	
Strata Form 7 Clearance Certificate under section 5B(2), 8A(f) or 9(3) of the Strata Titles Act	x		0.20 per sqm of floor area (with a minimum fee of \$100)	Strata Titles General Regulations 1996, Schedule 1 (2).

SHIRE OF WYNDHAM EAST KIMBERLEY

Adopted Budget - 2013-2014

Fees and Charges

	COUNCIL CHARGE		STATUTORY CHARGE	LEGISLATIVE REFERENCE
	GST	Effective 01 July 2013	Effective 1 January 2014	
TOWN PLANNING AND REGIONAL DEVELOPMENT (continued)				
Other Planning Fees				
Property Settlement Questionnaire	✓		73.00	Planning and Development Act 2005, Town Planning Regulations
Zoning Certificate	x		73.00	Planning and Development Act 2005, Town Planning Regulations
Written Zoning Enquiries	✓		73.00	
Retrieval and research fee for planning information / documentation (per hour - one hour minimum). Note-freedom of information restrictions may apply (additional fees apply for copying)	✓	57.00		LGA 1995 Part 6 Division 5 Subdivision 2
Section 40 Liquor License Certificate	x	105.00		
Temporary Trading Permit in a Public Place (per day) - Non Food	x	50.00		LGA 1995 Part 6 Division 5 Subdivision 2
Permanent Road Closure Application (Temporary road closures for events are not included in this fee category, please refer to Public Events)	x	260.00		

SANITATION

Refuse / Waste

Waste Management and Collection Charges (where applicable)

Waste Management Charge (per annum)	x	200.00			Waste Avoidance and Resource Recovery Act 2007 Part 6 Div 3 (66)
Waste Receptacle Charge - once weekly service (per receptacle per annum)	x	264.00			Waste Avoidance and Resource Recovery Act 2007 Part 6 Div 3 (67)
Additional Waste Receptacle Charge (per receptacle per service per annum) (GST applied)	x	464.00			
Replacement of Bin (per bin at cost) (GST applied)	x	Full cost recovery			Waste Avoidance and Resource Recovery Act 2007 Part 6 Div 3 (68), LGA 1995 (6.16)
Repairs to Bin (per repair at cost)	x	Full cost recovery			

Disposal Charges

Domestic Waste Disposal Fee - per m3	✓	No Cost	38.50 - Effective from 1 October 2013		Waste Avoidance and Resource Recovery Act 2007 Part 6 Div 3 (68), LGA 1995 (6.16)
Commercial Waste Disposal Fee - per m3 (not green waste)	✓	15.50	38.50 - Effective from 1 October 2013		
Commercial Waste Disposal Fee - per m3 - Green Waste	✓	23.10			

SHIRE OF WYNDHAM EAST KIMBERLEY
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Fees and Charges

	COUNCIL CHARGE		STATUTORY CHARGE	LEGISLATIVE REFERENCE
	Effective 01 July 2013	Effective 1 January 2014	Per regulation as at 01 July 2013	
SANITATION (continued)				
Refuse / Waste (continued)				
Disposal Charges (continued)				
Liquid Waste (per 1000 ltrs)	✓	132.00	165.00 - effective from 1 October 2013	
Medical Waste - per m3	✓	125.40		
Compact Waste - per m3	✓	38.50		
Disposal Fee for Asbestos Disposal, per cubic metre	✓	128.70		
Waste Oil - per litre	✓	0.77		
Disposal of Waste Oil Drums (44 gallon drums & over)	✓	5.50		
Car Bodies	No cost			
Car Tyres	✓	7.70	Waste Avoidance and Resource Recovery Act 2007 Part 6 Div 3 (68), LGA 1995 (6.16)	
4WD Tyres	✓	9.90		
Truck Tyres	✓	26.40		
Earthmoving Tyres	✓	74.80		
Pallets (per pallet)	✓	6.60		
Contaminated soil - hydrocarbons (CSH) - per m3	✓	170.50		
Contaminated soil - others (CSO) - per m3	No Longer Accepted			
Clean Fill - Uncontaminated	No cost			
Other Sanitation Charges				
Sale of mulch (standard 1.8m x 1.2m trailer) - per load	✓	22.00		
Ground compost bin (whilst stock lasts)	✓	41.80	LGA 1995 (6.16, 6.17, 6.18, 6.19)	
Tumbler compost bin (whilst stock lasts)	✓	145.20		
Littering Infractions (as per Litter Regulations 1981)				
Littering - Cigarette Butt	x		75.00	
Littering - Any Other	x		200.00	
Breaking Glass, metal or earthenware	x		200.00	
			Litter Regulations 1981 Schedule 1	

SHIRE OF WYNDHAM EAST KIMBERLEY
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	COUNCIL CHARGE			STATUTORY CHARGE	LEGISLATIVE REFERENCE
	Effective 01 July 2013	Effective 1 January 2014	GST	Per regulation as at 01 July 2013	
SANITATION (continued)					
Littering Infringements (as per Litter Regulations 1981) (continued)					
Bill Posting			x		200.00
Bill Posting on a vehicle			x		200.00
Depositing domestic or commercial waste in a public litter receptacle			x		200.00
Transporting Load inadequately secured			x		200.00
CEMETERIES					
Public Cemeteries					
1. On application for an order for burial the following fees shall be payable:					
(a) For sinking grave 1.83 m deep (Adult)	✓	1,155.00			
(b) For sinking grave 1.83 m deep (Child under 10 years)	✓	915.00			
(c) For sinking grave 1.4 m deep (Stillborn child)	✓	610.00			
(d) Surcharge for weekend interments	✓	880.00			
2. For sinking grave deeper than normal depth (per metre or part thereof)	✓	245.00			
Re-opening of an Ordinary grave - as for interment	✓	1,155.00			
Interment in a new grave after exhumation	✓	490.00			
3. (a) Undertakers Annual License Fee	x	300.00			
3. (b) Undertakers Ad Hoc licence fee	x	75.00			
4. (a) Permission to erect headstone or to enclose any grave with a slab	x	31.00			
(b) Registration of Right of Burial (25 years)	x	155.00			
(c) Copy of Right of Burial	x	33.00			
Roadside Memorial					
Installation of Roadside Memorial (Refer Policy CP/INP-3600)	✓	290.00			
					Cemeteries Act 1986, part VII, s53

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	COUNCIL CHARGE		STATUTORY CHARGE	LEGISLATIVE REFERENCE
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AERODROMES				
Airport private works				
Slashing per hour (includes tractor, slasher & labour)	✓	270.50		LGA 1995 Part 6 Division 5 Subdivision 2
Weed control per hour (includes truck, labour & poison)	✓	239.00		
Towing (airside) per hour (includes truck & labour)	✓	187.00		
Aircraft Landing Fees				
[MTOW = Maximum take off weight]				
Fixed Wing Aircraft (per landing)				
8,999kg (MTOW)per tonne and part thereof	✓	20.00	21.00	LGA 1995 Part 6 Division 5 Subdivision 2
9,000 tonnes (MTOW) and over, per tonne and part thereof	✓	25.00	26.00	
Rotary Wing Aircraft (per landing)				
2,499 tonnes (MTOW), per tonne and part thereof	✓	20.00	21.00	LGA 1995 Part 6 Division 5 Subdivision 2
2,500 tonne (MTOW) and over per tonne and part thereof	✓	25.00	26.00	
Passenger Service Fees				
Passenger handling fee	✓	18.50	19.25	LGA 1995 Part 6 Division 5 Subdivision 2
Passenger Screening fee	✓	18.50	19.25	
Aircraft Parking Fees				
Aircraft Parking Fees (per night,landing Fees NOT Included)	✓	22.00		LGA 1995 Part 6 Division 5 Subdivision 2
Call Out Fees				
Kununurra Airport, after hours, per hour	✓	114.50		LGA 1995 Part 6 Division 5 Subdivision 2
Wyndham Airport, after hours, per hour	✓	114.50		
Terminal Usage Fee				
Fee is calculated on number of seats in aircraft (per seat)	✓	19.00		LGA 1995 Part 6 Division 5 Subdivision 2
Kununurra Terminal Key Fee (per annum)	✓	119.50		
Kununurra Terminal Security Access Card Bond	x	104.00		

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	COUNCIL CHARGE		STATUTORY CHARGE	LEGISLATIVE REFERENCE
	Effective 01 July 2013	Effective 1 January 2014	Per regulation as at 01 July 2013	
GST				
LIBRARY SERVICES				
Photocopying/Printing/Faxing/Internet				
A4 Black & White (single sided) per copy - multiply by two for a double sided copy	✓	0.20		Public Library Services Framework Agreement 2010
A4 Colour (single sided) per copy - multiply by two for a double sided copy	✓	1.00		
A3 Black & White (single sided) per copy - multiply by two for double sided copy	✓	0.50		
A3 Colour (single sided) per copy - multiply by two for double sided copy	✓	2.10		
Faxing	✓	\$4 for first page then \$1		
Internet Use for Research and Education purposes		No cost		
Internet - 30 minute usage	✓	4.00		
Other Library Services				
Lost & Damaged books/items Admin fee (plus depreciated replacement cost)	✓	5.20		Public Library Services Framework Agreement 2010

WYNDHAM CHILDCARE

Childcare Full Week				
Babies (0-2yrs) per child	x	385.00		LGA 1995 (6.16, 6.17, 6.18, 6.19)
Toddies (2-3yrs) per child	x	358.00		
Big Kids (3+yrs) per child	x	350.00		
Childcare Full Day				
Babies (0-2yrs) per child	x	88.00		LGA 1995 (6.16, 6.17, 6.18, 6.19)
Toddies (2-3yrs) per child	x	83.00		
Big Kids (3+yrs) per child	x	81.00		
Childcare Half Day				
Babies (0-2yrs) per child	x	55.00		LGA 1995 (6.16, 6.17, 6.18, 6.19)
Toddies (2-3yrs) per child	x	53.00		
Big Kids (3+yrs) per child	x	53.00		

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LEGISLATIVE REFERENCE	COUNCIL CHARGE		STATUTORY CHARGE	
	Effective 01 July 2013	Effective 1 January 2014	Effective Per regulation as at 01 July 2013	
	GST			

COMMUNITY AND RECREATION FACILITIES AND SERVICES

Notes:

- A minimum of 30% discount applies for not for profit groups / non government groups and youth service providers.
- Rates are calculated from when the group begins to set up, to the time they finish cleaning up.
- Consecutive hiring days discounts apply (ie: 10% second day, 20% third day, 25% per day thereafter (with the exception of Category 2 Equipment).
- Conditions of use apply to all Council facilities and equipment.

Definitions:

Not for profit/non government user groups

- 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
- Group is registered as not for profit with the Australian Taxation Office; or
- Incorporated sporting groups or community service organisations (as defined by their constitution).

Commercial / government / private user groups

- 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.

Hall only

- Any activity that takes place that does not require the use of equipment other than the items stated on the hire terms and conditions form, or where this equipment is provided by the hirer.

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.

Including equipment

- Any activity that requires the use of equipment / items other than those listed in the hall hire terms and conditions. Specifically chairs and tables.

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	COUNCIL CHARGE		STATUTORY CHARGE		LEGISLATIVE REFERENCE
	GST	Effective 01 July 2013	Effective 1 January 2014	Per regulation as at 01 July 2013	
COMMUNITY AND RECREATION FACILITIES AND SERVICES (continued)					
Hire Bonds					
Note: Bonds apply to ALL facility and equipment hire.					
Bond - High Risk (as defined by policy)	x	1,000.00			
Bond - Medium Risk (as defined by policy)	x	500.00			
Bond - Low Risk (as defined by policy)	x	250.00			
Bond - Category 1 Equipment Hire (where not provided in function/facility hire) (as defined by policy)	x	100.00			LGA 1995 (6.16, 6.17, 6.18, 6.19)
Bond - Category 2 Equipment Hire	x	500.00			
Bond - Key Hire Seasonal (Sporting clubs rooms)	x	150.00			
Bond - Key Hire (short term / casual use)	x	20.00			
Facility Hire					
Recreation Services Staffing Fee (per staff member per hour)	✓	83.00			LGA 1995 (6.16, 6.17, 6.18, 6.19)
Non Sporting Activity Facility Hire					
Kununurra Leisure Centre Hall - Hall only:					
1) Not for Profit / Non Government & Youth Service Providers - per hour	✓	36.00			LGA 1995 (6.16, 6.17, 6.18, 6.19)
2) Commercial / Government / Private - per hour	✓	55.00			
Kununurra Leisure Centre Hall - Including Equipment:					
1) Not for Profit / Non Government & Youth Service Providers - per hour	✓	50.00			LGA 1995 (6.16, 6.17, 6.18, 6.19)
2) Commercial / Government / Private - per hour	✓	75.00			
Kununurra Leisure Centre Kitchen:					
1) Not for Profit / Non Government & Youth Service Providers - per hour	✓	23.00			LGA 1995 (6.16, 6.17, 6.18, 6.19)
2) Commercial / Government/Private - per hour	✓	35.00			
Kununurra Leisure Centre Stage:					
1) Not for Profit / Non Government & Youth Service Providers - per hour	✓	12.00			
2) Not for Profit / Non Government & Youth Service Providers - per day	✓	55.00			LGA 1995 (6.16, 6.17, 6.18, 6.19)
3) Commercial / Government / Private - per hour	✓	22.00			
3) Commercial / Government / Private - per day	✓	108.00			

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	COUNCIL CHARGE		STATUTORY CHARGE	LEGISLATIVE REFERENCE
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COMMUNITY AND RECREATION FACILITIES AND SERVICES (continued)				
Facility Hire (continued)				
Non Sporting Activity Facility Hire (continued)				
Peter Reid Memorial Hall - Hall Only:				
1) Not for Profit / Non Government & Youth Service Providers - per hour	✓	36.00		LGA 1995 (6.16, 6.17, 6.18, 6.19)
2) Commercial / Government / Private - per hour	✓	54.00		
Peter Reid Memorial Hall - Including Equipment:				
1) Not for Profit / Non Government & Youth Service Providers - per hour	✓	50.00		
2) Commercial / Government / Private - per hour	✓	70.00		
1) Not for Profit/Non Government & Youth Service Providers - per day	✓	100.00		LGA 1995 (6.16, 6.17, 6.18, 6.19)
2) Commercial/Government/Private - per day	✓	200.00		
Kununurra Youth Centre - Activity Building including Kitchen:				
1) Not for Profit / Non Government & Youth Service Providers - per hour	✓	20.00		
2) Commercial / Government / Private - per hour	✓	26.00		
1) Not for Profit / Non Government & Youth Service Providers - per day	✓	50.00		LGA 1995 (6.16, 6.17, 6.18, 6.19)
2) Commercial / Government / Private - per day	✓	200.00		
Kununurra Youth Centre - Desk Space:				
1) Not for Profit / Non Government & Youth Service Providers - per week	✓	250.00		LGA 1995 (6.16, 6.17, 6.18, 6.19)
Kununurra Youth Centre - Half Activity Building including Kitchen:				
1) Not for Profit / Non Government & Youth Service Providers - per hour	✓	15.00		
2) Commercial / Government / Private - per hour	✓	35.00		LGA 1995 (6.16, 6.17, 6.18, 6.19)
Kununurra Youth Centre - Kitchen only:				
1) Not for Profit / Non Government & Youth Service Providers - per hour	✓	15.00		
2) Commercial / Government / Private - per hour	✓	35.00		LGA 1995 (6.16, 6.17, 6.18, 6.19)
Meeting Rooms				
Peter Reid Memorial Hall - meeting room:				
1) Not for Profit / Non Government & Youth Service Providers - per hour	✓	24.00		
2) Commercial / Government / Private - per hour	✓	35.00		LGA 1995 (6.16, 6.17, 6.18, 6.19)

SHIRE OF WYNDHAM EAST KIMBERLEY

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	COUNCIL CHARGE		STATUTORY CHARGE	LEGISLATIVE REFERENCE
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COMMUNITY AND RECREATION FACILITIES AND SERVICES (continued)				
Facility Hire (continued)				
Non Sporting Activity Facility Hire (continued)				
Kununurra Youth Centre - meeting room:				
1) Not for Profit / Non Government & Youth Service Providers - per hour	✓	15.00		LGA 1995 (6.16, 6.17, 6.18, 6.19)
2) Commercial / Government / Private - per hour	✓	33.00		
Wyndham Council Office - meeting room (includes digital projector & screen):				
1) Not for Profit / Non Government & Youth Service Providers - per day. Note: fee is reduced by 50% for half day hire.	✓	190.00		LGA 1995 (6.16, 6.17, 6.18, 6.19)
2) Commercial / Government / Private per day. Note: fee is reduced by 50% for half day hire.	✓	275.00		
Sporting Activity Facility Hire				
Kununurra Leisure Centre Hall:				
1) Not for Profit / Non Government & Youth Service Providers - per hour	✓	36.00		
2) Commercial / Government / Private - per hour	✓	51.50		LGA 1995 (6.16, 6.17, 6.18, 6.19)
3) School sporting activities per hour	✓	36.00		
Kununurra Leisure Centre Squash and Badminton:				
1) Viewing Area - Not for Profit / Non Government & Youth Service Providers - per hour	✓	28.00		
2) Viewing Area - Commercial / Government/Private - per hour	✓	43.00		
Squash - 1 hour (per person, per court)	✓	9.00		LGA 1995 (6.16, 6.17, 6.18, 6.19)
Squash - 1/2 hour (per person, per court)	✓	6.00		
Squash Courts + Viewing Area per hour	✓	43.00		
Badminton Court (per court, per hour)	✓	13.00		
Wyndham Recreation Centre Undercover Courts:				
1) Not for Profit / Non Government & Youth Service Providers - per hour	✓	10.00		LGA 1995 (6.16, 6.17, 6.18, 6.19)
2) Commercial / Government / Private - per hour	✓	31.00		
Wyndham Recreation Centre Enclosed Area:				
1) Not for Profit / Non Government & Youth Service Providers - per hour	✓	10.00		LGA 1995 (6.16, 6.17, 6.18, 6.19)
2) Commercial / Government / Private - per hour	✓	16.00		

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COMMUNITY AND RECREATION FACILITIES AND SERVICES (continued)				
Facility Hire (continued)				
Sporting Activity Facility Hire (continued)				
Swimming Pool Facility Hire				
Day Rate (includes qualified Pool Operator) - per hour	✓	66.00		LGA 1995 (6.16, 6.17, 6.18, 6.19)
Night Rate (includes qualified Pool Operator and lights) - per hour	✓	96.00		
Swimming Clubs Night Rate - per hour	✓	81.00		
Ovals (Includes Wyndham, Kununurra and Ag Society Oval).				
Note: Includes access to power. If lighting required refer additional fees below.				
Oval (Not for Profit / Non Government & Youth Service Providers) - per hour	✓	27.00		LGA 1995 (6.16, 6.17, 6.18, 6.19)
Oval (Commercial / Government/Private) - per hour	✓	40.00		
Oval (Not for Profit / Non Government & Youth Service Providers) - per day	✓	130.00		
Oval (Commercial / Government / Private) - per day	✓	315.00		
Ovals (Includes Wyndham, Kununurra and Ag Society Oval).				
Oval Surrounds (Not for Profit / Non Government & Youth Service Providers) - per day	✓	130.00		LGA 1995 (6.16, 6.17, 6.18, 6.19)
Oval Surrounds (Commercial / Government / Private) - per day	✓	270.00		
Oval Lights				
Kununurra Oval (Not for Profit / Non Government & Youth Service Providers) - per pole, per hour	✓	13.50		LGA 1995 (6.16, 6.17, 6.18, 6.19)
Kununurra Oval (Commercial / Government / Private) - per pole, per hour	✓	22.00		
Kununurra Cricket Net Lights - per hour	✓	13.50		

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COMMUNITY AND RECREATION FACILITIES AND SERVICES (continued)				
Facility Hire (continued)				
Sporting Activity Facility Hire (continued)				
Oval Lights (continued)				
Kununurra Agricultural Society Oval 50 Lux (Not for Profit/Non Government/Youth Service Providers) - per half oval, per hour	✓	15.00		
Kununurra Agricultural Society Oval 50 Lux (Commercial/Government/Private) - half oval, per hour	✓	30.00		
Kununurra Agricultural Society Oval 100 Lux (Not for Profit/Non Government/Youth Service Providers) - per half oval, per hour	✓	18.00		
Kununurra Agricultural Society Oval 100 Lux (Commercial/Government/Private) - half oval, per hour	✓	35.00		LGA 1995 (6.16, 6.17, 6.18, 6.19)
Kununurra Agricultural Society Oval 250 Lux (Not for Profit/Non Government/Youth Service Providers) - per half oval, per hour	✓	25.00		
Kununurra Agricultural Society Oval 250 Lux (Commercial/Government/Private) - half oval, per hour	✓	40.00		
Wyndham Oval (Not for Profit / Non Government & Youth Service Providers) - per hour	✓	27.00		
Wyndham Oval (Commercial / Government / Private) - per hour	✓	40.00		
Seasonal Oval Hire (see policy for full details)				
Note: Fee Calculation: Oval use (formula) + light use (formula) + change room use (formula)				
Oval Use (per person) calculated as below:	✓	0.50		
Formula: Players per team x percentage of oval used x Oval use fee x discount below (if applicable)				
Discount: x 0.5 for junior team (under 18 years) - (50% discount) or discount: x 0.75 for newly formed sporting groups (25% discount)				
Light Charge - per pole, per person, per hour	✓	0.50		LGA 1995 (6.16, 6.17, 6.18, 6.19)
Formula: Players per team x hours used x light charge x number of lights (if applicable))				
Change room use - per person	✓	0.20		
Formula: Players per team x change room use fee (if applicable))				
Multipurpose Courts				
Court Hire - per court, per hour	✓	10.00		
Light Fees - per switch, per hour	✓	8.00		
Multipurpose Courts Kununurra Block (6 courts) - day use, per hour	✓	50.00		LGA 1995 (6.16, 6.17, 6.18, 6.19)
Multipurpose Courts Kununurra Block (6 courts) - night use, per hour	✓	60.00		

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	COUNCIL CHARGE		STATUTORY CHARGE	LEGISLATIVE REFERENCE
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GST				
COMMUNITY AND RECREATION FACILITIES AND SERVICES (continued)				
Facility Hire (continued)				
Sporting Activity Facility Hire (continued)				
Parks				
Activities - per hour or part thereof	✓	12.50		LGA 1995 (6.16, 6.17, 6.18, 6.19)
Markets - per day or part thereof includes access to power and water	✓	315.00		
Category 1 Equipment				
Chair hire (Not for Profit / Non Government & Youth Service Providers) - per chair, per day	✓	1.50		
Chair hire (Commercial / Government / Private) - per chair, per day	✓	2.50		
Table Hire (Not for Profit / Non Government & Youth Service Providers) - per table, per day	✓	7.50		LGA 1995 (6.16, 6.17, 6.18, 6.19)
Table Hire (Commercial / Government / Private) - per table, per day	✓	11.50		
Pin up boards (Not for Profit / Non Government & Youth Service Providers) - per board, per day	✓	7.50		
Pin up boards (Commercial / Government / Private) - per board, per day	✓	11.50		LGA 1995 (6.16, 6.17, 6.18, 6.19)
Racquets - per racquet, per day	✓	4.00		
Category 2 Equipment				
Kununurra Leisure Centre In-House Light and/or Sound Equipment - (Not for Profit / Non Government & Youth Service Providers) - per hour. Note: must be operated or set up by a trained person. Training is to be arranged a minimum of 14 days prior to event.	✓	15.50		
Kununurra Leisure Centre In-House Light and/or Sound Equipment - (Commercial / Government / Private) - per hour. Note: must be operated or set up by a trained person. Training is to be arranged a minimum of 14 days prior to event.	✓	23.00		LGA 1995 (6.16, 6.17, 6.18, 6.19)
Youth Bus - 12 Seater Hiace Note: Fuel not included in hire fees.				
1) Not for Profit / Non Government & Youth Service Providers - per day for consecutive days - first 100kms included	✓	\$45 per day (per km rate applies over 100km per day)		
2) Not for Profit / Non Government & Youth Service Providers - per hour (in town only - Kununurra or Wyndham)	✓	5.50		LGA 1995 (6.16, 6.17, 6.18, 6.19)
3) Not for Profit / Non Government & Youth Service Providers - per km for outside town and same day return OR over 100km per day	✓	0.50		

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Fees and Charges

COUNCIL CHARGE	STATUTORY CHARGE	LEGISLATIVE REFERENCE
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COMMUNITY AND RECREATION FACILITIES AND SERVICES (continued)

Facility Hire (continued)

Category 2 Equipment (continued)

Youth Bus - 22 Seater Coaster Note: Fuel not included in hire fees.

1) Not for Profit / Non Government & Youth Service Providers - per day for consecutive days - first 100kms included	✓	\$90 per day (per km rate applies over 100km per day)	
2) Not for Profit / Non Government & Youth Service Providers - per hour (in town only - Kununurra and Wyndham)	✓	11.00	LGA 1995 (6.16, 6.17, 6.18, 6.19)
3) Not for Profit / Non Government & Youth Service Providers - per km for outside town and same day return OR over 100km per day	✓	0.50	

Cleaning Charges

Should any Shire facility or equipment be left in a state deemed not acceptable, commercial cleaning will be organised with costs charged to the hirer (minimum charge \$300)

✓	Cost Recovery with a minimum of \$300.00	LGA 1995 (6.16, 6.17, 6.18, 6.19)

Recreation Services

Kununurra Gymnasium

Note: Membership includes access to gymnasium only. Minimum age to gymnasium is 16 year.

Membership - 1 Month	✓	75.00	
Membership - 3 Months	✓	165.00	
Membership - 6 Months	✓	285.00	LGA 1995 (6.16, 6.17, 6.18, 6.19)
Membership - 12 Months	✓	520.00	

Note: Concession is available on production of proof of eligibility for concession including Disability Support Card, Australian Student Card and Seniors Concession Card.

Membership (Concession) - 1 Month	✓	65.00	
Membership (Concession) - 3 Months	✓	150.00	LGA 1995 (6.16, 6.17, 6.18, 6.19)
Membership (Concession) - 6 Months	✓	265.00	
Membership (Concession) - 12 Months	✓	475.00	
Casual use of Gym	✓	10.00	

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COMMUNITY AND RECREATION FACILITIES AND SERVICES (continued)					
Recreation Services (continued)					
Kununurra Swimming Complex					
Note: Membership includes access to swimming area's only. Minimum unaccompanied age to swimming area's is 12 years.					
Aquatic Membership (child) - 1 Month	✓	36.00			LGA 1995 (6.16, 6.17, 6.18, 6.19)
Aquatic Membership (child) - 3 Months	✓	85.00			
Aquatic Membership (child) - 6 Months	✓	135.00			
Aquatic Membership (child) - 12 Months	✓	230.00			
Aquatic Membership (adult) - 1 Month	✓	47.00			
Aquatic Membership (adult) - 3 Months	✓	105.00			
Aquatic Membership (adult) - 6 Months	✓	165.00			
Aquatic Membership (adult) - 12 Months	✓	315.00			
Kununurra Leisure Centre					
Note: Gold membership includes access to gymnasium, squash courts, all fitness classes, swimming pool, all aqua aerobics classes, initial and quarterly fitness program updates (for member only).					
Gold Membership - 1 Month	✓	90.00			LGA 1995 (6.16, 6.17, 6.18, 6.19)
Gold Membership - 3 Months	✓	205.00			
Gold Membership - 6 Months	✓	365.00			
Gold Membership - 12 Months	✓	645.00			
Note: Concession is available on production of proof of eligibility for concession including Disability Support Card, Australian Student Card and Seniors Concession Card.					
Gold Membership (Concession) - 1 Month	✓	80.00			LGA 1995 (6.16, 6.17, 6.18, 6.19)
Gold Membership (Concession) - 3 Months	✓	170.00			
Gold Membership (Concession) - 6 Months	✓	335.00			
Gold Membership (Concession) - 12 Months	✓	555.00			
Replacement membership card fee	✓	5.00			
Personal Training - per hour session	✓	70.00			
Personal Training - per half hour session	✓	40.00			

SHIRE OF WYNDHAM EAST KIMBERLEY
Adopted Budget - 2013-2014
Fees and Charges

	COUNCIL CHARGE		STATUTORY CHARGE	LEGISLATIVE REFERENCE
	Effective 01 July 2013	Effective 1 January 2014	Per regulation as at 01 July 2013	
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SHIRE OF WYNDHAM EAST KIMBERLEY
Adopted Budget - 2013-2014
Fees and Charges

	COUNCIL CHARGE		STATUTORY CHARGE		LEGISLATIVE REFERENCE
	GST	Effective	Effective	Per regulation as at 01	
		01 July 2013	1 January 2014	July 2013	
COMMUNITY AND RECREATION FACILITIES AND SERVICES (continued)					
Recreation Services (continued)					
Swimming Pools (continued)					
Child Ticket Books (under 16 years)					
Book of 10	✓	20.00			LGA 1995 (6.16, 6.17, 6.18, 6.19)
Book of 20	✓	40.00			
Wyndham Swimming Pool Entry					
Adult swimmers	✓	3.50			LGA 1995 (6.16, 6.17, 6.18, 6.19)
Child swimmers (under 16 years)	✓	2.50			
Adult Ticket Books					
Book of 10	✓	30.00			LGA 1995 (6.16, 6.17, 6.18, 6.19)
Book of 20	✓	60.00			
Child Ticket Books (under 16 years)					
Book of 10	✓	20.00			LGA 1995 (6.16, 6.17, 6.18, 6.19)
Book of 20	✓	40.00			

PUBLIC EVENTS

Public Events activities can require a mixture of approvals under varying legislation which can attract a range of fees and charges. These are referenced below for ease.

Health	Refer to "Application for a Public Event" and/or "Temporary Food Stalls"
Town Planning and Regional Development	Refer to "Public Events Approval"
Other Law Order and Public Safety	Refer to "Road Closure Approval for Public Events"
Facility and Equipment Hire	
Signage / Fencing	Refer to "Other Law Order and Public Safety"
Facilities / Equipment	Refer to "Community and Recreation Facilities and Services"

5. CLOSURE

The Shire President declares the meeting closed at 5:24pm. Thank you to staff for attendance in gallery.

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Nil

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

10.1 MOTION FROM CR G KING (CONFIDENTIAL ATTACHMENTS PROVIDED UNDER SEPARATE COVER)

As per section 5.23(2)(a) of the Local Government Act 1995 the meeting may be closed as the matter effects an employee.

As per Minute No. 10408 this Item 10.1 has now moved to be Item No. 17.4.

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS / NOTICES OF MOTIONS

Nil

12. MINUTES OF COUNCIL COMMITTEE MEETINGS

12.1 CONFIRMATION OF MINUTES OF AUDIT (FINANCE AND RISK) COMMITTEE OF 13 MAY 2014

RECOMMENDATION

That Council confirms the Minutes of the Audit (Finance and Risk) Committee Meeting held on 13 May 2014.

COUNCIL DECISION

Minute No. 10413

Moved: Cr K Wright

Seconded: Cr B Robinson

That Council confirms the Minutes of the Audit (Finance and Risk) Committee meeting held on 12 May 2014.

Carried Unanimously 9/0



CONFIDENTIAL

Minutes of Audit (Finance and Risk) Committee Meeting

13 May 2014

I hereby certify that the Minutes of the Audit (Finance and Risk) Committee meeting held on 13 May 2014 are a true and accurate record of the proceedings contained therein.

Chairperson Confirmed

Date: _____

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3.	DECLARATION OF INTEREST	3
4.	ACCEPTANCE OF MINUTES OF PREVIOUS MEETING	3
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1. DECLARATION OF OPENING

The Chairperson declared the meeting open at 3.01pm.

2. RECORD OF ATTENDANCE / APOLOGIES

ATTENDANCE

Cr K Wright	Councillor (Chairperson)
Cr J Moulden	Shire President
Cr B Robinson	Councillor
Cr D Spackman	Councillor
G Gaffney	Chief Executive Officer
N Octoman	Director Corporate Services
M Tonkin	Executive Assistant to the Chief Executive Officer (Minute Taker)
S Binnie	Finance Officer

APOLOGIES

Nil

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

3. DECLARATION OF INTEREST

- Financial Interest

Nil

- Impartiality Interest

Nil

- Proximity Interest

Nil

4. ACCEPTANCE OF MINUTES OF PREVIOUS MEETING

4.1 AUDIT (FINANCE AND RISK) COMMITTEE MEETING MINUTES 24 FEBRUARY 2014

RECOMMENDATION

That the minutes of the Audit (Finance and Risk) Committee meeting of 24 February 2014 be accepted as a true and accurate record of proceedings.

COMMITTEE RESOLUTION

Minute: AC295

Moved: Cr J Moulden

Seconded: Cr B Robinson

That the minutes of the Audit (Finance and Risk) Committee meeting of 24 February 2014 be accepted as a true and accurate record of proceedings.

Carried Unanimously 3/0

5. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS / NOTICES OF MOTIONS

Nil

6. OFFICER'S REPORTS

6.1 STANDING ITEM - SUNDRY DEBTORS

DATE:	13 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Paul Tily
REPORTING OFFICER:	Natalie Octoman, Director Corporate Services
FILE NO:	FM.07.2

PURPOSE

To review status of sundry debtors, including airport debtors, and sundry debts in legal process.

BACKGROUND

The listing of 90+ Day Sundry Debtors was provided at the Ordinary Council Meeting on a monthly basis until March 2009 when Council resolved that the 90+ days debtor list be removed from the Council Agenda as a standing item and be presented to the then Audit Committee for consideration and to make recommended actions to Council as this falls within the scope of the committee's purpose.

In line with the more strategic focus of the new Committee the report in April 2012 only included debtor balances at 90+days and over \$500.

To further progress this strategic focus this item has been changed to provide summary information regarding all sundry debts including airport landing fees administered by Avdata on the Shire's behalf. Sundry debtors in legal process have also been incorporated into this item to provide a complete picture of sundry debtors.

Further changes were recommended to the Committee at the February 2014 meeting to modify the report by remove the categories previously reported and to report sundry debtors as a whole, with airport debtors still being identified separately and that only debtors in excess of \$20,000 be provided with more detail. These changes were supported by the Committee and have been implemented in this report

STATUTORY IMPLICATIONS

This item in a Council Meeting needs to be discussed behind closed doors under Section 5.23.(2)(e)(iii) of the *Local Government Act 1995* because the item may disclose information about the business, professional, commercial or financial affairs of a person and because the item also contained legal advice to the Council.

POLICY IMPLICATIONS

No policy implications apply in relation to this item.

FINANCIAL IMPLICATIONS

Legal fees may be incurred to recover debts or revenue written off if debt recovery is considered not economically viable.

STRATEGIC IMPLICATIONS

The costs associated with legal fees to recover debt need to be weighed up against the debt to ensure and economically viable action is being taken.

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

Sundry Debtors (General) Summary – 29 April 2014

Categories	90 Days		60 Days	30 Days	Current	Total
	No	\$	\$	\$	\$	\$
Sundry Debtors	65	317,847	132,980	294,669	565,609	1,311,105

Note: The information in the above table is from the Shire's Debtors System, the revenue is recognised when the debt is raised.

Sundry Debtors (Airport Landing Fees) Summary – 29 April 2014

Categories	90 Days		60 Days	30 Days	Current	Total
	No	\$	\$	\$	\$	\$
Kununurra Airport	21	5,416	71,357	97,539	103,106	277,418
Wyndham Airport	1	118	486	2,543	3,025	6,172
Total		5,534	71,843	100,082	106,131	283,590

Note: The information in the above table is provided by Avdata. Airport Landing Fees are not detailed in any of the Shire's systems. They are invoiced and collected on the Shire's behalf by Avdata. The revenue is recognised when the cash is deposited in the Shire's bank account.

ATTACHMENTS

Sundry Debtors detailed report as at 29 April 2014 (*Confidential attachment provided under separate cover*)

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Audit (Finance and Risk) Committee reports to Council that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.

Cr D Spackman entered Council Chambers at 3.03pm.

COMMITTEE RESOLUTION

Minute: AC296

Moved: Cr J Moulden

Seconded: Cr B Robinson

That the Audit (Finance and Risk) Committee reports to Council that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.

Carried Unanimously 4/0

6.2 STANDING ITEM - RATES DEBTORS

DATE:	13 May 2014
PROPOSER:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Shelley Binnie, Finance Officer Rates
REPORTING OFFICER:	Natalie Octoman, Director Corporate Services
FILE NO:	FM.11.1

PURPOSE

To review the status of rates debtors and those rates debts that are in the legal process.

BACKGROUND

At the Ordinary Council Meeting, 16 October 2007, Council moved the following resolution:

Minute No. 7936

That Council direct the CEO to provide a written report to Council under confidential cover each month in regard to all debts currently in legal process.

Carried Unanimously 5/0

At the Ordinary Council Meeting, 18 March 2008, Council moved the following:

Minute No: 8148

Moved: Cr J Parker Seconded: Cr F Mills

That Council:

- 1. notes the confidential report provided to it in relation to debts owed to Council and under legal action.**
- 2. directs the Executive Manager Corporate Services to provide a written report to the Audit Committee under confidential cover at each Audit Committee meeting in regard to all debts currently in legal process.**
- 3. requests the Audit Committee to make recommendations to Council as required and appropriate in relation to the report provided under confidential cover regarding debts currently in legal process.**
- 4. resolves that this requirement replaces the previous requirement on the CEO to report information to Council.**

Carried Unanimously 8/0

This requirement is now fulfilled by a combination of this report and item 5.1 Standing Item – Sundry Debtors.

The Outstanding Rates Debtors over three years report has also been incorporated into the confidential attachment to this item to give a complete picture of rates debtors.

STATUTORY IMPLICATIONS

This item in a Council Meeting needs to be discussed behind closed doors under Section 5.23. (2) (e) (iii) of the *Local Government Act 1995* because the item may disclose information about the business, professional, commercial or financial affairs of a person and because the item also contained legal advice to the Council.

POLICY IMPLICATIONS

No policy implications apply in relation to this item.

FINANCIAL IMPLICATIONS

Legal fees may be incurred to recover debts or revenue written off if debt recovery is considered not economically viable.

STRATEGIC IMPLICATIONS

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

Objective 1.4: Business innovation, efficiency and improved service.

Strategy 1.4.3: Maintain Council's long term financial viability.

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

Rates and Services Debtors Summary

Rates & Services Levied 2013/2014 (including arrears)	Rates & Services Debt at 22 April 2014	Overdue at 22 April 2014
\$ 9,706,224.97	\$732,391.46	\$749,274.29

Rates for the financial year of 2013/14 were raised and issued on 13 August 2013. Interim rating occurs periodically throughout the year.

ATTACHMENTS

Rates Debtors - Detailed Report (Confidential Attachment provided under separate cover)

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Audit (Finance and Risk) Committee reports to Council that the actions being undertaken by the administration in regard to rates debtors, including rates debts in legal process are sufficient and appropriate.

COMMITTEE RESOLUTION

Minute: AC297

Moved: Cr B Robinson

Seconded: Cr J Moulden

That the Audit (Finance and Risk) Committee reports to Council that the actions being undertaken by the administration in regard to rates debtors, including rates debts in legal process are sufficient and appropriate.

Carried Unanimously 4/0

6.3 LEASES

DATE:	13 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Natalie Octoman, Director Corporate Services
REPORTING OFFICER:	Natalie Octoman, Director Corporate Services
FILE NO:	CP.07, CP.16

PURPOSE

To consider the attached Confidential Lease Report as at April 2014.

BACKGROUND

The Shire of Wyndham East Kimberley administers over thirty five leases ranging from airport leases, community and commercial leases.

In December 2007 the Audit (Risk and Finance) Committee resolved:

Minute No. A066

Moved: Cr Keith Wright

Seconded Cr Frederic Mills

- 1. that the Audit Committee note that the responsibility for the management of leases and periodical contracts is that of the Executive Manager Corporate Services.**
- 2. that the Audit Committee note that the Executive Manager Corporate Services monitors the leases and coordinates the lease data base and reporting to Executive Managers, the Audit Committee and Council.**
- 3. that the Audit Committee request staff to present an updated Lease Spreadsheet certified by Executive Manager Corporate Services to each Audit Committee meeting as a standing item.**

Carried Unanimously 4/0

STATUTORY IMPLICATIONS

Local Government Act 1995
Part 5, Division 2

5.23. Meetings generally open to public

- (1) Subject to subsection (2), the following are to be open to members of the public —**
 - (a) all council meetings; and**
 - (b) all meetings of any committee to which a local government power or duty has been delegated.**
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following -**
 - (a) a matter affecting an employee or employees; and**

- (b) *the personal affairs of any person; and*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (e) *a matter that if disclosed, would reveal -*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person,**where the trade secret or information is held by, or is about, a person other than the local government; and*
 - (f) *a matter that if disclosed, could be reasonably expected to —*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
 - (ii) *endanger the security of the local government's property; or*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
- and*
- (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
 - (h) *such other matters as may be prescribed.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

Objective 1.4: Business innovation, efficiency and improved service

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

Strategy 1.4.2: Improve the efficiency and productivity of Shire services.

Strategy 1.4.3: Maintain Council's long term financial viability.

COMMUNITY CONSULTATION

There is no requirement for the community to be consulted in relation to this item.

COMMENT

Leases have been the topic of some discussion over recent months given the level of involvement of staff from across the Shire in their negotiation and day to day management.

While the discussions are continuing, the update to the Audit (Finance and Risk) Committee will remain the responsibility of the Corporate Services Directorate.

The Lease Schedule attached has incorporated new information in relation to the rateability of the properties, and each affected item will be updated in the next report depending upon the outcome of the Council decision in relation to rates concessions that will be applied.

ATTACHMENTS

Lease Schedule (Confidential attachment provided under separate cover)

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Committee notes the Confidential Lease Schedule attached.

COMMITTEE RESOLUTION

Minute: AC298

Moved: Cr J Moulden

Seconded: Cr B Robinson

That the Committee notes the Confidential Lease Schedule attached.

Carried Unanimously 4/0

6.4 RATES DEBT COLLECTION POLICY

DATE:	13 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Natalie Octoman, Director Corporate Services
REPORTING OFFICER:	Natalie Octoman, Director Corporate Services
FILE NO:	FM.11.1

PURPOSE

For the Audit (Finance and Risk) Committee to review and consider recommending to Council that it adopt the proposed Rates and Charges Debt Collection Policy.

BACKGROUND

The Council currently has two Policies relating to debt collection, the first being CP FIN-3207 "Collection of Fees and Charges" and the second being F15 "Sundry Debt Collection Policy". Neither of these Policies addresses the slightly different scenario of debt collection for rates and service charges.

STATUTORY IMPLICATIONS

Local Government Act 1995 - Part 6, Division 4, Section 6.13 – Interest on money owing to local governments.

Local Government Act 1995 - Part 6, Division 6, Subdivision 4, Section 6.45 – Options for payment of rates and service charges

Local Government Act 1995 - Part 6, Division 6, Subdivision 4, Section 6.49 – Agreement as to payment of rates and service charges

Local Government Act 1995 - Part 6, Division 6, Subdivision 4, Section 6.50 – Rates or service charges due and payable

Local Government Act 1995 – Part 6, Division 6, Subdivision 4, Section 6.51 – Accrual of interest on overdue rates or service charges

Local Government Act 1995 – Part 6, Division 6, Subdivision 5, Section 6.56 – Rates or service charges recoverable in court

Local Government Act 1995 – Part 6, Division 6, Subdivision 5, Section 6.60 – Local government may require lessee to pay rent

Local Government Act 1995 – Part 6, Division 6, Subdivision 6, Section 6.64 – Actions to be taken

Local Government (Financial Management) Regulations 1996 – Part 5, Section 58 – Instalments not available if land in arrears (Act s6.45)

Local Government (Financial Management) Regulations 1996 – Part 5, Section 59 – Instalments not available if total less than \$200 (Act s6.45)

Local Government (Financial Management) Regulations 1996 – Part 5, Section 60 – Instalments, manner of electing to pay by (Act s6.45)

POLICY IMPLICATIONS

The Rates and Charges Debt Collection Policy is intended to be a Council Policy and as such would only be amended by resolution of the Council. It is however, within the Audit (Finance and Risk) Committee's Terms of Reference, to recommend policy amendments or new policies to Council for adoption, if they are finance or risk related.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this matter, although with a clear policy for rates and charges debt collection, it is hoped that the amount of rates and charges written off will reduce as the ratepayers become aware of the process.

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

In the past, while there is a process that is followed for rates and charges debt collection, with the assistance of the Shire's Debt Collection Agency AMPAC, it is not always clear to the ratepayers as to why certain actions are undertaken, particularly when court action commences.

This Policy is not only intended to provide clear guidance to officers in the process of rates and charges debt collection, but also ensures that the process is open and transparent to ratepayers and the community.

This Policy was also highlighted as an action within the Corporate Governance (Finance and Risk) Project Plan for 2014.

ATTACHMENTS

Proposed Rates and Charges Debt Collection Policy

VOTING REQUIREMENT

Simple Majority

OFFICERS RECOMMENDATION

That the Committee recommends to Council that it adopts the attached proposed Council Rates and Charges Debt Collection Policy.

COMMITTEE RESOLUTION

Minute: AC299

Moved: Cr B Robinson

Seconded: Cr J Moulden

That the Committee recommends to Council that it adopts the attached proposed Council Rates and Charges Debt Collection Policy.

Carried Unanimously 4/0



Council Policy Number: CP Rates and Charges Debt Collection Policy

OBJECTIVE:

This policy will establish clear guidelines for the efficient, effective and economical collection of rates debts; and also enable flexibility and choice in the payment of rates and charges established by the Council.

POLICY:

Scope & Limitations

In accordance with the Local Government Act 1995 –

6.49 Agreement as to payment of rates and service charges

A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.

6.50. Rates or service charges due and payable

(1) Subject to —

- (a) subsections (2) and (3); and*
- (b) any concession granted under section 6.47; and*
- (c) the Rates and Charges (Rebates and Deferments) Act 1992, a rate or service charge becomes due and payable on such date as is determined by the local government.*

(2) The date determined by a local government under subsection (1) is not to be earlier than 35 days after the date noted on the rate notice as the date the rate notice was issued.

(3) Where a person elects to pay a rate or service charge by instalments the second and each subsequent instalment does not become due and payable at intervals of less than 2 months.

6.51. Accrual of interest on overdue rates or service charges

(1) A local government may at the time of imposing a rate or service charge resolve to impose interest (at the rate set in its annual budget) on —*

- (a) a rate or service charge (or any instalment of a rate or service charge); and*
- (b) any costs of proceedings to recover any such charge,*

that remains unpaid after becoming due and payable.

** Absolute majority required.*



Council Policy Number: CP

Rates and Charges Debt Collection Policy

6.56 Rates or service charges recoverable in court

- (1) *If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction;*
- (2) *Rates or service charges due by the same person to the local government may be included in one writ, summons, or other process.*

6.60 Local government may require lessee to pay rent

- (1) *In this section —*

lease *includes an agreement whether made orally or in writing for the leasing or subleasing of land and includes a licence or arrangement for the use of land;*

lessor and lessee *mean the parties to a lease and their respective successors in title.*

- (2) *If payment of a rate or service charge imposed in respect of any land is due and payable, notice may be given to the lessee of the land requiring the lessee to pay to the local government any rent as it falls due in satisfaction of the rate or service charge.*

6.64 Actions to be taken

- (1) *If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —*
 - (a) *from time to time lease the land or*
 - (b) *sell the land or*
 - (c) *cause the land to be transferred to the Crown or*
 - (d) *cause the land to be transferred to itself.*

6.68 Exercise of power to sell land

- (1) *Subject to subsection (2), a local government is not to exercise its power under section 6.64(1)(b)(in this Subdivision and Schedule 6.3 referred to as the power of sale) in relation to any land unless, within the period of 3 years prior to the exercise of the power of sale, the local government has at least once attempted under section 6.56 to recover money due.*

BACKGROUND:

The collection of rates and charges is an important component of the Shire's management of adequate cash-flows as well as the overall management of the Shire's financial performance and position.



Council Policy Number: CP Rates and Charges Debt Collection Policy

GUIDING STATEMENTS:

The Council will exercise its debt recovery powers in order to reduce the overall debt burden on ratepayers. It will be guided by the principles of:

1. Equity
Ensuring that the debt collection procedures are undertaken in a fair and equitable manner and therefore providing the same treatment for ratepayers with similar circumstances.
2. Administrative Efficiency
Providing the Shire of Wyndham East Kimberley with a more effective method over the collection of outstanding debtors and ensuring that the processes used to recover outstanding debts are clear, simple to administer and cost effective.
3. Transparent
Ensuring the obligations of the Shire's ratepayers and sundry debtors are clear and assisting them to meet their financial obligations where possible.
4. Compliant
Ensuring that the Shire of Wyndham East Kimberley is compliant with the Local Government Act 1995 and all associated regulations.

POLICY:

Upon the Council adopting the annual budget for the following financial year, the Rates Notice will be issued.

1. Options for Payment of Rates and Charges

The options for payment of a rate or service charge may be:-

- a. *In full by the specified due date; or*
- b. *By two (2) instalments by the specified due date (or as adopted by the Council in the Annual Budget); or*
- c. *By four (4) instalments by the specified due date; or*
- d. *By a special payment arrangement with payments made by the agreed due dates.*



Council Policy Number: CP Rates and Charges Debt Collection Policy

1.1. Instalment Options (Either Two (2) or Four (4) Instalments)

Scope & Limitations

In accordance with the Local Government (Financial Management) Regulations 1996 –

58. Instalments not available if land in arrears (Act s. 6.45)

Payment of a rate or service charge on any land may not be made by instalments if, at the date for payment of the first instalment, any part of a rate or service charge imposed on that land in a previous financial year (or interest accrued thereon at the date of issue of the rate notice) remains unpaid.

59. Instalments not available if total less than \$200 (Act s. 6.45)

Payment may not be made by instalments if the total amount shown in the rate notice as being payable to the local government for rates, service charges or minimum payments, other than amounts remaining unpaid from a previous financial year, is less than \$200.

60. Instalments, manner of electing to pay by (Act s. 6.45)

For the purposes of section 6.45 an election to pay by instalments is made (whether a person indicates to the local government that payment will be made by instalments, or not) if, before the close of business on the due date of the first instalment under an option specified in the rate notice, the local government receives payment of the amount set forth in the rate notice as being payable for that instalment.

61. Instalments, additional circumstance when rates may be paid by

Where a local government imposes rates after amending the rate record under section 6.39(2)(b) payment of the total amount of the rates may be made by the method of payment by instalments set forth in the local government's annual budget for the financial year in which the rates are imposed.

66. Instalments, when right to pay ceases

- (1) Subject to subregulation (2), where an election has been made to pay a rate or service charge by instalments, payment may continue to be made by instalments notwithstanding that an instalment (other than the first instalment) remains unpaid after it is due and payable*
- (2) If an instalment remains unpaid after the day on which the next instalment becomes due and payable, the local government may revoke the ratepayer's right to pay by instalments*



Council Policy Number: CP Rates and Charges Debt Collection Policy

- (3) Where the right to pay by instalments is revoked under subregulation (2) –
- (a) the unpaid rate becomes due and payable on the day after the day of the revocation, or such day as the local government decides and
 - (b) the local government must, in writing, immediately notify the ratepayer of the revocation and give details.

Policy

1. The charges for paying by instalments will be those adopted by the Council in the Annual Budget each year.
2. Ratepayers will not be placed on an instalment option after 14 days past the due date of the Annual Rates Notice.
3. If the Four (4) Instalments Option is selected and on the third instalment due date, the second and third instalment remain unpaid the ratepayer will be removed from instalments and a final notice will be issued for the full amount of rates and service charges.

1.2. Special Payment Arrangements

Before authorising any special payment arrangement in accordance with sub-delegation provided by the CEO, the Director Corporate Services will consider the following:

- a) That the terms of the agreement require that all outstanding rates will be recovered by the Shire of Wyndham East Kimberley by 30 June of the financial year in which the agreement is entered into.
- b) That the ratepayer is aware of the costs and charges associated with entering into a payment arrangement, of which the charges will be those adopted by the Council in the Annual Budget each year.
- c) At the discretion of Chief Executive Officer, a payment arrangement term may be extended beyond the 30 June, but not exceed 2 successive financial years.
- d) Where a ratepayer fails to meet their full obligation under the agreement, the agreement will be terminated and legal action shall commence for outstanding rates and service charges.



Council Policy Number: CP Rates and Charges Debt Collection Policy

- e) *If the ratepayer defaults on the special payment arrangement agreement twice in any 12 month period, no further special payment arrangements can be made and rates are required to be paid in full.*

2. Recovery of Rates and Charges in Arrears

Rates and Charges are due and payable within 35 days from the date of issue of the annual rate (or interim rate) notice, as shown on that notice in accordance with section 6.50(2) of the Local Government Act 1995.

These procedures also apply to those ratepayers who decide to pay by one of the instalment options.

- a) *Should any amount of rates or service charges remain outstanding after the due date stated on the Annual Rates Notice penalty interest shall applied at the interest rate adopted by Council in its annual budget in accordance with section 6.13(1) of the Local Government Act 1995.*
- b) *The interest rate set by the Council is not to exceed the maximum rate of interest as prescribed within regulation 19A of the Local Government (Financial Management) Regulations 1996.*
- c) *Interest is calculated on the number of days from the due date of payment until the day the payment is received by the Shire of Wyndham East Kimberley. This includes overdue amounts where the debtor has elected the instalment option.*

2.1. Accounts 35 Days in Arrears After the Initial Rates Notice

- a. *7 days after the due date of the Annual Rates Notice a Final Notice will be issued allowing 14 days for payment unless the debtor has agreed to enter into a special payment arrangement.*
- b. *Final Notices are **not** to be issued to eligible pensioners or seniors under the Rates and Charges (Rebates and Deferments) Act 1992 as such persons have until 30 June in the year of rating to make payment, without incurring any late payment penalties.*
- c. *14 days past the Annual Rate Notice due date, Instalment Options are no longer available. Rates must be paid in full or a special payment arrangement entered into.*



Council Policy Number: CP Rates and Charges Debt Collection Policy

2.2. Accounts 57 Days or more in Arrears After the Initial Rates Notice

Any costs incurred by the Shire of Wyndham East Kimberley to recover rates and charges in arrears will be on-charged to the ratepayer.

- a) Any assessments with outstanding rates and charges after 14 days from the date of issue of the Final Notice will be issued with a Notice of Intention to Summons (Demand) by the Shire's debt collection agency allowing 7 days for payment or for the ratepayer to contact the Shire.*
- b) If no response is received after the 7 days period a General Procedure Claim will be issued.*
- c) General Procedure Claims will not be issued on claims under \$200.00.*
- d) It should be noted that when a General Procedure Claim is issued, this will impact upon the ratepayer's credit rating – refer to the Council's Notice of Discontinuance (Rates and Debtors) Policy.*
- e) Ratepayers are required to either pay the full amount including debt collection costs or enter into an alternative payment arrangement that has been authorised by the Director Corporate Services. A payment arrangement must be requested in writing on the payment arrangement form.*
- f) If no response to the General Procedure Claim (GPC) is received within fourteen (14) days after being issued, a Property Seizure and Sale Order on goods will be issued.*

OR

- g) If no response to the General Procedure Claim (GPC) is received within fourteen (14) days after being issued, and the assessment is a leased or rented property, a notice will be served to the tenant / lessee under section 6.60 of the Local Government Act 1995 requiring the lessee or tenant to pay to the Shire the rent due that they would otherwise pay under the lease/tenancy agreement as it becomes due, until the amount in arrears has been paid. The approval of the Council is required to be obtained before this course of action is undertaken.*



Council Policy Number: CP Rates and Charges Debt Collection Policy

2.3. Options to Recover Rates and Service Charges Where Rates Are In Arrears In Excess of Three (3) Years

- a) *If rates and service charges in respect of any rateable land are outstanding for three (3) or more years, Council may take possession of the land under the provisions of section 6.64 of the Local Government Act 1995, and may:-*
- i. From time to time lease the land; or*
 - ii. Sell the land; or*
 - iii. Cause the transfer of the land to the Crown; or*
 - iv. Cause the transfer of the land to itself.*

The approval of the Council is required to be obtained before any of these courses of action may be undertaken.

2.4. Payments Received or Contact Made After Legal Action Commenced

- a) *If any payments or contact has been made by the ratepayer of whom legal action has been started, the Shire's debt collection agency will be notified that legal action must be placed on hold immediately.*
- b) *When payment has been received in full, the Shire's debt collection agency will be notified to close the account.*
- c) *If the ratepayer defaults a payment or no further contact is received from the ratepayer, legal action will resume and the payment arrangement will be terminated.*

3. Pensioners / Seniors

- 1. Pensioners / Seniors have until the 30 June to pay rates and service charges.*
- 2. The Shire will send a letter on 1 May (or thereabouts) reminding the Pensioner / Senior that payment is require by 30 June for them to be eligible for the Pensioner Rebate.*
- 3. Service charges must be paid in full.*



Council Policy Number: CP Rates and Charges Debt Collection Policy

4. Responsibility of Ratepayers

It is the responsibility of the ratepayer to ensure that rates and charges payments made electronically use the correct reference number. If the incorrect reference number is used, and the Shire is not advised by the ratepayer that this error has occurred, then the ratepayer will be responsible for the payment of any debt collection charges that may have been incurred in the meantime.

Outcomes

This Policy will ensure that there is manageable and efficient control over overdue accounts by closely monitoring aged accounts in an attempt to reduce the likely occurrence of unrecoverable debts and to ensure consistency for all debt collection activities.

The Policy represents the expected standards of the Shire of Wyndham East Kimberley. All required approvals must be sought without deviation.

This Policy takes effect from the date of adoption by the Council and shall remain valid until it is amended or deleted.

GOVERNANCE REFERENCES

Statutory Compliance	Local Government Act 1995 Local Government (Financial Management) Regulations 1996
Industry Compliance	Not Applicable
Organisational Compliance	Shire of Wyndham East Kimberley Delegations Register – Part B
Process Links	• Annual Budget Process • Annual Delegations Review • Notice of Discontinuance (Rates and Debtors) Policy

POLICY ADMINISTRATION

Directorate		Officer Title			Contact:
Corporate Services		Director Corporate Services			Ext: 121
Date Effective	DD/MM/YYYY	CEO Approved			
Date Adopted	DD/MM/YYYY	Last Reviewed		DD/MM/YYYY	
Risk Rating	Low Medium High	Review Cycle	Annual	Next Due	MM/YYYY
Organisational Compliance		Eg: Delegations Manual			
Process Links		Eg: Administrative Policy, Council Policy			

6.5 REQUEST TO WRITE-OFF OUTSTANDING RATES AND DEBT COLLECTION CHARGES ON ASSESSMENTS A7306 AND A7307

DATE:	13 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Shelley Binnie, Finance Officer Rates & Property
REPORTING OFFICER:	Natalie Octoman Director Corporate Services
FILE NO:	FM.11.56
ASSESSMENT NO:	A7306 and A7307

PURPOSE

The Audit (Finance and Risk) Committee is requested to consider the write-off outstanding rates and debt collection costs on assessments A7306 and A7307.

BACKGROUND

Assessments A7306 and A7307 are exploration tenements that were forfeited to the Department of Mines and Petroleum on 18 January 2013.

A large number of mining / exploration / prospecting tenements list a tenement agency postal address for where all correspondence is sent regarding the tenements. This is normally the only information the Shire receives regarding tenements, and it is only when the tenement owner contacts the Shire that officers receive additional contact information.

Rates for these tenements were first raised for the financial year 2010/11, this also included back rates for 2009/10. On 27 July 2010 the ratepayer requested a payment arrangement. The arrangement was accepted by the Shire and a payment arrangement form was signed and returned by the ratepayer. The Shire received two payments, the first on 30 November 2010 and the second on 13 January 2011. In April 2011 the Shire received a call from the ratepayer advising that payments will be late; no payments have been received since. On 21 September 2011 officers received an email from the ratepayer requesting a payment plan over a period of 18 months. It was advised that only a payment plan for the current financial year would be accepted. No reply was received from the ratepayer. There has been no further correspondence from the ratepayer.

The tenement agency was contacted on 30 January 2013 and they advised officers that the agency didn't have this ratepayer on file anymore as they weren't paying their fees, but they were able to provide a contact email address. An email was sent to this address enquiring if it was the correct address for the ratepayer. A reply was received advising that it was and requesting that their contact details be updated. Copies of the current rate and final notices were emailed to the ratepayer. No response was received.

These debts were referred to the Shire's debt collection agency in November 2011. A General Procedure Claim was issued and served on 1 December 2011. No response was received. Judgement was entered at the Kununurra Court on 19 March 2012 and transferred to NSW. The Shire placed a Caveat on all tenements; this caveat meant that the Shire would be notified if the ratepayer was selling the tenements. An application for a Warrant of Execution was requested on 18 June 2012. Attempts were made to serve the warrant with no success. The warrant was reissued to the Director's address on 3 December 2012. Attempts to serve the warrant were made with no success.

The Shire was notified by Landgate as at 18 January 2013 that these tenements have been forfeited and are no longer rateable but the rates and charges were still outstanding so debt collection continued.

On 15 October 2013, the Shire's debt collection agency received a call from the ratepayer requesting a payment arrangement. The debt collection agency emailed the outstanding notices to the ratepayer and received a response stating that a payment arrangement will be put to the Directors for consideration. No further response was received.

As this company has been de-registered the Shire is unable to take legal action against it. The company needs to be reinstated and then liquidated with no guarantee of a return.

Total rates and debt collection charges currently outstanding are:

Tenements	A7306	A7307
Rates	\$ 8,476.51	\$ 5,906.90
UV Waste Management Charge	\$ 379.00	\$ 379.00
Interest	\$ 2,486.46	\$ 1,716.66
Debt Collection / Recovery Fee	\$ 1,773.80	\$ 308.10
Payment Arrangement Fee	\$ 30.00	-
Total	\$ 13,145.77	\$ 8,310.66

STATUTORY IMPLICATIONS

Local Government Act 1995

6.53. Land becoming or ceasing to be rateable land

Where during a financial year -

- (a) land that was not rateable becomes rateable land; or*
- (b) rateable land becomes land that is not liable to rates,*

the owner of that land -

- (c) is liable for rates proportionate to the portion of the year during which the land is rateable land; or*
- (d) is entitled to a refund of an amount proportionate to the portion of the year during which the land is not rateable land,*

as the case requires.

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may -*
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
 - (b) waive or grant concessions in relation to any amount of money; or*
 - (c) write off any amount of money,*

which is owed to the local government.

** Absolute majority required.*

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*

POLICY IMPLICATIONS

It should be noted that a new Rates Debt Collection Policy is being drafted for consideration by the Committee. The objective of the new Policy is to outline an effective and clear timeframe for each step in the rates debt collection process.

FINANCIAL IMPLICATIONS

There will be a negative financial implication for Council as all outstanding rates and debt collection charges totalling \$21,456.43 will be written off.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.4 Business innovation, efficiency and improved service.

Goal 1.4.1 Ensure legislative compliance and follow best practice principles in planning and service delivery.

Goal 1.4.3 Maintain Council's long term financial viability.

COMMUNITY CONSULTATION

Community consultation is not relevant to this matter.

COMMENT

The write off of any outstanding rates, service charges and debt collection charges is not a course of action that the Shire normally wishes to pursue as legal proceedings have generally proven to be successful. In this case however, numerous attempts have been made to recover these outstanding rates and debt collection charges for these tenements which have proven to be unsuccessful. The next course of action could be to reinstate the company and to place the company into liquidation at a cost of \$5,000 to \$7,000 with no guarantee of a return.

The risk of placing a company into liquidation without guaranteed returns to cover the costs, and outstanding rates and charges, is perceived to be high.

Officers are therefore recommending that the outstanding charges be written off.

ATTACHMENTS

There are no attachments associated with this report.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Audit (Finance and Risk) Committee recommends to Council to write-off outstanding rates and debt collection charges on assessments A7306 and A7307, estimated at \$21,456.43 at the time of writing this report.

MOTION

Cr K Wright moves that Items 6.5 – 6.8 be dealt with *en bloc*.

COMMITTEE RESOLUTION

Minute: AC300

Moved: Cr J Moulden

Seconded: Cr B Robinson

That the Officer's recommendations under Items 6.5 – 6.8 inclusive be adopted as an *en bloc* resolution.

Recommendation No. 1

That the Audit (Finance and Risk) Committee recommends to Council to write-off outstanding rates and debt collection charges on assessments A7306 and A7307, estimated at \$21,456.43 at the time of writing this report.

Recommendation No. 2

That The Audit (Finance and Risk) Committee recommends to Council to write-off outstanding rates and debt collection charges on assessment A7308, A7309 and A7457, estimated at \$47,931.26 at the time of writing this report.

Recommendation No. 3

That the Audit (Finance and Risk) Committee recommends to Council to write-off outstanding rates and debt collection charges on assessments A7310 and A7311, estimated at \$44,987.79 at the time of writing this report.

Recommendation No. 4

That The Audit (Finance and Risk) Committee recommends to Council to write-off outstanding rates and debt collection charges on assessments A7312, A7313, A7314 and A7315, estimated at \$85,417.78 at the time of writing this report.

Carried Unanimously by *En Bloc* Resolution 4/0

6.6 REQUEST TO WRITE-OFF OUTSTANDING RATES AND DEBT COLLECTION CHARGES ON ASSESSMENTS A7308, A7309 AND A7457

DATE:	13 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Shelley Binnie, Finance Officer Rates & Property
REPORTING OFFICER:	Natalie Octoman Director Corporate Services
FILE NO:	Fm.11.56
ASSESSMENT NO:	A7308, A7309 and A7457

PURPOSE

The Audit (Finance and Risk) Committee is requested to consider the write-off outstanding rates and debt collection costs on assessments A7308, A7309 and A7457

BACKGROUND

Assessments A7308, A7309 and A7457 are exploration tenements. Assessment A7308 and A7309 were forfeited on 18 January 2013 and A7457 was forfeited on 17 August 2012 to the Department of Mines and Petroleum.

A large number of mining / exploration / prospecting tenements list a tenement agency postal address for where all correspondence is sent regarding the tenements. This is normally the only information the Shire receives regarding tenements, it is only when the tenement owner contacts the Shire that officers receive additional contact information.

Rates for A7308 and A7309 tenements were first raised for the financial year 2010/11 this also included back rates for 2009/10. On 27 July 2010 the ratepayer requested a payment arrangement. The arrangement was accepted by the Shire and a payment arrangement form was signed and returned by the ratepayer. The Shire received two payments, the first on 30 November 2010 and the second on 13 January 2011. The rates for A7457 were raised on the 18 January 2011; no payments have been received for this assessment. In April 2011 the Shire received a call from ratepayer advising that payments will be late; no payments have been received since. On 21 September 2011 officers received an email from the ratepayer requesting a payment plan over a period of 18 months. It was advised that only a payment plan for the current financial year would be accepted. No reply was received from the ratepayer. There has been no further correspondence from the ratepayer.

The tenement agency was contacted on 30 January 2013 and they advised officers that the agency didn't have this ratepayer on file anymore as they weren't paying their fees, but they were able to provide a contact email address. An email was sent to this address enquiring if it was the correct address for the ratepayer. A reply was received advising that it was and requesting that their contact details be updated. Copies of the current rate and final notices were emailed to the ratepayer. No response was received.

These debts were referred to the Shire's debt collection agency in November 2011. A General Procedure Claim was issued and served on 1 December 2011. No response was received. Judgement was entered at the Kununurra Court on 19 March 2012 and transferred to NSW. The Shire placed a caveat on all tenements; this caveat meant that the Shire would be notified if the ratepayer was selling the tenements. An application for a warrant of

execution was requested on 18 June 2012. Attempts were made to serve the warrant with no success.

The Shire was notified by Landgate on 17 August 2012 that the tenement on assessment A7457 was forfeited and as at 18 January 2013 the tenements on assessment A7308 and A7309 had been forfeited and are no longer rateable. As rates and charges were still outstanding, debt collection processes continued.

The warrant was reissued to the Directors address on 3 December 2012. Attempts to serve the warrant were made with no success. A Statutory Demand was issued on 2 October 2013 to the ratepayer which advised the ratepayer that if contact is not made or outstanding debt remains unpaid within 21 days from date of demand the Shire could place the company into liquidation.

On 15 October 2013, the Shire's debt collection agency received a call from the ratepayer requesting a payment arrangement. The debt collection agency emailed the outstanding notices to the ratepayer and received a response stating that a payment arrangement will be put to the Directors for consideration. No further response was received.

Total rates and debt collection charges outstanding are:

Tenements	A7308	A7309	A7457
Rates	\$ 5,238.60	\$19,311.23	\$ 8,243.98
UV Waste Management Charge	\$ 379.00	\$ 345.73	\$ 282.00
Interest	\$ 1,381.84	\$ 5,083.88	\$ 2,548.10
Debt Collection / Recovery Fee	\$ 1,580.29	\$ 1,956.30	\$ 1,580.31
Total	\$ 8,579.73	\$26,697.14	\$12,654.39

STATUTORY IMPLICATIONS

Local Government Act 1995

6.53. Land becoming or ceasing to be rateable land

Where during a financial year —

- (a) land that was not rateable becomes rateable land; or*
- (b) rateable land becomes land that is not liable to rates,*

the owner of that land —

- (c) is liable for rates proportionate to the portion of the year during which the land is rateable land; or*
- (d) is entitled to a refund of an amount proportionate to the portion of the year during which the land is not rateable land,*

as the case requires.

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —*
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
 - (b) waive or grant concessions in relation to any amount of money; or*
 - (c) write off any amount of money,*

which is owed to the local government.

** Absolute majority required.*

- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*

POLICY IMPLICATIONS

It should be noted that a new Rates Debt Collection Policy is being drafted for consideration by the Committee. The objective of the new Policy is to outline an effective and clear timeframe for each step in the rates debt collection process.

FINANCIAL IMPLICATIONS

There will be a negative financial implication for Council as all outstanding rates and debt collection charges totalling \$47,931.26 will be written off.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.4 Business innovation, efficiency and improved service.

Goal 1.4.1 Ensure legislative compliance and follow best practice principles in planning and service delivery.

Goal 1.4.3 Maintain Council's long term financial viability.

COMMUNITY CONSULTATION

Community consultation is not relevant to this matter.

COMMENT

The write off of any outstanding rates, service charges and debt collection charges is not a course of action that the Shire normally wishes to pursue as legal proceedings have generally proven to be successful. In this case however numerous attempts have been made to recover these outstanding rates and debt collection charges for these tenements which have proven to be unsuccessful. The next course of action would be to place this company into liquidation at a cost of \$5,000 to \$7,000 with no guarantee of a return.

The risk of placing a company into liquidation without guaranteed returns to cover the costs, and outstanding rates and charges, is perceived to be high.

Officers are therefore recommending that the outstanding charges be written off.

ATTACHMENTS

There are no attachments associated with this report.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That The Audit (Finance and Risk) Committee recommends to Council to write-off outstanding rates and debt collection charges on assessment A7308, A7309 and A7457, estimated at \$47,931.26 at the time of writing this report.

Officer's recommendations under Items 6.5 – 6.8 were carried by *en bloc* resolution (Minute: AC300).

6.7 REQUEST TO WRITE-OFF OUTSTANDING RATES AND DEBT COLLECTION CHARGES ON ASSESSMENT A7310 AND A7311

DATE:	13 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Shelley Binnie, Finance Officer Rates & Property
REPORTING OFFICER:	Natalie Octoman Director Corporate Services
FILE NO:	FM.11.56
ASSESSMENT NO:	A7310 and A7311

PURPOSE

The Audit (Finance and Risk) Committee is requested to consider the write-off of outstanding rates and debt collection costs on assessments A7310 and A7311.

BACKGROUND

Assessments A7310 and A7311 are exploration tenements that were forfeited to the Department of Mines and Petroleum on 18 January 2013.

A large number of mining / exploration / prospecting tenements list a tenement agency postal address for where all correspondence is sent regarding the tenements. This is normally the only information the Shire receives regarding tenements and it is only when the tenement owner contacts the Shire that officers receive additional contact information.

Rates for these tenements were first raised for the financial year 2010/11, this also included back rates for 2009/10. On 27 July 2010 the ratepayer requested a payment arrangement. The arrangement was accepted by the Shire and a payment arrangement form was signed and returned by the ratepayer. The Shire received two payments, the first on 30 November 2010 and the second on 13 January 2011. In April 2011 the Shire received a call from the ratepayer advising that payments will be late; no payments have been received since. On 21 September 2011 officers received an email from the ratepayer requesting a payment plan over a period of 18 months. It was advised that only a payment plan for the current financial year would be accepted. No reply was received from the ratepayer and there has been no further correspondence received.

The tenement agency was contacted on 30 January 2013 and they advised officers that the agency didn't have this ratepayer on file anymore as they weren't paying their fees, but they were able to provide a contact email address. An email was sent to this address enquiring if it was the correct address for the ratepayer. A reply was received advising that it was and requesting that their contact details be updated. Copies of the current rate and final notices were emailed to the ratepayer. No response was received.

These debts were referred to the Shire's debt collection agency in November 2011. A General Procedure Claim was issued and served on 1 December 2011. No response was received. Judgement was entered at the Kununurra Court on 19 March 2012 and transferred to NSW. The Shire placed a caveat on all tenements; this caveat meant that the Shire would be notified if the ratepayer was selling the tenements. An application for a Warrant of Execution was requested on 18 June 2012. Attempts were made to serve the warrant with no success. The warrant was reissued to the Directors address on 03 December 2012. Attempts to serve the warrant were made with no success.

The Shire was notified by Landgate as at 18 January 2013 that these tenements had been forfeited and are no longer rateable but as rates and charges remained outstanding, debt collection processes continued.

A Statutory Demand was issued on 2 October 2013 to the ratepayer which advised the ratepayer that if contact is not made or outstanding debt remains unpaid within 21 days from date of demand the Shire could place the company into liquidation. On 15 October 2013, the Shire's debt collection agency received a call from the ratepayer requesting a payment arrangement. The debt collection agency emailed the outstanding notices to the ratepayer and received a response stating that a payment arrangement will be put to the Director's for consideration. No further response was received.

Total rates and debt collection charges outstanding are:

Tenements	A7310	A7311
Rates	\$14,316.84	\$16,068.38
UV Waste Management Charge	\$ 379.00	\$ 379.00
Interest	\$ 4,236.65	\$ 4,761.02
Debt Collection / Recovery Fee	\$ 3,156.30	\$ 1,690.60
Total	\$22,088.79	\$22,899.00

STATUTORY IMPLICATIONS

Local Government Act 1995

6.53. Land becoming or ceasing to be rateable land

Where during a financial year —

- (a) land that was not rateable becomes rateable land; or*
- (b) rateable land becomes land that is not liable to rates,*

the owner of that land —

- (c) is liable for rates proportionate to the portion of the year during which the land is rateable land; or*
- (d) is entitled to a refund of an amount proportionate to the portion of the year during which the land is not rateable land,*

as the case requires.

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —*
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
 - (b) waive or grant concessions in relation to any amount of money; or*
 - (c) write off any amount of money,*

which is owed to the local government.

** Absolute majority required.*

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*

POLICY IMPLICATIONS

It should be noted that a new Rates Debt Collection Policy is being drafted for consideration by the Committee. The objective of the new Policy is to outline an effective and clear timeframe for each step in the rates debt collection process.

FINANCIAL IMPLICATIONS

There will be a negative financial implication for Council as all outstanding rates and debt collection charges totalling \$44,987.79 will be written off.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 1	Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational sustainability.
Objective 1.4	Business innovation, efficiency and improved service.
Goal 1.4.1	Ensure legislative compliance and follow best practice principles in planning and service delivery.
Goal 1.4.3	Maintain Council's long term financial viability.

COMMUNITY CONSULTATION

Community consultation is not relevant to this matter.

COMMENT

The write off of any outstanding rates, service charges and debt collection charges is not a course of action that the Shire normally wishes to pursue as legal proceedings have generally proven to be successful. In this case however, numerous attempts have been made to recover these outstanding rates and debt collection charges for these tenements which have proven to be unsuccessful. The next course of action would be to place the company into liquidation at a cost \$5,000 to \$7,000 with no guarantee of a return.

The risk of placing a company into liquidation without guaranteed returns to cover the costs, and outstanding rates and charges, is perceived to be high.

Officers are therefore recommending that the outstanding charges be written off.

ATTACHMENTS

There are no attachments associated with this report.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Audit (Finance and Risk) Committee recommends to Council to write-off outstanding rates and debt collection charges on assessments A7310 and A7311, estimated at \$44,987.79 at the time of writing this report.

Officer's recommendations under Items 6.5 – 6.8 were carried by *en bloc* resolution (Minute: AC300).

6.8 REQUEST TO WRITE-OFF OUTSTANDING RATES AND DEBT COLLECTION CHARGES ON ASSESSMENT A7312, A7313, A7314 AND A7315

DATE:	13 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Shelley Binnie, Finance Officer Rates & Property
REPORTING OFFICER:	Natalie Octoman Director Corporate Services
FILE NO:	FM.11.56
ASSESSMENT NO:	A7312, A7313, A7314 and A7315

PURPOSE

The Audit (Finance and Risk) Committee is requested to consider the write-off outstanding rates and debt collection costs on assessments A7312, A7313, A7314 and A7315

BACKGROUND

Assessments A7312, A7313, A7314 and A7315 are all exploration tenements that were forfeited to the Department of Mines and Petroleum on 18 January 2013.

A large number of mining / exploration / prospecting tenements list a tenement agency postal address for where all correspondence is sent regarding the tenements. This is normally the only information the Shire receives regarding tenements and it is only when the tenement owner contacts the Shire that officers receive additional contact information.

Rates for these tenements were first raised for the financial year 2010/11, this also included back rates for 2009/10. On 27 July 2010 the ratepayer requested a payment arrangement. The arrangement was accepted by the Shire and a payment arrangement form was signed and returned by the ratepayer. The Shire received two payments, the first on 30 November 2010 and the second on 13 January 2011. In April 2011 the Shire received a call from ratepayer advising payments will be late; no payments have been received since. On 21 September 2011 officers received an email from the ratepayer requesting a payment plan over a period of 18 months. It was advised that only a payment plan for the current financial year would be accepted. No reply was received from the ratepayer and there has been no further correspondence received.

The tenement agency was contacted on 30 January 2013 and they advised officers that the agency didn't have this ratepayer on file anymore as they weren't paying their fees, but they were able to provide a contact email address. An email was sent to this address enquiring if it was the correct address for the ratepayer. A reply was received advising that it was and requesting that their contact details be updated. Copies of the current rate and final notices were emailed to the ratepayer. No response was received.

These debts were referred to the Shire's debt collection agency in November 2011. A General Procedure Claim was issued and served on 1 December 2011. No response was received. Judgement was entered at the Kununurra Court on 19 March 2012 and transferred to NSW. The Shire placed a Caveat on all tenements; this caveat meant that the Shire would be notified if the ratepayer was selling the tenements. An application for a Warrant of Execution was requested on 18 June 2012. Attempts were made to serve the warrant with no success. The warrant was reissued to the Director's address on 3 December 2012. Attempts to serve the warrant were made with no success.

The Shire was notified by Landgate as at 18 January 2013 that these tenements had been forfeited and are no longer rateable, but as rates and charges were still outstanding, debt collections processes continued.

A Statutory Demand was issued on 2 October 2013 to the ratepayer which advised the ratepayer that if contact is not made or outstanding debt remains unpaid within 21 days from date of demand the Shire could place the company into liquidation. On 15 October 2013, the Shire's debt collection agency received a call from the ratepayer requesting a payment arrangement. The debt collection agency emailed the outstanding notices to the ratepayer and received a response stating that a payment arrangement will be put to the Directors for consideration. No further response was received.

Total rates and debt collection charges outstanding are:

Tenements	A7312	A7313	A7314	A7315
Rates	\$16,886.18	\$20,507.04	\$14,316.84	\$ 8,476.53
UV Waste Management Charge	\$ 379.00	\$ 379.00	\$ 379.00	\$ 379.00
Interest	\$ 5,006.15	\$ 6,091.13	\$ 4,236.65	\$ 2,486.46
Debt Collection / Recovery Fee	\$ 1,405.70	\$ 1,405.70	\$ 2,410.55	\$ 672.85
Total	\$23,677.03	\$28,382.87	\$21,343.04	\$12,014.84

STATUTORY IMPLICATIONS

Local Government Act 1995

6.53. Land becoming or ceasing to be rateable land

Where during a financial year -

- (a) land that was not rateable becomes rateable land; or*
- (b) rateable land becomes land that is not liable to rates,*

the owner of that land -

- (c) is liable for rates proportionate to the portion of the year during which the land is rateable land; or*
- (d) is entitled to a refund of an amount proportionate to the portion of the year during which the land is not rateable land,*

as the case requires.

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may -*
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
 - (b) waive or grant concessions in relation to any amount of money; or*
 - (c) write off any amount of money,*

which is owed to the local government.

** Absolute majority required.*

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*

POLICY IMPLICATIONS

It should be noted that a new Rates Debt Collection Policy is being drafted for consideration by the Committee. The objective of the new Policy is to outline an effective and clear timeframe for each step in the rates debt collection process

FINANCIAL IMPLICATIONS

There will be a negative financial implication for Council as all outstanding rates and debt collection charges totalling \$85,417.78 will be written off.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 1	Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational sustainability.
Objective 1.4	Business innovation, efficiency and improved service.
Goal 1.4.1	Ensure legislative compliance and follow best practice principles in planning and service delivery.
Goal 1.4.3	Maintain Council's long term financial viability.

COMMUNITY CONSULTATION

Community consultation is not relevant to this matter.

COMMENT

The write off of any outstanding rates, service charges and debt collection charges is not a course of action that the Shire normally wishes to pursue as legal proceedings have generally proven to be successful. In this case however, numerous attempts have been made to recover these outstanding rates and debt collection charges for these tenements which have all proven to be unsuccessful. The next course of action would be to place the company into liquidation at a cost of \$5,000 to \$7,000 with no guarantee of a return.

The risk of placing a company into liquidation without guaranteed returns to cover the costs, and outstanding rates and charges, is perceived to be high.

Officers are therefore recommending that the outstanding charges be written off.

ATTACHMENTS

There are no attachments associated with this report.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That The Audit (Finance and Risk) Committee recommends to Council to write-off outstanding rates and debt collection charges on assessments A7312, A7313, A7314 and A7315, estimated at \$85,417.78 at the time of writing this report.

Officer's recommendations under Items 6.5 – 6.8 were carried by *en bloc* resolution (Minute: AC300).

6.9 REQUEST FOR WRITE-OFF OF RATES, SERVICE CHARGES, PENALTY INTEREST AND EMERGENCY SERVICES LEVY – ASSESSMENT A7564

DATE:	13 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Shelley Binnie, Finance Officer Rates
REPORTING OFFICER:	Natalie Octoman Director Corporate Services
FILE NO:	FM.11.17
ASSESSMENT NO:	A7564

PURPOSE

For the Audit (Finance and Risk) Committee to consider a request to write off rates, service charges and penalty interest on Assessment A7564.

BACKGROUND

Assessment A7564 is a property held by the Shire of Wyndham East Kimberley and leased out for the purposes of a commercial boat facility. The property was leased to the lessee commencing July 2011. Under the terms of the lease agreement the lessee is liable to pay all council rates. Interim rates were raised against the property in March 2012 for the 2011/2012 year and in August 2012 annual rates were raised for the 2012/2013 financial year. No payments were received. The lease was terminated on 12/09/2013 due to non-compliance on the part of the lessee. The company holding the lease was placed in Administration in May 2012 and is currently being liquidated. Advice from the Liquidators on 19 August 2013 confirmed that there will be no distribution to creditors.

STATUTORY IMPLICATIONS

Local Government Act 1995

6.12. Power to defer, grant discounts, waive or write off debts

- (1) *Subject to subsection (2) and any other written law, a local government may -*
 - (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
 - (b) *waive or grant concessions in relation to any amount of money; or*
 - (c) *write off any amount of money,*

which is owed to the local government.

** Absolute majority required.*
- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) *The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*
- (4) *Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.*

POLICY IMPLICATIONS

It should be noted that a new Rates Debt Collection Policy is being drafted for consideration by the Committee. The objective of the new Policy is to outline an effective and clear timeframe for each step in the rates debt collection process.

FINANCIAL IMPLICATIONS

Should the Council approve the request to write off the total amount of \$2,919.77, made up of the amounts of rates \$2,005.06, Waste Management Charge \$199.00, Penalty Interest \$640.30, Emergency Services Levy \$57.00 and ESL Penalty \$18.41 would be written off.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.4 Business innovation, efficiency and improved service.

Goal 1.4.1 Ensure legislative compliance and follow best practice principles in planning and service delivery.

Goal 1.4.3 Maintain Council's long term financial viability.

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

The company which leased assessment A7564 is currently in Liquidation with no likelihood of any distribution to creditors. Options available under Council's Rate Collection Policy to issue a Property Seizure and Sale Order against goods or the land would not be successful due to the liquidation. Sale of land to recoup the rates debt is not an option as the land was leased and is vested to the Shire of Wyndham East Kimberley as a Reserve under a Management Order from the Crown. If the officer's recommendation is accepted, the rates, service charges and penalty interest will be written off and the Department of Fire and Emergency Services will be advised of the ESL write off through the annual end of year reporting process.

ATTACHMENTS

There are no attachments associated with this report.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Audit (Finance and Risk) Committee recommends to Council to write off rates, service charges and penalty interest of \$2,844.36 for Assessment A7564 and that the Department of Fire and Emergency Services is notified of the ESL write-off of \$75.41 through the annual reporting process.

COMMITTEE RESOLUTION

Minute: AC301

Moved: Cr J Moulden

Seconded: Cr B Robinson

That the Audit (Finance and Risk) Committee recommends to Council to write off rates, service charges and penalty interest of \$2,844.36 for Assessment A7564 and that the Department of Fire and Emergency Services is notified of the ESL write-off of \$75.41 through the annual reporting process.

Carried Unanimously 4/0

6.10 REQUEST FOR WRITE-OFF OF DEBT COLLECTION CHARGES ON ASSESSMENTS A1775, A1949 AND A2575

DATE:	13 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Shelley Binnie, Finance Officer Rates
REPORTING OFFICER:	Natalie Octoman Director Corporate Services
FILE NO:	A1775D, A1949D, A2575D
ASSESSMENT NO:	A1775, A1949, A2575

PURPOSE

For the Audit (Finance and Risk) Committee to consider a request to write off debt collection and legal charges on A1775, A1949 and A2575.

BACKGROUND

On 1 April 2014 a final notice was issued to all ratepayers who had outstanding amounts on their assessments. On 9 April 2014 the ratepayer for assessments A1775, A1949 and A2575 contacted the Shire enquiring about the debt collection and legal charges that had been applied to the assessments. The ratepayer was notified that these assessments had been sent to the Shire's debt collection agency due to non-payment as the rates were due on the 17 September 2013, a final notice was issued on 20 September 2013 and a notice of intent was issued by the Shire's debt collection agency on 14 September 2013. The Shire received no response to these notices and on 23 October 2013 advised the debt collection agency to issue a General Procedure Claim.

Payment for only the amount shown on the annual notice was received on 8 November 2013. Interest and debt collection / legal charges remained outstanding. The Shire's debt collection agency was notified immediately to stop all legal action.

On 28 April 2014, a letter was received from the ratepayer requesting that the debt collection and legal charges are written off. In the letter it states that the ratepayer had contacted the Shire before the 2013/14 rates were issued requesting an extension on paying the rates due to health reasons. There is no record of this conversation taking place.

From the date of issue of the annual rates notice on 13 August 2013 to the 9 April 2014, there has been no record of contact made by the ratepayer and prior to this there has been no contact made by the ratepayer in relation to any assessments.

To date, the outstanding amounts are as follows:

Assessment No.	Interest	Legal Charges	Debt Collection Charges	TOTAL
A1949	\$41.09	\$310.90	\$170.00	\$521.99
A1775	\$45.34	\$310.90	\$170.00	\$526.24
A2575	\$49.47	\$310.90	\$170.00	\$530.37
TOTAL				\$1,578.60

STATUTORY IMPLICATIONS

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money,
- which is owed to the local government.

* Absolute majority required.

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

6.56. Rates or service charges recoverable in court

(1) If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction

POLICY IMPLICATIONS

Policy F12 – Rate Collection Policy

1. As soon as possible after the Council Budget Meeting, rates notices will be sent out to ratepayer giving them 35 days from date of issue of the rates notice to either:
 - a. Pay the rates in full
 - b. Elect to go onto an instalment option as per *Local Government Act 1995* – section 6.45.
2. Final notices will be issued seven days after the due date to all ratepayers that have not made a payment with the exception of eligible pensioners. This will give ratepayers another fourteen days from the date of issue of the final notice in which to pay their rates. The option of going onto instalments will cease at the expiry of this fourteen day period.
3. Prior to any recovery action a Notice of Intention to Issue a General Procedures Claim will be sent to the ratepayer giving seven days' notice
4. Recovery action, as allowed under the *Local Government Act 1995* – section 6.56, is to commence after the expiration of the seven (7) day given in clause 3. Methods that will be used to recover debts are as follows;
 - a. General Procedures Claim
 - b. If no response from the claim, the following options are available, as appropriate:
 - i. Serve notice on tenant to pay rent monies to Shire of Wyndham East Kimberley (if it is a rented property), under the provisions of the *Local Government Act 1995* – Section 6.60
 - ii. Issue a Property Seizure and Sale Order on goods
 - iii. Issue a Property Seizure and Sale Order on land (following council approval).
 - c. Properties with three years or more rates outstanding to be sold or forfeited to the Shire of Wyndham East Kimberley under the provisions of the *Local Government Act 1995* – Section 6.68
7. All costs involved in recovery action will be charged against the property.

FINANCIAL IMPLICATIONS

Should the Council approve the request to write off the debt collection and other charges, a total amount of \$1,578.60 would be written off which represents payments already incurred by the Shire (with the exception of interest charges).

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.4 Business innovation, efficiency and improved service.

Goal 1.4.1 Ensure legislative compliance and follow best practice principles in planning and service delivery.

Goal 1.4.3 Maintain Council's long term financial viability.

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

The rates and service charges for the 2013/14 year were raised on 13 August 2013 with a due date of 17 September 2013. A final notice was issued on 20 September giving the ratepayer an additional 14 days to pay the rates. On 14 October 2013 a notice of intention was issued allowing an additional 7 days for payment or for the ratepayer to contact the Shire. In total the ratepayer had 69 days to pay the rates and service charges before the Shire commenced legal action.

All efforts are taken to contact the ratepayer before legal action is commenced if contact details are available.

It should be noted that even if there was recorded contact made as indicated in the ratepayer's correspondence, interest would still have accrued and be payable.

While the ratepayer has a history of paying their rates when they become due, or prior to the due date in order to receive the former rates discount, the Shire has still incurred costs. As there was no written advice of the ratepayer requesting to make payment upon their return to Kununurra it is the officer's recommendation that the request be denied.

ATTACHMENTS

Request from Ratepayer

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Audit (Finance and Risk) Committee recommends to Council to refuse the request to write off debt collection and other charges of \$1,578.60 for assessments A1775, A1949 and A2575.

COMMITTEE RESOLUTION

Minute: AC302

Moved: Cr B Robinson

Seconded: Cr D Spackman

That the Audit (Finance and Risk) Committee recommends to Council to refuse the request to write off debt collection and other charges of \$1,578.60 for assessments A1775, A1949 and A2575.

Carried Unanimously 4/0

Re: Rates Assessment notices numbers A2575, A1949, A1775

To Whom it may concern

My name is Hugh Mason and I reside at 13 Barding Loop Kununurra.

Recently I received 3 rates notices for the various properties I own in Kununurra. Rate notice A1949 was for \$521.99 A1775 was for 526.24 and A2575 was for 530.37.

The full cost of all these rates notices is made up purely of interest, legal fees and debt collection fees.

After receiving the notices I called the rates officer to seek an explanation and she informed me the reasoning behind the fees and that in order to get these penalties removed I needed to write a letter to council to see if they will waive the fees.

As I told the lady on the 28 June last year my wife was diagnosed with double breast cancer and booked in for surgery to have a double mastectomy and chemotherapy in July and the following months.

Knowing I was going to be away for a few months I called the Council offices and ask to speak to the rates person. I was transferred and spoke to a lady who told me she wasn't the rates lady but could take a message. I told her the situation of my wife getting sick and that I would be out of town for a few months and would it be ok if I paid my rates when I returned to Kununurra in late October early November. The lady said that she couldn't make that decision. I asked her to pass the message on and left my phone number with her and what it was I requiring and said if there was any trouble please contact me.

I return back to Kununurra in Early November and proceeded to pay my rates in full on the first week I was back. As you can well imagine that was the last I thought about it until recently when I received the 3 overdue notices.

During the months of November to April I received no further correspondence from the Shire nor from the Debt collection agency whom are charging me almost \$1600.00 dollars. So since I paid my rates in full in November this is the first I have heard about penalties , legal notices . I thought everything was fine.

So the point of my letter is to ask the council if they could agree to wave the penalties and fees imposed upon myself for I feel I did everything I could to notify the shire that I would not be in town to pay the rates until November.

Thankyou

Hugh Mason

0400758359

26/4/2014

6.11 SUNDRY DEBTORS – REQUEST FOR WRITE-OFF OF SUNDRY DEBT – DEBTOR 98563

DATE:	13 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Felicity Heading, Senior Finance Officer
REPORTING OFFICER:	Natalie Octoman, Director Corporate Services
FILE NO:	FM.07.2

PURPOSE

For the Audit (Finance and Risk) Committee to consider recommending to the Council to write off the sundry debt of \$16,557.55 of Debtor 98563.

BACKGROUND

The original sundry debt of \$10,800 relating to cemetery fees with payment due in January 2009. The current balance is \$16,557.55 due to penalty interest being applied.

In 2010 The Shire's Debt Collection Agent was instructed to take no further action with regard to this debt. It was considered that the cost of debt collection would exceed any recovery that may occur against this debt. The debtor was known to have other debts across the Kimberley and Northern Territory. The debt was not proposed for write off at that time. A wait and see approach was adopted as the debtor had corresponded with Council previously and stated that they would repay the debt as they were able to, albeit no formal payment arrangements were agreed to. Monthly statements were sent to remind the debtor of the debt.

The Proprietor became bankrupt via Federal Magistrates Court order in June 2010 and a bankruptcy trustee was appointed. Details were forwarded via the Shire's Debt Collection Agent to register the debt with the trustee. Advice was received from Shire Debt Collection Agent in September 2011 that the trustee confirmed there was no dividend payable on liquidation of the debtor.

If income status of debtor changes during the bankruptcy period (3 years), income can be claimed for "compulsory income contributions". Advice from the trustee was that income would need to be approx. \$70-\$80,000 per annum. The Trustee relies on information from the debtor or any other individual to report on the debtor in relation to income changes.

After three years the bankrupt is automatically discharged from bankruptcy, unless the trustee lodges an objection. In October 2013 the trustee confirmed that the bankruptcy had been discharged in July 2013.

STATUTORY IMPLICATIONS

6.12. Power to defer, grant discounts, waive or write off debts

- (1) *Subject to subsection (2) and any other written law, a local government may —*
- (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
 - (b) *wave or grant concessions in relation to any amount of money; or*

(c) write off any amount of money,
which is owed to the local government.

** Absolute majority required.*

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

POLICY IMPLICATIONS

F15 - Sundry Debt Collection Policy

1. That all invoices are raised within 7 days of receiving an authority to raise invoice with all invoices being raised in accordance with the F22 Policy – Collection of Fees and Charges.
2. That a Statement is to be issued within 7 days after the end of month.
3. If full payment for debt is not received after 30 days a reminder notice and a copy of invoice is to be sent.
4. After 45 days interest will start to accrue at the prescribed rate on invoices issued for fees and charges as adopted by Council, exclusive of those charges prescribed under other legislation. A phone call (or other form of contact) is to be made so as to establish when payment will be made.
5. After 60 days a final notice is to be sent with a copy of the invoice attached.
6. After 74 days if no payment received the debtor account is to be referred to the Executive Manager Corporate Services to decide further action (i.e. place account on stop credit or onto a prepayment system for future services).
7. After 80 days an Intention to Summons is to be sent after.
8. By the 87th day if the debt exceeds \$400.00 a copy of all the above mention correspondence is to be issued to the Shire's debt collection agency so that this agency can send a summons to the debtor by the 90th day.
9. All associated costs for debt collection will be on charged to the debtor.

Matters Relating to Sundry Debts for licences

After 60 days the Officer who issued the licence is to communicate with the debtor the intention to withdraw the licence if payment is not made in next 30 days. After 90 days the Chief Executive Officer can withdraw any licence which has not been paid and instruct the issuing officer to cancel the licence.

Other Matter Pertaining to Sundry Debtors

1. That the Chief Executive Officer has the discretion to write off amounts under \$100.00, only after all avenues of debt collection have been exhausted. These write offs are to be reported to Council in the following month.
2. Debtors will be on charged any fees and charges issued to the Shire for the recovery of their outstanding debt.

None of the above is designed to prevent Council from coming to an arrangement with the debtor to make alternative arrangements for payment.

FINANCIAL IMPLICATIONS

If the Audit (Finance and Risk) Committee accepts the officer's recommendation and recommends to council to write off the sundry debt the total amount of \$16,557.55 consisting of the original debt of \$10,800 and \$5,757.55 in penalty interest will be written off.

STRATEGIC IMPLICATIONS

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

Objective 1.4: Business innovation, efficiency and improved service.

Strategy 1.4.2: Improve the efficiency and productivity of Shire services.

Strategy 1.4.3: Maintain Council's long term financial viability.

Strategy 1.4.4: Deliver cost effective and efficient corporate services.

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

It is recommended that this debt be written off as there is no prospect of recovery.

ATTACHMENTS

There are no attachments associated with this report.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Audit (Finance and Risk) Committee recommends to the Council to write off the sundry debt of Debtor 98563 to the total amount of \$16,557.55 consisting of the original debt of \$10,800 plus \$5,757.55 in penalty interest.

COMMITTEE RESOLUTION

Minute: AC303

Moved: Cr J Moulden

Seconded: Cr B Robinson

That the Audit (Finance and Risk) Committee recommends to the Council to write off the sundry debt of Debtor 98563 to the total amount of \$16,557.55 consisting of the original debt of \$10,800 plus \$5,757.55 in penalty interest.

Carried Unanimously 4/0

6.12 REQUEST TO REVEST LOTS 401 AND 402 PEARSE STREET, WYNDHAM (ASSESSMENTS A5594 AND A5595) BACK TO CROWN

DATE:	13 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Shelley Binnie, Finance Officer Rates and Property
REPORTING OFFICER:	Natalie Octoman Director Corporate Services
FILE NO:	FM.11.1
ASSESSMENT NO:	A5594 and A5595

PURPOSE

That the Audit (Finance and Risk) Committee recommends to Council to revest Lots 401 and 402 Pearse Street, Wyndham (Assessment Numbers A5594 and A5595) to Crown.

BACKGROUND

Assessments A5594 and A5595 are two vacant lots located in Wyndham at the base of Bastion behind the Wyndham Pub.

It is unknown when these lots were first rated as the rates were incorrectly sent to another rate payer and it wasn't until 2007 that the Shire was notified by the ratepayer that they were being incorrectly charged for these lots. In 2007 a search was conducted on these two lots and it the owner of these lots was identified. As the Shire didn't have contact details for the owner of the properties these assessments were sent to the Shire's debt collection agency Austral to locate the owner.

The assessments where sent to the Shire's new debt collection agency in April 2014 and found that the owner passed away in 1974 and that his estate was left to his wife and his son. The son (ratepayer) was located in July 2013.

On 7 August 2013 the ratepayer contacted the Shire advising that he wasn't aware of these properties and had contacted the local real estate agent to place these properties on the market with the idea that the funds he would receive for these properties would pay the outstanding rates, service charges, legal and debt collection costs.

In February 2014 contact was again made by the ratepayer advising that there had been no interest in the properties and asked what their options were.

The real estate agent that has these properties listed was contacted and they advised that the ratepayer would be lucky to receive \$5,000 in total for these lots due to their location.

STATUTORY IMPLICATIONS

Local Government Act 1995

6.12. Power to defer, grant discounts, waive or write off debts

- (1) *Subject to subsection (2) and any other written law, a local government may —*
 - (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*

- (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money,
- which is owed to the local government.

* Absolute majority required.

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

6.55. Recovery of rates and service charges

- (1) Subject to subsection (2) and the Rates and Charges (Rebates and Deferments) Act 1992 rates and service charges on land are recoverable by a local government from
 - (i) the owner at the time of the compilation of the rates record;
 - (ii) a person who whilst the rates or service charges are unpaid becomes the owner of the land.

6.56. Rates or service charges recoverable in court

- (1) If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction

6.64. Actions to be taken

- (1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and –
 - (a) from time to time lease the land; or
 - (b) sell the land; or
 - (c) cause the land to be transferred to the Crown; or
 - (d) cause the land to be transferred to itself
- (2) On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.
- (3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land and may withdraw caveats so lodged by it.

6.71. Power to transfer land to Crown or to local government

- (1) If under this Subdivision land is offered for sale but at the expiration of 12 months a contract for the sale of the land has not been entered into by the local government, it may by transfer, where the land is subject to the provisions of the Transfer of Land Act 1893, and by deed, where the land is

not subject to the provisions of that Act, transfer or convey the estate in fee simple in the land to —

- (a) the Crown in right of the State; or*
- (b) the local government.*

- (2) When a local government exercises the power referred to in subsection (1)(a) in relation to any land all encumbrances affecting the land are, by virtue of this section of no further force or effect against that land and the Registrar of Titles or the Registrar of Deeds and Transfers, as the case requires, is to give effect to this section.*

6.74. Power to have land revested in Crown if rates in arrears 3 years

- (1) If land is —
 - (a) rateable land; and*
 - (b) vacant land; and*
 - (c) land in respect of which any rates or service charges have been unpaid for a period of at least 3 years, the local government in whose district the land is situated may apply in the form and manner prescribed to the Minister to have the land revested in the Crown in right of the State.**
 - (2) The Minister is to consider the application and the circumstances surrounding the application and may grant or refuse the application*
 - (3) If the application is granted the Minister is to execute a transfer or conveyance of the land to the Crown and is to deliver the transfer or conveyance to the Registrar of Titles or the Registrar of Deeds and Transfers, as the case requires, for registration.*
 - (4) Upon the delivery of the transfer or conveyance Schedule 6.3 clause 8 has effect in relation to the exercise of the power referred to in subsection (1).*
- [Section 6.74 amended by No. 49 of 2004 s. 64(1); No. 47 of 2011 s. 16.]*

POLICY IMPLICATIONS

Policy F12 – Rate Collection Policy

- 4. Recovery action, as allowed under the Local Government Act 1995 – section 6.56, is to commence after the expiration of the seven (7) day given in clause 3. Methods that will be used to recover debts are as follows;
 - a) General Procedures Claim
 - b) If no response from the claim, the following options are available, as appropriate:
 - a. Serve notice on tenant to pay rent monies to Shire of Wyndham East Kimberley (if it is a rented property), under the provisions of the Local Government Act 1995 – Section 6.60
 - b. Issue a Property Seizure and Sale Order on goods
 - c. Issue a Property Seizure and Sale Order on land (following council approval).
 - c) Properties with three years or more rates outstanding to be sold or forfeited to the Shire of Wyndham East Kimberley under the provisions of the Local Government Act 1995 – Section 6.68

FINANCIAL IMPLICATIONS

If Council resolve to revest these properties back to the Crown and Ministerial approval is provided, rates and charges to be written off will be in the order of \$41,672.46.

STRATEGIC IMPLICATIONS

Strategic Community Plan

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

Objective 1.4: Business innovation, efficiency and improved service.

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

Strategy 1.4.3: Maintain Council's long term financial viability.

COMMUNITY CONSULTATION

The Shire has received communication the ratepayer indicating that advice they had received from the selling agent indicates that there is currently no-one interested in purchasing the properties. The ratepayer has also stated that they are not in a position to pay the current, outstanding and ongoing rates, and would like to explore the possibility of the land reverting back to the Council in lieu of the current and outstanding rates.

The ratepayer has been advised by the Shire of the process that is being undertaken, and that consideration will be required by the Audit (Finance and Risk) Committee, the Council and the Minister.

COMMENT

The revesting of any land with outstanding rates, service charges, legal and debt collection charges is not a course of action that the Shire normally pursues as legal proceedings have generally proven to be successful.

However, numerous attempts over the past 7 years have been made to recover the outstanding rates, service charges, legal and debt collection charges which have proven unsuccessful.

The Council does have the option under section 6.64 of the *Local Government Act 1995* to sell the land or transfer the land to Crown or to itself.

Section 6.68(2) of the *Local Government Act 1995* states that:-

- (2) *A local government is not required to attempt under section 6.56 to recover money due to it before exercising the power of sale where the local government —*
 - (a) *has a reasonable belief that the cost of the proceedings under that section will equal or exceed the value of the land; or*
 - (b) *having made reasonable efforts to locate the owner of the property is unable to do so.*

The outstanding amounts for both assessments are \$41,672.46 and the cost to sell these properties is estimated to be \$7,000 to \$10,000 per assessment. At a total cost of approximately \$60,000 and an indication of a \$2,500 sale price for each lot, it is not financially beneficial for the Shire to sell the properties as the proceeds would not reimburse the cost of selling.

The option of revesting the property to itself is not recommended as the location of the land and the land itself is of no benefit to the Shire.

The least expensive option to the Shire is to reinvest these lots back to the Crown at a cost of approximately \$1,100.

ATTACHMENTS

Possession of Land for Recovery of Rates and Service Charges – Local Government Operational Guidelines – Number 22 May 2012.

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That the Audit (Finance and Risk) Committee recommends to Council that pursuant to Sections 6.64(1)(c), 6.71(1)(a) and 6.74(1)(c) of the *Local Government Act 1995*, that the Council commence the process to:

1. Take possession of Lots 401 and 402 Pearse Street, Wyndham (Assessments A5594 and A5595 respectively);
2. Authorise the Shire's debt collectors, AMPAC, to administer the process of taking possession of the land, ensuring compliance with provisions of the *Local Government Act 1995*;
3. Authorise the CEO, or their delegate, to seek Ministerial approval to revest Lots 401 and 402 Pearse Street Wyndham (Assessments A5594 and A5595 respectively), to the Crown; and
4. Subject to the Minister's approval, approve the write off of all outstanding balances on Assessment A5594 and Assessment A5595.

Although the Agenda indicated a voting requirement as an Absolute Majority the actual voting requirement is Simple Majority.

COMMITTEE RESOLUTION

Minute: AC304

Moved: Cr J Moulden

That the Audit (Finance and Risk) Committee recommends to Council that pursuant to Sections 6.64(1)(c), 6.71(1)(a) and 6.74(1)(c) of the *Local Government Act 1995*, that the Council commence the process to:

- 1. Take possession of Lots 401 and 402 Pearse Street, Wyndham (Assessments A5594 and A5595 respectively);**
- 2. Authorise the Shire's debt collectors, AMPAC, to administer the process of taking possession of the land, ensuring compliance with provisions of the Local Government Act 1995;**
- 3. Authorise the CEO, or their delegate, to seek Ministerial approval to revest Lots 401 and 402 Pearse Street Wyndham (Assessments A5594 and A5595 respectively), to the Crown; and**
- 4. Subject to the Minister's approval, approve the write off of all outstanding balances on Assessment A5594 and Assessment A5595.**

Lapsed for want of a Seconder

MOTION

That the Audit (Finance and Risk) Committee recommends to Council that pursuant to Sections 6.64(1)(b) of the *Local Government Act 1995*, that the Council commence the process to:

- 1. Take possession of Lots 401 and 402 Pearse Street, Wyndham (Assessments A5594 and A5595 respectively);**
- 2. Authorise the Shire's debt collectors, AMPAC, to administer the process of taking possession of the land, ensuring compliance with provisions of the Local Government Act 1995; and**
- 3. Proceeds to sell Lots 401 and 402 Pearse Street, Wyndham which have rates in arrears for 3 or more years and recover from the proceeds of the sale the outstanding balances which total \$41,672.46 at the time of writing this report.**

COMMITTEE RESOLUTION

Minute: AC305

Moved: Cr B Robinson

Seconded: Cr D Spackman

That the Audit (Finance and Risk) Committee recommends to Council that pursuant to Sections 6.64(1)(b) of the *Local Government Act 1995*, that the Council commence the process to:

- 1. Take possession of Lots 401 and 402 Pearse Street, Wyndham (Assessments A5594 and A5595 respectively);**
- 2. Authorise the Shire's debt collectors, AMPAC, to administer the process of taking possession of the land, ensuring compliance with provisions of the Local Government Act 1995; and**
- 3. Proceeds to sell Lots 401 and 402 Pearse Street, Wyndham which have rates in arrears for 3 or more years and recover from the proceeds of the sale the outstanding balances which total \$41,672.46 at the time of writing this report.**

Carried 3/1

For: Cr B Robinson, Cr D Spackman, Cr K Wright

Against: Cr J Moulden



Government of **Western Australia**
Department of **Local Government**

Our Ref: 136-01#03 E1219458

TO ALL LOCAL GOVERNMENTS

CIRCULAR N^o 20-2012

**NEW LOCAL GOVERNMENT GUIDELINE No. 22, 'POSSESSION OF LAND FOR
RECOVERY OF RATES AND SERVICE CHARGES'**

The Department, as part of its advice and support role to local governments, produces Guidelines on various matters relating to the implementation of the *Local Government Act 1995* and Regulations.

The Department has completed a new Guideline No.22 titled *Possession of Land for Recovery of Rates and Service Charges*.

This Guideline has been produced in response to considerable interest from local governments in seeking information and guidance on the legislation that governs the process for taking possession of land in order to recover rates and service charges that remain unpaid on land for a period of at least three years.

Guideline No. 22 explains the options that are available to local governments in taking possession of the land, such as its transfer to the Crown or the local government, re-vestment in the Crown or vestment in the local government and the power to sell or lease the land. Guideline No. 22 also includes examples of the forms to be used, a check list for sale of the land and a sample report to council.

Two hard copies of the revised Guideline have been mailed to each local government, and a downloadable version is available from the Department's website www.dlg.wa.gov.au under 'Publications'.

If additional copies of this Guideline are required, please contact Ms Vanya Druskovich via email at vanya.druskovich@dlg.wa.gov.au

Jennifer Mathews
DIRECTOR GENERAL

30 July 2012

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Possession of Land for Recovery of Rates and Service Charges

Local Government Operational Guidelines – Number 22 May 2012

Possession of Land for Recovery of Rates and Service Charges

1. Introduction

Local governments will from time to time face the situation where a person or company does not pay their rates or service charges for a number of years.

The intent of this Guideline is to explain the process required to comply with the legislation governing the taking possession of land in order to recover rates and service charges that are unpaid after three years.

Throughout the guideline there are also references made to Landgate's "Land Titles Registration Practice Manual" as many of the actions detailed have associated "Landgate" requirements.

Local governments may take action to lease or sell the land to recover rates and or service charges outstanding or they may cause the land to be transferred to the Crown or to itself.

Such action should only be considered when all other avenues of inquiry and action (such as the following examples) and where possible, consultation and negotiation for the debt recovery with the person or company, have been exhausted.

- Are the property owner's whereabouts known? Has a Claim (General Procedure) been issued and served? If so, has a Property (Seizure and Sale) Order (PSSO) on Land (Minor Case) been issued through the Magistrates Court 14 days or more after the General Procedure was served?
- If the property owner's whereabouts are not currently known, take steps to locate the owner. Does the owner own any other land anywhere else in Western Australia? Have water rates or land tax been paid by the owner? What address for the owner does the Water Corporation and/or the Office of State Revenue have?
- Is the property vacant or improved? Is it a rental property? If so, has an order been given to the tenant, under the provisions of section 6.60 of the *Local Government Act 1995* (the Act), to pay rent?
- If it is an improved property, and the owner does not occupy it, check to see where the power supply provider for the property sends its accounts?
- Has the facility of a direct debit or Centrepay payment service (weekly, fortnightly or monthly) been offered?
- Has a title search been done recently to ascertain if there is any current mortgage or caveat over the property?

This guideline sets out the process, step-by-step, so that if followed correctly the legal requirements should be met.

If the before mentioned and any other steps have not produced any result, a report should be prepared for Council. The report should outline the overdue rates or service charge position, and the attempts at debt recovery and owner location.

The report (refer **Attachment 1.**) may recommend that Council resolves by simple majority to lease or sell the land to recover rates and or service charges outstanding or may recommend that the local government apply to the Minister for Local Government to have the land re-vested in the Crown in right of the State under section 6.74 of the Act or make an application for the land to be transferred to itself, under section 6.75 of the Act.

Note: Section 6.68 of the Act states that a local government is not required to attempt to recover money due to it where;

- (a) it has a reasonable belief that the cost of proceedings will equal or exceed the value of the land; or
- (b) having made reasonable efforts to locate the property owner is unable to do so. Any such decision and the reasons for the decision are to be recorded in the minutes of the meeting at which the decision was made.

There is a legislative process that must be followed to comply with the lease, sell or transfer requirements of the legislation so that any of these actions are legally enforceable.

The Landgate procedures outlined in these Guidelines (highlighted text) are intended as a general guide only and are not a substitute for legal advice. Local governments and other parties should seek their own legal advice in respect of individual transactions.

For further information, the most recent version of Landgate's Land Titles Registration Practice Manual ("Landgate Practice Manual") is available online at www.landgate.wa.gov.au

Please note that references to particular paragraphs of the Landgate Practice Manual in these Guidelines may be subject to change.

2. Legislation

The legislative requirements to take action against land where rates or service charges are unpaid are contained in Part 6, Division 6, sections 6.63 to 6.75 and Schedules 6.2 and 6.3 of the *Local Government Act 1995* (the Act) and Part 5 of the *Local Government (Financial Management) Regulations 1996* (FMR) regulations 72 to 78 and Forms 2 to 7. (Copies of these forms are available as **Attachments 3 to 8**).

The legislation relevant to each step of the process is identified in the checklist at **Attachment 2**.

A question of interpretation has been raised in relation to the meaning of section 6.64(1) of the Act which gives the power to a local government to take possession of land where *any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years...*

Advice received by the Department indicates that irrespective of any payment made towards the unpaid rates which have been outstanding for at least three years the process for taking possession of the land remains valid. It is considered that section 6.64(1) of the Act applies where any part of a sum (for rates and/or service charges) is still unpaid three years after it first became due.

3. Matters to Check

3.1 Preliminary

In determining whether the local government can take possession of the land, it must ensure that;

- the land is rateable. Except as provided for in s.6.26 of the Act, all land within a district is rateable.
- any unpaid service charge is not one that is imposed on the occupier of land who is not the owner of that land (s.6.63).
- the total amount of rates or service charges raised and due on the land by the issue of rate notices remain unpaid for at least the last three years. The three years is calculated from the date they became due (s.6.64).

For example, rates are outstanding for 2008/09, 2009/10 and 2010/11. The 2008/09 rates were levied on 10/08/2008; the rate notice was issued on 24/08/2008 and the nominated due date was 30/09/2011, which is the date to be used.

- the rates or service charges outstanding on the land are not deferred under s.33 of the *Rates and Charges (Rebates and Deferrals) Act 1992*.
- the local government has the relevant certificate of title details.

- the person listed on the local government's rate record is the same as the owner on the certificate of title for the land, **or** the person listed on the rate record meets the definition of 'owner' (s.1.4).
- flag the property to prevent payments being received electronically from someone who doesn't have an estate or interest in the land.

3.2 Other matters to check

- Whether the owner's goods and chattels remain on the property. Where the owner has long since vacated the property and their whereabouts are unknown, but they have left their goods and chattels behind, it is suggested that local governments have the ability to proceed with action to dispose of the goods and chattels under the *Disposal of Uncollected Goods Act 1970*.
- Whether there is an inhabitant on the property (other than the owner) that has no legal right of occupation (i.e. a squatter). In this case, this will mean that a person is trespassing on land which the local government has the right to possession. It is understood that the local government would be entitled to take steps to have the person removed (and the premises secured). It is suggested that in the context of a particular case, a local government seek its own legal advice.

3.3 Taking possession of the land

- Prior to taking action to lease, sell or transfer land, a local government must "take possession" of the land.
- A notice, in the form of Form 2, advising that the local government has taken possession of the land, has to be given to the owner of the land (s.6.64(2); FMR r.72 and Form 2) Refer **Attachment 3**.
- A notice, in the form of Form 3, advising that the local government has taken possession of the land, has to be affixed to a conspicuous part of the land (s.6.64(2); FMR r.73 and Form 3) Refer **Attachment 4**.
- A local government is to surrender possession of the land if **all** rates and service charges due on the land are paid within 12 years of the taking of possession (s.6.67(1)).
- A local government does not have to give up possession of the land if it receives a portion

only of the rates and service charges due on the land or if it has exercised a power under s.6.64(1)(b)(c) or (d) of the Act and is in the process of selling or transferring the land to the Crown or to itself (s.6.67(1)).

- If all outstanding rates and service charges on the land are paid within 12 years of the taking of possession, and the local government has leased the land under s.6.64(1)(a), possession of the land is to be given up on the expiration of the lease (s.6.67(2)).

Note: In this Guideline, a reference to a Notice being 'served' or 'given', may be served or given in any of the ways provided for by sections 75 and 76 of the *Interpretations Act 1984*. Refer also to the *Local Government Act 1995*, Part 9 Division 3 - Documents.

3.4 Selling the Land

- The local government must have taken possession of the land (See 3.3 above).
- The power of sale of the land is not to be exercised unless the local government has made at least one attempt in the last three years under s.6.56 of the Act to recover the outstanding rates or service charges (s.6.68(1)).

Note: Court action must have been initiated.

- The local government does not have to initiate recovery for money due on the land if it holds the reasonable belief that the cost of the proceedings under s.6.56 will equal or exceed the value of the land. (s.6.68(2)), or having made reasonable efforts to locate the owner of the property, is unable to do so. The local government is to ensure that such decisions are recorded in the relevant Council minutes.
- Before the power of sale is exercised, a notice in the form of Form 4 has to be served on **the owner of the land** personally or served by certified mail to the address appearing in the rate record or a register kept under the *Transfer of Land Act 1893* or in a memorial or record kept by the Registrar of Deeds (s.6.68(3); Sch. 6.3 cl.1.1(1)(a); FMR r.74, Form 4) Refer **Attachment 5**.

- The register kept under the *Transfer of Land Act 1893* can be searched at Landgate.
- A search of certificate(s) of title can be conducted to obtain the address details of the registered proprietor of land under the *Transfer of Land Act 1893*.
- It should be noted that if the search of the certificate of title for the relevant land shows that the land is "subject to dealing" there may be unregistered documents which have been lodged but are yet to be processed. Such unregistered documents may affect the information shown on the title search. A facsimile request is required to obtain a copy of any unregistered document. Please note that because unregistered documents are searched manually, copies of the unregistered documents may take up to 48 hours.

Searches can be ordered through the Landgate website and paid for by credit card or through a Landgate account.

Searches can also be obtained in person or ordered by facsimile on 9250 3187.

For old system land, searches of the Register containing memorials under the *Registration of Deeds Act 1856* to obtain the address and details of the registered proprietor can be conducted at Landgate, Midland upon payment of the prescribed fee:

Landgate
1 Midland Square
Morrison Road (cnr Gt Northern Hwy)
Midland, Western Australia, 6056

Office opening hours:
8.00am – 5.00pm Monday to Friday
Document lodgement:
8.00am – 4.30pm Monday to Friday

For further information on searching the Register under the *Registration of Deeds Act 1856* see Paragraph 10.1.7 of the Landgate Practice Manual, including a schedule of the fees charged for each document searched.

A notice in the form of Form 4 has to be served, **on other persons whom records indicate have an estate or interest in the land**, personally or served by certified mail to the address appearing in the rate record or a register kept under the *Transfer of Land Act 1893* or in a memorial or record kept by the Registrar of Deeds.
[Sch. 6.3 cl.1.(1)(b); FMR r.74, Form 4]

- In relation to land under the *Transfer of Land Act 1893*, a full title search may be conducted to obtain the details of estates or interests in the land which are registered on or noted against the certificate of title for the land (see above). A list of estates, interests, encumbrances and notifications appears in the second schedule of the certificate of title. Individual documents can be searched by document number.
- In relation to old system land, searches of memorials under the *Registration of Deeds Act 1856* can be conducted at Landgate, Midland (see above).
- It should be noted that if the search of the certificate of title for the relevant land shows that the land is "subject to dealing" there may be unregistered documents which have been lodged but are yet to be processed. Such unregistered documents may affect the information shown on the title search. A facsimile request is required to obtain a copy of any unregistered document. Please note that because unregistered documents are searched manually, copies of the unregistered documents may take up to 48 hours.

A notice in the form of Form 4 has to be posted on the official notice board of the local government for not less than 35 days.
[Sch. 6.3 cl.1.(1)(c); FMR r.74, Form 4]

The local government notice requiring payment is to:

- be in writing and dated and signed by the CEO;
- specify the land in respect of which the rates or services charges are owed;
- specify the total amount owing;

- include a statement that in default of payment the land will be offered for sale by public auction upon the expiration of 3 months from the date of the notice, at a time appointed by the local government; and
- be in or substantially in the form of Form 4. (Sch. 6.3 cl.1.(2)(a) to (e))

If no sufficient address can be found appearing in the rate record or a register kept under the *Transfer of Land Act 1893* or in a memorial or record kept by the Registrar of Deeds for a person required to be served, the notice, in the form of Form 4, is to be served by the local government giving local public notice, as under s.1.7 of the Act.

The notice may include land belonging to more than one person. (Sch. 6.3; FMR r.74 and Form 4).

- The local government must appoint a time, between 3 and 12 months from the service of the notice(s), at which time the land may be offered for sale by public auction. (Sch. 6.3 cl.1.(4)).
- The local government must advertise the sale by giving Statewide public notice, as required by s.1.7 and 1.8 of the Act, in, or substantially in, the form of Form 5 (Refer **Attachment 6**).

In addition, the notice may be given in other means the local government considers is necessary or desirable, for example on its website. (Sch. 6.3 cl.2.(1)(a)(b); FMR r.75 and Form 5)

The notice may include land owned by more than one owner, a description of the land and any improvements on it to convey to persons likely to be interested in the sale, the condition of the land and improvements.

- The local government is to provide to the Registrar of Titles or the Registrar of Deeds (as the case requires) a memorial (a copy of the Statewide public notice) and this is to be registered for each piece of land referred to in the memorial. (Sch. 6.3 cl.2.(3))

See Paragraph 11.4.18.2 of the Landgate Practice Manual.

- A Memorial of the advertisement of the proposed sale by the local government for non-payment of rates must be lodged with the Registrar of Titles in an approved form.

The Memorial of Advertisement must comprise:

- a true copy of the original advertisement certified as such by the Chief Executive Officer of the relevant Local Government. The advertisement must be substantially in the form of the Notice of Sale Form 5 as set out in Regulation 75 of the *Local Government (Finance Management) Regulations 1996*;
- (b) a copy of the full page of the state-wide newspaper containing the Notice of Sale Form 5; and
- a Landgate B2 or B4 form (available from Landgate's website and via the Landgate Practice Manual) as the back page of the Memorial of Advertisement with all preparation and lodgement details completed on the form.
- No registration fees are payable for lodgement of the Memorial of Advertisement.
- A letter is sent by the Registrar of Titles to the relevant Local Government advising that the Memorial of Advertisement has been registered.
- *Please note: if the advertisement is not substantially in the form of Form 5, contains errors or does not comply with Landgate's requirements, the Memorial of Advertisement may not be accepted for registration by the Registrar of Titles or the Registrar of Deeds. For example, the Registrar of Titles may request re-advertising if the information contained in the Form 5 is incorrect.*

Note: There is also provision for the Governor to rectify omissions and irregularities under section 9.64 of the *Local Government Act 1995*. After the memorial is registered, the Registrar of Titles or the Register of Deeds is prohibited from registering or accepting an instrument affecting the land without the consent of the local government (Sch. 6.3 cl.2.(4)).

- A Memorial of Advertisement remains in force for twelve months from the date of registration and acts as an absolute caveat until it is withdrawn or expires.
- Documents that are not “instruments” for the purposes of the *Transfer of Land Act 1893* may continue to be endorsed on the title to the land by the Registrar of Titles without the consent of the Local Government during the period that the Memorial of Advertisement is in force on the title. This includes such documents as: caveats, applications to amend the name of registered proprietors, surrenders of lease, discharges of mortgage, withdrawals of caveat and notifications.
- Documents lodged in registrable form together with the relevant local government’s consent will be processed in accordance with Landgate’s usual registration procedures.

- This prohibition covering the registration of the memorial does not extend beyond 12 months from the day on which the memorial is delivered to the Registrar of Titles or Deeds. This prohibition does not apply if a person having an estate or interest in the land, within seven days prior to the notified time of actual sale of the land, pays the local government the outstanding rates and or service charges and the costs incurred to that time in proceedings relating to the proposed sale of the land. (Sch. 6.3 cl.2.(4) and cl.7.; s.6.69)

- Acceptance of payment of the outstanding rates and or service charges by the local government, within the seven days prior to the notified sale, or after the seven days has elapsed on such terms and conditions as agreed between the parties, puts a stay on the proposed sale proceedings. (Sch. 6.3 cl.2.(4); s.6.69)

As soon as practicable after the acceptance of such a payment, the local government is to deliver to the Registrar of Titles or Deeds, a certificate, signed and dated by the Chief Executive Officer, certifying that all outstanding rates and service charges, costs and expenses have been paid and upon receipt of this certificate, the Registrar of Titles or Deeds will then endorse a memorandum that the land has ceased to be bound by the memorial. (s.6.69; FMR r.76)

A Certificate stating that all outstanding rates and service charges, costs and expenses have been paid is required to be lodged at Landgate and should comprise:

- (a) an original letter from the Chief Executive Officer of the relevant Local Government stating that the rates, costs and expenses have been satisfied; and
- (b) a Landgate B2 or B4 form (available from Landgate’s website) as the back page of the certificate with all preparation and lodgment details completed on the form.

Following lodgement of a Certificate in the appropriate form signed by the Chief Executive Officer of the Local Government, the Registrar of Titles causes to be entered on the relevant title a memorandum that the land has ceased to be bound by the Memorial of Advertisement.

No fees are payable for withdrawal of the Memorial of Advertisement.

If after the expiry of twelve months the Memorial of Advertisement has not been removed, it is ignored as an encumbrance.

If a contract for sale has not been entered into within 12 months from the date that the land is offered for sale by public auction notice, in the form of Form 5, the proceedings for the power to sell the land cease to have effect.

Proceedings can however be recommenced after this 12 months period, and the same power of sale of land proceeding requirements apply again for any proposed future sale. (Sch. 6.3 cl.7.)

If a contract of sale is entered into within the twelve month period after the date the land is offered for sale pursuant to the power of sale, a Transfer (Landgate Form T5) giving effect to this sale may be accepted for registration by the Registrar of Titles during or after this period unless a dealing has been lodged which prevents registration of the Transfer.

The local government's power of sale includes:

- the power to sell the land (in whole or in part, together or in lots) by public auction, or by private treaty if the land has been offered, though not sold, by public auction;
- the power to impose terms and conditions the local government thinks fit, for instance payment arrangements, and the fixing of a reserve price;
- the power to vary a contract of sale by agreement and to buy in at the auction;
- the power to rescind a contract for sale on default of the other party, without being answerable for loss occasioned by the rescission and resale; and
- the power to make thoroughfares, grant easements of right-of-way or drainage over the land as the circumstances require, and as the local government thinks fit. (Sch. 6.3 cl.3.(a) to (d)).

Note: An option open to local governments is to obtain an 'occasional licence' under the provisions of the *Auction Sales Act 1973* and the *Auction Sales Regulations 1974*. An 'occasional licence' authorises the holder to act as and carry out the business of, an auctioneer in relation to the occasion and circumstances specified in the licence.

The application process for an Occasional Licence is summarised as follows:

1. Complete two (2) copies of the *Occasional Auctioneers Licence Application Form (Form 3)*.
2. Obtain three (3) character references in duplicate.
3. Prepare a cheque or money order (payable to the Department of the Attorney General for the amount as specified in the *Auction Sales Regulations 1974*).
4. Lodge the applications, references and payment at the court nearest the applicant's place of business.
5. If granted the licence will be valid for seven (7) days.

After Sales Matters

- Where a transfer or conveyance of an estate in fee simple is made under s.6.64(1)(a) to (d) of the Act, this matter is not able to be brought to court for prosecution on the grounds;
 - that no case has arisen, or
 - that the proper procedures were not followed, or
 - that the power was otherwise improperly or irregularly exercised (s.6.72).
- Should a person claim that there has been an unauthorised, or improper, or irregular use of the power, there is a remedy open to them in damages against the local government but not against the Crown (s.6.72).

- A sale of land by a local government discharges the land and the owners, present and past, from any liability for rates, service charges or other money due to the local government at the time of sale and secured by a charge over the land, or otherwise recoverable under the Act or another written law [s.6.73(a) to (d)].
- The Local Government is required to apply the proceeds from the sale of the land in the manner set out in Sch. 6.3 cl.5. This lists the priority of payment allocation from the sale proceeds, summarised as follows;

Priority	Payment Allocation
1st	The costs and charges and expenses incurred by the local government in the land sale process.
2nd	(i) Unpaid rates and service charges for the land (ii) Costs and other money due or imposed by the Crown or an instrumentality of the Crown (e.g. State agency or department) (iii) Other amounts due to the local government under the Act or other written law. Where insufficient funds remain after the first step has taken place, Sch. 6.3 cl.5.(b)(iii) provides the detail on how any remaining sale proceeds are to be distributed.
3rd	Vendor's costs and expenses relating to the conferring of title upon the purchaser of the land.
4th	The discharge of a charge on the land relating to drainage and sewerage connection and fittings.
5th	The discharge of other mortgages and encumbrances on the land both registered and unregistered.
6th	Within 12 months, payment of any sale proceeds that remain to the person or persons with an entitlement to the land but for the sale [Sch. 6.3 cl.5.].

Where the local government exercises its power of sale under sections 6.64(1)(b) and 6.68 and Schedule 6.3 of the *Local Government Act 1995*, a Transfer (Landgate Form T5) executed by the local government using its common seal is used for transfers of land under the *Transfer of Land Act 1893*.

If the land is old system land which has not been brought under the *Transfer of Land Act 1893* the procedure for a conveyance of land under the *Registration of Deeds Act 1856* will apply. See paragraph 10.1.3 of the Landgate Practice Manual.

The Transfer (Landgate Form T5) must be supported by a statutory declaration made on the back page of the Form T5 by the Chief Executive Officer, attesting to compliance with the provisions of Part 6 Division 6, Subdivision 6 of the *Local Government Act 1995*.

In circumstances where there is a duplicate certificate of title, it is not required to be produced but the Registrar may with the consent of the Commissioner of Titles dispense with the production of the duplicate certificate of title (if any). The Registrar has the power to make orders or require advertisement as if the duplicate title was lost or not produced under the *Transfer of Land Act 1893*.

Where a paper title is in existence, a new title is created and registered in the name of the transferee. In the case of a digital title, a new edition of the duplicate digital title is issued.

Please refer to 3.6, on removal of encumbrances.

The issue of a receipt by the local government for money paid on the sale of the land is sufficient discharge. [Sch. 6.3 cl.6.]

Refer to Sale of Land Checklist **Attachment 2**.

3.5 Leasing the Land

- When rates or service charges are due on rateable land and have not been paid for at least three years, a local government may take possession of the land and from time to time lease the land for a term, not exceeding seven years at one time, with such reservations, exceptions, covenants and conditions as the local government thinks fit. (s.6.65 and Sch. 6.2 cl.1.(1))
- The local government must have taken possession of the land, (See 3.3)
- Where the proposed lease of the land is to exceed 3 years, the local government is to produce the lease to the Registrar of Titles for registration purposes. (Sch. 6.2 cl.1.(2) and s.91 *Transfer of Land Act 1893*)

The following are some of Landgate's requirements for registration of leases which may apply.

- The consent of any mortgagee or annuitant registered in priority to the lease is required.
- A lease must be prepared on a Landgate L1 Form for a lease of freehold land.
- If the duplicate title is not produced for registration of the lease, the Registrar of Titles may with the consent of the Commissioner of Titles dispense with the duplicate title, but may cause orders and advertisements to be made as are provided for by the *Transfer of Land Act 1893* in the case of a duplicate certificate of title which is lost or not produced (Schedule 6.2 cl.1.(2) (b) of the *Local Government Act 1995*).
- Where the lease relates to a portion of a Lot or Location, it must have a Land Description that is defined by a sketch or an "Interest Only" Deposited Plan. A lease of part of a building may have a narrative land description (see paragraph 2.8.4 of the Landgate Practice Manual).

- The term of the lease must be clearly defined, i.e. must have a commencement date (which may be a past date or up to 21 years in the future) and either a finish date or a finite term.

Please note that this is not an exhaustive list of Landgate's requirements.

See paragraph 2.8 of the Landgate Practice Manual for further information on registration of leases.

- Land leased by the local government, exercising its power to do so under s.6.64(1)(a) of the Act, does not cease to be rateable land for the local government or prejudice or effect the recovery of rates or taxes due to the State or Commonwealth and their associated departments, instrumentalities and agencies. (s.6.66(1))(2))
- A lessee is entitled to possession as against persons with an estate or interest in the land, but this does not affect the rights of a local government under the lease, public easements that affect the land, or the rights of the State or Commonwealth and their associated departments, and agencies. (s.6.66(3))
- The Local government is required to apply the rent or other money from the lease of the land in the manner set out in Sch. 6.2 cl.2. This lists the priority of allocation from the lease proceeds, summarised as follows;

Priority	Payment Allocation
1st	The costs and charges and expenses incurred by the local government in the land lease process.
2nd	Unpaid rates and service charges for the land.
3rd	Costs and other money due or imposed by the Crown or an instrumentality of the Crown (State, agency, department).
4th	Payment of any lease proceeds that remain to the person or persons with an entitlement to the land but for the lease. (Sch. 6.2 cl.2.)

3.6 Transfer of the Land to the Crown or to the Local Government

Where the land has been offered for sale for non payment of rates or service charges and a contract of sale has not been entered into at the expiration of 12 months from the date that the land is offered for sale by public auction notice (Form 5), the land may be transferred in fee simple, to the Crown in right of the State **or** to the local government.

The transfer is subject to the *Transfer of Land Act 1893*, or by deed when it is not covered by the *Transfer of Land Act 1893*. (s.6.71(1); Sch. 6.3)

The local government must have taken possession of the land. (See 3.3)

Upon transfer to the Crown **or** to the local government, all encumbrances affecting the land are of no further force or effect against the land and the Registrar of Titles or Registrar of Deeds is to remove all encumbrances from the title to the land. (s.6.71(2))

Note: State Land Services (SLS) does assist local governments by accepting transfer of land under s.6.71 of the Act and re-releasing it under the *Land Administration Act* (LAA), often with covenants or conditions requiring development within specified timeframes. SLS also actively identifies parcels of Crown land in town sites that may be released for development. However, there are no provisions in the LAA for enforcing development on freehold lots.

- A Transfer (Landgate Form T5) executed by the local government using its common seal is used for transfers of land that is under the *Transfer of Land Act 1893* (to either the Crown under section 6.71(1)(a) or to the local government under section 6.71(1)(b)).

- If the land is old system land which has not been brought under the *Transfer of Land Act 1893* the procedure for a conveyance of land under the *Registration of Deeds Act 1856* will apply. See paragraph 10.1.3 of Landgate Practice Manual.
- The Transfer (Landgate Form T5) must be supported by a statutory declaration made on the back page of the Form T5 by the Shire or Town clerk, attesting to compliance with the provisions of Part 6 Division 6, Subdivision 6 of the *Local Government Act 1995*.
- In circumstances where there is a duplicate certificate of title, it is not required to be produced but the Registrar may with the consent of the Commissioner of Titles dispense with the production of the duplicate certificate of title (if any). The Registrar has the power to make orders or require advertisement as if the duplicate title was lost or not produced under the *Transfer of Land Act 1893*.
- Where a paper title is in existence, a new title is created and registered in the name of the transferee. In the case of a digital title, a new edition of the duplicate digital title is issued.
- No stamp duty or registration fees are payable in respect of the Transfer.
- Please see below guidelines on removal of encumbrances.

Where a transfer or conveyance of an estate in fee simple is made under s.6.41(1)(b) to (d), this is not able to be brought to court for prosecution on the grounds that no case has arisen or the proper procedures were not followed or the power was otherwise improperly or irregularly exercised. (s.6.72)

Should a person claim that there has been an unauthorised or improper or irregular use of the power there is a remedy open to them in damages against the local government but not against the Crown. (s.6.72)

- When transferring the land to the Crown it is queried whether there is a requirement (referred to in the dot point below) to pay out Crown encumbrances as is stated below?

When transferring the land to the Crown or the local government, the local government is required to pay the sum secured by or payable 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 in right of the State. (s.6.71(3))

See Landgate's procedures outlined above.

A transfer or conveyance of land to the Crown or a local government discharges the land and the owners, present and past, from any liability for rates, service charges or other money due to the local government that were at the time of transfer and secured by a charge over the land, or otherwise recoverable under the Act or another written law. (s.6.73(a) to (d))

3.7 Revestment of Land in the Crown

- Where rates and service charges are due and payable on **vacant** rateable land and have not been paid for at least the last three years, the local government may revest the land in the Crown in right of the State. (s.6.74(1))
- The local government must have taken possession of the land. (See 3.3)
- The local government is to give notice to the land owners at their last known address and to all interest holders shown on the Certificate of Title, of its intention to revest the land if rates, service charges, costs and expenses are unpaid by the date specified in the notice, (at least 30 days from the service date); and cause a copy of the notice of intent to be published in the Government Gazette. The notice of intent is to contain a statement that the person to whom the notice is issued may lodge an objection to the revestment within 30 days of the date of the notice. (s.6.74; FMR r.77(1)(a) (b) and (2))

- The local government is required to consider all objections received to the intention to revest notice. (s.6.74; FMR r.77(3))
- The next step is for the local government to make an application to the Minister, in the form of Form 6 (refer **Attachment 7**), to have the land revested in the Crown. Form 6 requires the Chief Executive Officer to confirm by completing, signing and dating the form certifying that the land meets the criteria for revestment and that the legislative process requirements to allow for the land to be considered by the Minister for revestment have been complied with. (s.6.75; FMR r.78(1))
- The Minister may grant the application and authorise the revestment to the Crown by completing a Form 7 (refer **Attachment 8**) and submitting it, together with a transfer or conveyance of the land, to the Registrar of Titles or the Registrar of Deeds for registration. (s.6.74; FMR r.78)

- Where rates and taxes have been outstanding for a period of three years, section 6.74 of the *Local Government Act 1995* allows the local government to have the land re-vested in the State of Western Australia. There is no requirement under this section for a local government to have attempted to sell the land.
- If the land is old system land which has not been brought under the *Transfer of Land Act 1893* the procedure for a conveyance of land under the *Registration of Deeds Act 1856* will apply. See paragraph 10.1.3 of the Landgate Practice Manual.
- Revestment is achieved by the lodgement of a Transfer (Landgate Form T9) if the land is under the *Transfer of Land Act 1893* executed by the Minister for Local Government and the Minister for Lands by appropriate delegation.
- The Transfer attracts no registration fees and no stamp duty.

- In circumstances where there is a duplicate certificate of title, it is not required to be produced but the Registrar may with the consent of the Commissioner of Titles dispense with the production of the duplicate certificate of title (if any).
The Registrar has the power to make orders or require advertisement as if the duplicate title was lost or not produced under the *Transfer of Land Act 1893*.
- If the land is under the *Transfer of Land Act 1893* the Registrar of Titles will cancel the certificate of title to the land and remove it from operation of the *Transfer of Land Act 1893*.
- Please see below guidelines (see 3.9) on removal of encumbrances.
- All rights benefiting the land being re-vested continue and are automatically brought forward onto the new Crown title.

3.8 Vestment of Land in the Local Government

- The local government must have taken possession of the land (See 3.3)
- Where 12 years have expired from the date of taking possession of the land under s.6.64 of the Act, and all outstanding rates and service charges have not been paid, the land has not been sold, or transferred to the Crown or to the local government, the fee simple in the land is to be transferred to the local government. (s.6.75(1)(a)(b))

- If the land is old system land which has not been brought under the *Transfer of Land Act 1893* the procedure for a conveyance of land under the *Registration of Deeds Act 1856* will apply. See paragraph 10.1.3 of the Landgate Practice Manual.
- A Transfer (Landgate Form T5) executed by the Local Government using its common seal is used for a transfer of land that is under the *Transfer of Land Act 1893*.

- The Transfer (Landgate Form T5) must be supported by a statutory declaration made on the back page of the Form T5 by the Local Government's Chief Executive Officer, attesting to compliance with the provisions of Part 6 Division 6, Subdivision 6 of the *Local Government Act 1995*.
- In circumstances where there is a duplicate certificate of title, it is not required to be produced but the Registrar may with the consent of the Commissioner of Titles dispense with the production of the duplicate certificate of title (if any).
The Registrar has the power to make orders or require advertisement as if the duplicate title was lost or not produced under the *Transfer of Land Act 1893*.
- Where a paper title is in existence, a new title is created and registered in the name of the transferee. In the case of a digital title, a new edition of the duplicate digital title is issued.
- No stamp duty or registration fees are payable in respect of the Transfer.
- Please see below guidelines on removal of encumbrances.

- The transfer of the land to the local government is free from encumbrances other than being subject to;
 - easements in favour of the public that affect the land,
 - the rights of the Crown in right of the State, or a department, agency, or instrumentality of the Crown in right of the State or Commonwealth, and
 - rates and taxes (other than local government rates and taxes) due on the land. ((s.6.75(1)(c)(d)(e) (2); and Sch. 6.3)

3.9 Removal of Encumbrances under the *Local Government Act 1995*

3.9.1 Transfers to a Local Government or third parties (other than the Crown)

Upon registration of the Transfer (T5) by the Registrar of Titles, encumbrances other than encumbrances which fall into the statutory exceptions set out in sections 6.75(1)(c), (d) or (e) of the *Local Government Act 1995* are automatically removed from the title to the land.

The statutory exceptions are:

1. easements in favour of the public which affect the land;
2. the rights of the Crown in right of the State or Commonwealth or a department or agency or instrumentality in right of the State or Commonwealth; and
3. rates and taxes (other than local government rates and service charges) due on the land.

Depending on their nature, these encumbrances may be shown as encumbrances on page 2 of the Transfer or withdrawn by the relevant department or agency to permit registration of the Transfer and then (if necessary) re-lodged.

With the exception of caveats which fall into the statutory exceptions in section 6.75(1)(c)-(e) of the *Local Government Act 1995*, caveats (including "absolute caveats") are automatically removed upon registration of a Transfer (Landgate Form T5) by a local government exercising its power to sell or transfer the land to a third party or itself for non-payment of rates under the Act.

As a general rule Registrar's Caveats (lodged by the Registrar of Titles at the direction of the Commissioner of Titles under section 188(iii) of the *Transfer of Land Act 1893*) are removed by the act of registration of a transfer by a local government to a third party or itself under the Act (as indicated above). However, where the purpose of a Registrar's Caveat is to protect a right of the State or its agency, department or instrumentality, for example, in the case of an error or wrong description in the land or fraud the Registrar's Caveat is required to be removed by the Registrar of Titles at the direction of the Commissioner of Titles. Please note: there may be other exceptions to this rule.

Where a paper title is in existence, a new title is created and registered in the name of the transferee free from encumbrances except those referred to in section 6.75(1)(c), (d) or (e). In the case of a digital title, a new edition of the duplicate digital title is issued.

3.9.2 Transfers to the Crown

Where land is transferred to or transferred and vested in the State of Western Australia by a local government under sections 6.71(1)(a) or 6.74 of the Act respectively, encumbrances of every kind including all caveats (and Registrar's Caveats) are automatically removed from the title to the land.

Note: If the land is (or is designated to become) part of the Dampier to Bunbury Natural Gas Pipeline (DBNGP) corridor under the *Dampier to Bunbury Natural Gas Pipeline Act 1992*, other statutory provisions do not apply without approval of the DBNGP Land Access Minister.

ATTACHMENT 1

RATES – SALE OF LAND

WARD	ALL
FILE REF:	RV/DR/2
DATE	3 March 2011
REF	JEAH
RESPONSIBLE MANAGER	Manager Financial Services

In Brief:

- Sale of Land – recovery of rates in arrears for a period of three (3) or more years.
- Recommendation is that Council proceeds to sell (4) properties which have rates in arrears of 3 or more years, and recover from the proceeds of sale the outstanding balances which total \$26,095.87.

Tabled Items

Nil

Officer Interest Declaration

Nil

Strategic Implications

Corporate Services: – to achieve maximum community benefit from effective use of resources (staff, finances and information technology).

Legislation Implications

56.64 of the *Local Government Act 1995* states:

- (1) *If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and –*
 - (a) *from time to time lease the land;*
 - (b) *sell the land;*
 - (c) *cause the land to be transferred to the Crown; or*
 - (d) *cause the land to be transferred to itself.*
- (2) *On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.*
- (3) *Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.*

Council Policy/Local Law Implications

With reference to F43/92 dated 4 March 1992, Council resolved as part of the procedures to be employed for the collection of outstanding rates to review on an annual basis those properties where despite all efforts made to obtain payment on the overdue charges, rates arrears that had accrued and become in arrears by three or more years.

Those properties would then become the subject of recovery procedures, which with the approval of Council, would involve the implementation of action under the relevant sections of the Local Government Act, to sell the properties in order to recover the overdue rates.

Budget/Financial Implications

The sale of this land will equate to a decrease in the level of outstanding rates of \$26,095.87.

Consultation

Nil

BACKGROUND

Analysis

There are currently 4 properties that have rates outstanding by three or more years for which it has not been possible to enter into acceptable and successful arrangements for the payment of the balance owing. In each instance, a written notification has been directed to the last known postal address of the ratepayers and the property advising that it will be our intention to refer the matter to Council with a recommendation to sell the property in order to recover the outstanding balance.

The following is a list of those properties that have rates currently in arrears by three or more years, together with a brief history of the action taken to date.

Minor Case Claim* MCC (ne General Procedure)

Property Sale & Seizer Order* PSSO (ne Warrant of Execution)

Direct Debit Request Form DDR/CPR

Centrepay*

(* refer last page of this attachment for explanation of terms)

1.		2.	
Ward	North	Ward	South
Assessment	22391	Assessment	92449
Type / Zoning	Residential R12.5/R25	Type / Zoning	Residential R15/R25
Period Outstanding	2007/08 – 2010/11	Period Outstanding	2007/08 – 2010/11
Amount Outstanding	\$5,871.47	Amount Outstanding	\$5,623.15
Payment	10 July 2007 \$1,350.43	Payment	6 March 2007 \$936.75
Recovery Action	Jan 08 Intention to MCC letter Feb 08 MCC 232/08 Sept 08 Intention to PSSO Nov 09 Intention to MCC letter Jan 10 MCC 90/2010 Feb 10 MCC Served Aug 10 Intention Proceed with PSSO Dec 10 Notice of Intention to sell 56.64 included DDR Mar 11 Letter Advising Ratepayers about report to Council to sell property at next Council Meeting 28 March 2011	Recovery Action	Jan 08 Intention to MCC letter Feb 08 MCC 373/08 Sept 08 Intention to PSSO Nov 09 Intention to MCC letter Jan 10 MCC 91/2010 Feb 10 MCC Served Aug 10 Intention Proceed with PSSO Dec 10 Notice of Intention to sell 56.64 included DDR Mar 11 Letter Advising Ratepayers about report to Council to sell property at next Council Meeting 28 March 2011
Response	The owner has not responded to recent notices or correspondence.	Response	The owners have not responded to recent notices or correspondence.

3.		4.	
Ward	East	Ward	West
Assessment	92980	Assessment	94885
Type / Zoning	Residential R15/R25	Type / Zoning	Residential R15/R25
Period Outstanding	2007/08 – 2010/11	Period Outstanding	2006/07 – 2010/11
Amount Outstanding	\$5,596.63	Amount Outstanding	\$9,004.62
Payment	27 December 2006 \$655.98	Payment	2 October 2008 \$2,000.00
Recovery Action	Jan 08 Intention to MCC letter Feb 08 MCC 374/08 Aug 08 Accepted DDR all payments dishonoured Sept 08 Intention to PSSO Nov 09 Intention to MCC letter Jan 10 MCC 90/2010 Feb 10 MCC Served Aug 10 Intention Proceed with PSSO Dec 10 Notice of Intention to sell 56.64 included DDR Mar 11 Letter Advising Ratepayers about report to Council to sell property at next Council Meeting 28 March 2011	Recovery Action	Nov 05 Intention to MCC letter May 06 MCC 649/06 Oct 06 Intention to PSSO Jan 10 Intention to MCC letter May 10 MCC 1012/2010 Aug 10 Intention Proceed with PSSO Dec 10 Notice of Intention to sell 56.64 included DDR Mar 11 Letter Advising Ratepayers about report to Council to sell property at next Council Meeting 28 March 2011
Response	The owner has not responded to recent notices or correspondence.	Response	The owners have not responded to recent notices or correspondence.

A summary of the owners of the properties referred to above is contained in a confidential attachment to this Agenda. (Refer to Attachment “B-2” – Summary of Attachments as circulated with the Agenda.)

DETAILS OF PROPOSAL

It is proposed to sell the land to recover outstanding rates and charges in excess of 3 years, in accordance with Section 6.64(1)(b) of the *Local Government Act 1995*.

COMMENT

Options

Option 1 – Exercise the provisions of Section 6.64 of the *Local Government Act 1995*

- given the high level of the debt, and the amount of time that has been afforded to enable the ratepayers to either clear or reduce the debt, it is appropriate to apply the relevant section of the *Local Government Act 1995* empowering the sale of land provisions in relation to unpaid rates and charges.

Option 2 – Exercise the provisions of Section 6.74 of the *Local Government Act 1995*

- apply to the Minister to have the land re-vested in the Crown in the right of the State.

Option 3 – Exercise the provisions of Section 6.75 of the *Local Government Act 1995*

- make application for the land to be vested in the local government.

Conclusion

It is suggested that Council apply the provisions of Section 6.64 of the *Local Government Act 1995* and sell the land in respect of the unpaid rates and charges, which are in arrears for a period of excess of 3 years.

CS24/3/11 RECOMMENDATION

That Council pursuant to Section 6.64(1)(b) of the *Local Government Act 1995*, proceed to sell the properties listed hereunder which have rates in arrears for 3 or more years, and recover from the proceeds of sale the outstanding balances which total \$26,095.87.

List of Properties by Assessment Number

Assessment 22391

Assessment 92449

Assessment 92980

Assessment 94885

Moved Cr Buck

Motion Carried (7-0)

* Explanation of Terms

Minor Case Claim (MCC) – This is a process for recovering minor debts in the local Magistrate's Court. It is for the recovery of amounts of \$10,000 or less and is aimed at parties to generally come to an agreement without lawyers.

Property Sale and Seizure Order (PSSO) – A Property (Sale & Seizure) Order authorises a Bailiff to seize and sell as much of your real or personal property as necessary to pay the judgement debt.

Direct Debit Request FormCentrepay (DDR/CPR) – Centrepay is a free bill-paying service offered to customers receiving payments from Centrelink. It can be used to pay bills (such as rent, gas, water and electricity) through a series of regular deductions from a recipient's Centrelink payments.

ATTACHMENT 2

SALE OF LAND CHECKLIST

Once council has resolved to sell land:-

☐	Check the overdue rates (and charges) and “age” of the debt – ensure that there is an amount of rates which has been outstanding for a period in excess of at least 3 years.	<i>Section 6.64(1)</i>
☐	Check that legal action has been attempted at least once in the last 3 years to recover the outstanding rates.	<i>Section 6.68(1)</i>
☐	Order an updated title search.	
☐	Issue a Notice Requiring Payment (Form 4) to be served on the owner as per the owner’s address shown on the Certificate of Title. Owner is given 3 months in which to pay and avoid his land being sold.	<i>Section 6.68(3)</i> <i>Schedule 6.3 1.(1)(a); FMR r. 74 Form 4</i>
☐	Serve a copy of the Notice Requiring Payment (Form 4) on anyone with an estate or interest in the property (to the address shown on the title).	<i>Schedule 6.3.1(1)(b)</i>
☐	A copy of the Notice Requiring Payment (Form 4) to be displayed on Council’s official noticeboard for a minimum of 35 days. Ensure that the Form 4 is duly stamped with the date first displayed and the date removed – show signature of authorised person plus witness.	<i>Schedule 6.3.1(1)(c)</i>
☐	Serve a copy of Form 2 on the owner.	<i>Section 6.64(2); FMR r.72</i>
☐	And also attach a copy of Form 3 to a conspicuous part of the land in order to take possession of the land. Obtain an affidavit of service regarding Form 3.	<i>Section 6.64(2); FMR r.73</i>
☐	Council is to appoint a time no less than 3 months and no more than 12 months after service of the Notice of payment (Form 4) for the public auction. A sale has to happen within 12 months of the date the land is offered for sale or proceedings lapse.	<i>Schedule 6.3 cl.7</i>
☐	Issue a Statewide public notice.	<i>Sch. 6.3 cl.2; FMR r.75; Form 5</i>
☐	Register at Landgate, a Memorial of the Statewide public notice.	<i>Sch. 6.3 cl.2 (3)</i>
☐	Organise the auction.	<i>Sch. 6.3 cl.3</i>
☐	Attend the auction.	<i>Sch. 6.3 cl.3</i>
☐	If sold at auction, arrange settlement.	<i>Sch. 6.3 cl.4 & 6.3 cl.5</i>

NB: All legislative references are the *Local Government Act 1995* and associated regulations.

ATTACHMENT 3

FORM 2

[reg. 72]

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Notification of taking possession of land under section 6.64 of the *Local Government Act 1995*

TO: ⁽¹⁾

Notice is hereby given that the sum of \$ ⁽²⁾ having been unpaid to the ⁽³⁾

Shire/Town/City of ⁽⁴⁾ for a period of 3 years for ⁽³⁾ rates/service charges in respect of the

land situated at ⁽⁵⁾

and being ⁽⁶⁾

the local government has taken possession of the land pursuant to section 6.64 of the *Local Government Act 1995*, and in accordance with that section intends to

⁽³⁾ (a) lease the land;

⁽³⁾ (b) sell the land;

⁽³⁾ (c) cause the land to be transferred to the Crown;

⁽³⁾ (d) cause the land to be transferred to the local government.

Signed for and on behalf of the ⁽³⁾ Shire/Town/City of ⁽⁴⁾

this ⁽⁷⁾ day of, 20.....

.....
CEO

(1) insert name of owner of land or }owner of (5)~

(2) insert amount

(3) delete the one that does not apply

(4) insert name of local government

(5) insert address or other details sufficient to identify land

(6) insert title particulars of land

(7) insert date

ATTACHMENT 4

FORM 3

[reg. 73]

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Notice to be affixed on land on taking possession under section 6.64 of the *Local Government Act 1995*

TO: ⁽¹⁾

The ⁽²⁾ Shire/Town/City of ⁽³⁾ has taken possession of this land situated at ⁽⁴⁾

.....
.....

and being ⁽⁵⁾

in accordance with section 6.64 of the *Local Government Act 1995*, and will in accordance with that section

⁽²⁾ (a) lease the land;

⁽²⁾ (b) sell the land;

⁽²⁾ (c) cause the land to be transferred to the Crown;

⁽²⁾ (d) cause the land to be transferred to the local government.

Signed for and on behalf of the ⁽²⁾ Shire/Town/City of ⁽³⁾

this ⁽⁶⁾ day of, 20.....

.....
CEO

(1) insert name of owner of land or }owner of (4)~

(2) delete the one that does not apply

(3) insert name of local government

(4) insert address or other details sufficient to identify land

(5) insert title particulars of land

(6) insert date

ATTACHMENT 5

FORM 4

[reg. 74]

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Notice pursuant to Schedule 6.3 of the *Local Government Act 1995* requiring payment of outstanding rates or service charges

TO: ⁽¹⁾

Notice is hereby given that the sum of \$ ⁽²⁾ has been owing to the ⁽³⁾ Shire/Town/City of ⁽⁴⁾ for a period of 3 years for ⁽³⁾ rates/service charges in respect of the land described below and unless payment is made of the sum of \$ ⁽²⁾ within 3 months from the date of this notice the local government will, pursuant to section 6.64 of the *Local Government Act 1995*, offer the land for sale by public auction at a time and place appointed by the local government.

Signed for and on behalf of the ⁽³⁾ Shire/Town/City of ⁽⁴⁾

this ⁽⁵⁾ day of, 20.....

.....

CEO

Description of Land etc.

Names of owners and all other persons appearing to have an estate or interest in the land	Description of land referred to, including title references
⁽⁶⁾	⁽⁶⁾

(1) insert identity or description of person to whom notice is being served

(2) insert amount

(3) delete the one that does not apply

(4) insert name of local government

(5) insert date

(6) insert details

ATTACHMENT 6

FORM 5

[reg. 75]

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Notice pursuant to Schedule 6.3 of the *Local Government Act 1995* of sale of land for non-payment of outstanding rates or service charges

Notice is hereby given that, under section 6.64 of the *Local Government Act 1995*, as ⁽¹⁾ rates/service charges have been owing for a period of at least 3 years the ⁽¹⁾ Shire/Town/City of ⁽²⁾ is to offer for sale by public auction at ⁽³⁾ on the ⁽⁴⁾ day of, 20..... the land described below.

Signed for and on behalf of the ⁽¹⁾ Shire/Town/City of ⁽²⁾
this ⁽⁴⁾ day of, 20.....

.....
CEO

Description of Land etc.

Description of land and lot or location number	
Plan or Diagram Number	
Title reference	
Area	
Street	
Description of improvements, if any	
Name of Owner	
Name of other persons appearing to have an estate or interest	
Rates/service charges outstanding	
Other charges due on the land	

(1) delete the one that does not apply

(2) insert name of local government

(3) insert details

(4) insert date

ATTACHMENT 7

FORM 6

[reg. 78(1)]

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Application to the Minister for land to be revested in the Crown *Local Government Act 1995*

Application under s.6.74

TO: The Hon. Minister

The ⁽¹⁾ Shire/Town/City of ⁽²⁾ requests that the Minister approve the revestment in the Crown of the land described below pursuant to section 6.74 of the *Local Government Act 1995*, by the reason that the land is;

- (a) rateable land;
- (b) vacant; and
- (c) land in respect of which ⁽¹⁾ rates/service charges have been unpaid for a period of at least 3 years.

I the undersigned certify that, in respect of the stated land;

- (d) 30 days' notice of intent was delivered to the last known address of the owner(s) of the land;
- (e) 30 days' notice of intent was issued to the last known address of all persons who are noted on the certificate of title to the land as having an interest in the land (by way of encumbrance or otherwise);
- (f) a copy of that notice was published on page of the *Government Gazette* of ⁽³⁾; and
- (g) after 30 days

⁽¹⁾ no objections were received

⁽¹⁾ objections were received from ⁽⁴⁾ people and duly considered by the local government.

(Copies of the objections and associated council resolutions are attached).

Signed for and on behalf of the ⁽¹⁾ Shire/Town/City of ⁽²⁾

this ⁽³⁾ day of, 20.....

.....
CEO

(1) delete the one that does not apply

(2) insert name of local government

(3) insert date

(4) insert number of persons

Description of Land etc.

Names of owners and all other persons appearing to have an estate or interest in the land	Description of land referred to, including title references
(1)	(1)

(1) insert details

ATTACHMENT 8

FORM 7

[reg. 78(2)]

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Notification by Minister of grant of application for revestment of land in the Crown

Local Government Act 1995 — Ministerial approval under s.6.74

I, ... being the Minister charged for the time being with the administration of the
Local Government Act 1995, grant the application submitted by the ⁽¹⁾ Shire/Town/City of ⁽²⁾
on the ⁽³⁾ day of 20....., and authorise the land described below to be revested in the Crown.

.....

Minister

Date ⁽³⁾

Description of Land etc.

Names of owners and all other persons appearing to have an estate or interest in the land	Description of land referred to, including title references
⁽⁴⁾	⁽⁴⁾

[1] delete the one that does not apply

[2] insert name of local government

[3] insert date

[4] insert details

This page has been intentionally left blank

FURTHER INFORMATION

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

Tel: (08) 6552 1500

Fax: (08) 6552 1555

Freecall: 1800 620 511 (Country Only)

Local Government Advisory Hotline

Tel: 1300 762 511

Email: lghotline@dlg.wa.gov.au

Opening Hours: 8.30am – 5.00pm, Monday to Friday

These guidelines are also available on the Department's website at www.dlg.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.

6.13 REQUEST FOR APPROVAL TO SELL 23 KABBARLI STREET, WYNDHAM ON ASSESSMENT NUMBER A195 TO RECOVER OUTSTANDING RATES AND CHARGES

DATE:	13 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Shelley Binnie, Finance Officer Rates & Property
REPORTING OFFICER:	Natalie Octoman Director Corporate Services
FILE NO:	FM.11.55
ASSESSMENT NO:	A195

PURPOSE

The Audit (Risk and Finance) Committee is requested to consider the sale of 23 Kabbarli Street, Wyndham on Assessment Number A195, which has rates in arrears by three or more years in order to recover outstanding rates, services charges and legal / debt collection costs.

BACKGROUND

Rates for 23 Kabbaarli Street, Wyndham have remained unpaid since 2008/09. Every year the Shire has issued the rates notice, final notice and a notice of intent letter (demand letter) from the Shire's debt collection agency to the last known address. All of the notices and letters have been returned to the Shire marked "Left address - unknown" since 2010/11.

The debt was originally referred to the Shire's debt collection agency in 2010 and the agency was unable to locate the owner. A General Procedure Claim (GPC) was issued and served on the ratepayer in Darwin on 18 February 2012. No response was received and Judgement was entered at court in the Northern Territory on 12 July 2012. An application for a Warrant to Seize Goods (Property Sale and Seizure Order on Goods) was lodged at Court on 10 August 2012.

The Bailiff located the ratepayer in December 2012. The Bailiff's report indicated that the ratepayer has no possessions of any value and the vehicle that was in the ratepayer's possession had a blown gearbox and would cost more to collect and sell than what the vehicle is worth. The Bailiff also obtained personal and work contact details for the ratepayer. Attempts were made to contact the ratepayer on the numbers supplied without success as the personal phone number has been disconnected and the ratepayer no longer worked at the company. Further searches by the Shire's debt collection agency have revealed that the ratepayer may also own property in Darwin. A GPC has been issued on 3 February 2014 to the ratepayer at a Darwin property address. A letter was sent to the ratepayer's mortgagee on the 09 April 2013; however no response has been received.

Total outstanding as 12 February 2014

Rates	\$5,143.00
Emergency Service Levy	\$ 308.30
GRV Waste Management Charge	\$ 749.00
Waste Receptacle	\$1,608.00
ESL Penalty	\$ 89.97
Interest	\$2,689.74
Debt Collection / Recovery Fees	\$4,380.98
Total	\$14,968.99

STATUTORY IMPLICATIONS

Local Government Act 1995

6.55 Recovery of rates and service charges

- (1) *Subject to subsection (2) and the Rates and Charges (Rebates and Deferments) Act 1992 rates and service charges on land are recoverable by a local government from*
 - (i) *the owner at the time of the compilation of the rates record;*
 - (ii) *a person who whilst the rates or service charges are unpaid becomes the owner of the land.*

6.56 Rates or service charges recoverable in court

- (1) *If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction*

6.64 Actions to be taken

- (1) *If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and –*
 - (a) *from time to time lease the land; or*
 - (b) *sell the land; or*
 - (c) *cause the land to be transferred to the Crown; or*
 - (d) *cause the land to be transferred to itself*
- (2) *On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.*
- (3) *Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which*

it may lodge a caveat to preclude dealings in respect of the land and may withdraw caveats so lodged by it.

6.68 Exercise of power to sell land

- (1) Subject to subsection (2), a local government is not to exercise its power under section 6.64(1)(b) (in this Subdivision and Schedule 6.3 referred to as the power of sale) in relation to any land unless, within the period of 3 years prior to the exercise of the power of sale, the local government has at least once attempted under section 6.56 to recover money due to it.*
- (2) A local government is not required to attempt under section 6.56 to recover money due to it before exercising the power of sale where the local government —*
 - (a) has a reasonable belief that the cost of the proceedings under that section will equal or exceed the value of the land; or*
 - (b) having made reasonable efforts to locate the owner of the property is unable to do so.*
- (3A) A local government is to ensure that a decision to exercise a power of sale without having, within the period of 3 years prior to the exercise of the power of sale, attempted under section 6.56 to recover the money due to it and the reasons for the decision are recorded in the minutes of the meeting at which the decision was made.*
- (3) Schedule 6.3 has effect in relation to the exercise of the power of sale.*

6.69 Right to pay rates, service charges and costs, and stay proceedings

- (1) Up to 7 days prior to the time of the actual sale of any land for non-payment of rates or service charges a person having an estate or interest in the land may pay the rates or service charges and the costs and expenses incurred to that time in proceedings relating to the proposed sale.*
- (2) At any time after the 7 days referred to in subsection (1) but prior to the time of the actual sale of any land the local government may, upon such terms and conditions as are agreed between the parties, accept payment of the outstanding rates or service charges.*
- (3) On payment being made under subsection (1) or (2) the proceedings relating to the proposed sale are stayed and the local government is required to make such notifications and take such measures as are prescribed in relation to the payment and the cancellation of the proposed sale.*

POLICY IMPLICATIONS

Policy F12 – Rate Collection Policy

4. Recovery action, as allowed under the Local Government Act 1995 – section 6.56, is to commence after the expiration of the seven (7) day given in clause 3. Methods that will be used to recover debts are as follows;
 - d) General Procedures Claim
 - e) If no response from the claim, the following options are available, as appropriate:

- a. Serve notice on tenant to pay rent monies to Shire of Wyndham East Kimberley (if it is a rented property), under the provisions of the Local Government Act 1995 – Section 6.60
- b. Issue a Property Seizure and Sale Order on goods
- c. Issue a Property Seizure and Sale Order on land (following council approval).
- f) Properties with three years or more rates outstanding to be sold or forfeited to the Shire of Wyndham East Kimberley under the provisions of the Local Government Act 1995 – Section 6.68

FINANCIAL IMPLICATIONS

While dependent upon the sale price, it is anticipated that there may be positive financial implications for the Shire as all outstanding rates, service charges and debt collection charges including costs associated with the sale of the property are anticipated to be recovered from the proceeds from the sale of the property.

STRATEGIC IMPLICATIONS

There are no strategic implications applicable with this matter. It is a legislative matter.

COMMUNITY CONSULTATION

Community consultation is not relevant to this matter.

COMMENT

The sale of any property to recover unpaid rates and service charges is no a course of action that the Shire normally pursues as other legal proceedings have generally proven to be successful. However numerous attempts have been made to recover the outstanding rates and service charges for this property and they have proven unsuccessful.

Ample opportunity will exist for the ratepayer to pay outstanding rates and charges in full or they will be offered a suitable payment plan to stop the sale of the land in accordance with section 6.69 of the *Local Government Act 1995*.

The property at 23 Kabbarli Street is in a state of disrepair and has not been occupied for several years.

It is recommended that the Shire's debt collection agency handle all matters in relation to the sale of the property. Costs to sell the property are dependent on if the ratepayer is located. If the ratepayer is located and the warrant to sell land is served, the debt collection costs are estimated to be approximately \$1,500 to \$3,000. If the ratepayer isn't located and the property is sold under section 6.64 of the *Local Government Act 1995* costs are estimated to be approximately \$7,000 to \$10,000. All of these are recoverable under section 6.56 of the *Local Government Act* and will be received when the sale of the property has occurred.

This property has been accruing debt since 2008/09 and will continue to do so until the property is sold.

ATTACHMENTS

There are no attachments associated with this report.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Audit (Finance and Risk) Committee recommends to Council that pursuant to Section 6.64(1)(b) of the *Local Government Act 1995*, that the Council:

1. Take possession of 23 Kabbarli Street, Wyndham (Assessment Number A185);
2. Authorise the Shire's debt collectors, AMPAC, to administer the process of taking possession of the land, ensuring compliance with provisions of the *Local Government Act 1995*;
3. Proceeds to sell 23 Kabbarli Street, Wyndham which have rates in arrears for 3 or more years and recover from the proceeds of the sale the outstanding balances which total \$14,968.99 at the time of writing this report.

COMMITTEE RESOLUTION

Minute: AC306

Moved: Cr J Moulden

Seconded: Cr B Robinson

That the Audit (Finance and Risk) Committee recommends to Council that pursuant to Section 6.64(1)(b) of the *Local Government Act 1995*, that the Council:

1. Take possession of 23 Kabbarli Street, Wyndham (Assessment Number A185);
2. Authorise the Shire's debt collectors, AMPAC, to administer the process of taking possession of the land, ensuring compliance with provisions of the *Local Government Act 1995*;
3. Proceeds to sell 23 Kabbarli Street, Wyndham which have rates in arrears for 3 or more years and recover from the proceeds of the sale the outstanding balances which total \$14,968.99 at the time of writing this report.

Carried Unanimously 4/0

7. DATE OF NEXT MEETING

12 August 2014

8. CLOSURE

The Chairperson declares the meeting closed at 3.59pm.

13. REPORTS

13.1 MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

13.2 CORPORATE SERVICES

13.2.1 Monthly Financial Report

DATE:	27 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Asanka Jayakody, Accountant
REPORTING OFFICER:	Natalie Octoman, Director Corporate Services
FILE NO:	FM.09.5

PURPOSE

For Council to note and accept the Monthly Financial Report for April 2014.

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 the 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 target.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012–2022, objective 1.4, strategies 1.4.1 to 1.4.5

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

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

ATTACHMENTS

Attachment 1 – Monthly Financial Report

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council accepts the Monthly Financial Report for the month of April 2014.

COUNCIL DECISION

Minute No. 10414

Moved: Cr S Cooke

Seconded: Cr D Learbuch

That Council accepts the Monthly Financial Report for the month of April 2014.

Carried Unanimously 9/0



Shire of Wyndham East Kimberley

Monthly Financial Report 2013/2014

As at 30 April 2014

Contents:

- 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)

Financial Activity Legend:
Above Budget Expectations: ▲
Below Budget Expectations: ▼

Shire of Wyndham East Kimberley

Statement of Financial Activity Year to Date Actual v Year to Date Budget as at 30 April 2014

	YTD Actual 2013/14 \$	YTD Budget 2013/14 \$	YTD Variance 2013/14 \$	%	
Revenue					
General Purpose Funding	1,808,871	1,852,630	(43,759)	-2%	▼
Governance	127,161	97,297	29,864	31%	▲
Law, Order, Public Safety	44,516	40,949	3,567	9%	▼
Health	63,404	67,653	(4,249)	-6%	▼
Education and Welfare	123,407	138,940	(15,534)	-11%	▼
Housing	185,080	179,757	5,323	3%	▲
Community Amenities	2,098,668	2,208,090	(109,422)	-5%	▼
Recreation and Culture	505,380	452,519	52,861	12%	▲
Transport	3,380,128	3,833,213	(453,085)	-12%	▼
Economic Services	88,825	101,407	(12,582)	-12%	▼
Other Property and Services	325,503	312,371	13,132	4%	▲
	<u>8,750,943</u>	<u>9,284,826</u>	<u>(533,884)</u>	<u>-6%</u>	<u>▼</u>
Expenses					
General Purpose Funding	(521,193)	(683,412)	162,219	-24%	▼
Governance	(2,920,261)	(2,996,717)	76,456	-3%	▼
Law, Order, Public Safety	(590,339)	(566,501)	(23,838)	4%	▲
Health	(373,231)	(393,378)	20,146	-5%	▼
Education and Welfare	(401,560)	(390,252)	(11,308)	3%	▲
Housing	(596,497)	(572,974)	(23,522)	4%	▲
Community Amenities	(3,893,035)	(4,035,303)	142,268	-4%	▼
Recreation & Culture	(4,748,276)	(4,460,010)	(288,266)	6%	▲
Transport	(5,820,706)	(5,773,856)	(46,850)	1%	▲
Economic Services	(764,410)	(764,700)	290	0%	▼
Other Property and Services	(548,041)	(420,824)	(127,217)	30%	▲
	<u>(21,177,549)</u>	<u>(21,057,926)</u>	<u>(119,623)</u>	<u>1%</u>	<u>▼</u>
Adjustments for Cash Budget Requirements:					
Non-Cash Expenditure and Revenue					
(Profit)/Loss on Asset Disposals	(28,195)	(44,826)	16,631	0%	▼
Movement in Accruals and Provisions	(5,717)	48,452	(54,169)	-112%	▲
Depreciation on Assets	4,658,573	4,566,296	92,277	2%	▲
Capital Expenditure and Revenue					
Purchase Land Held for Resale	0	0	0	0%	▼
Purchase Land and Buildings	(497,441)	(2,461,572)	1,964,131	-80%	▼
Purchase Infrastructure Assets - Roads	(723,410)	(1,553,203)	829,793	-53%	▼
Purchase Infrastructure Assets - Footpaths	0	(22,000)	22,000	0%	▼
Purchase Infrastructure Assets - Drainage	(483,436)	(565,000)	81,564	-14%	▼
Purchase Infrastructure Assets - Other	(1,348,057)	(2,593,306)	1,245,249	-48%	▼
Purchase Plant and Equipment	(656,892)	(615,023)	(41,869)	0%	▲
Purchase Furniture and Equipment	(121,666)	(265,509)	143,843	-54%	▼
Grants / Contributions for Development of Assets	1,020,429	2,451,293	(1,430,864)	0%	▼
Proceeds from Disposal of Assets	133,500	940,638	(807,138)	0%	▼
Proceeds from Sale of Land Held for Resale	0	0	0	0%	▼
Repayment of Debentures	(323,569)	(323,127)	(442)	0%	▼
Proceeds from New Debentures	0	0	0	0%	▼
Transfers to Reserves (Restricted Assets)	(168,173)	(194,630)	26,457	0%	▼
Transfers from Reserves (Restricted Assets)	0	0	(0)	0%	▼
ADD Estimated Surplus/(Deficit) July 1 B/Fwd	5,702,346	5,702,346	0	0%	▼
LESS Estimated Surplus/(Deficit) June 30 C/Fwd	2,319,967	817,864	1,502,103	184%	▲
Amount Required to be Raised from Rates	<u>7,588,281</u>	<u>7,520,134</u>	<u>68,147</u>	<u>0%</u>	<u>▼</u>

Shire of Wyndham East Kimberley

Note to Statement of Financial Activity

Net Current Assets

as at 30 April 2014

NET CURRENT ASSETS

Composition of Estimated Net Current Asset Position

	YTD Actual 2013/14	Brought Forward 1 July 2013
CURRENT ASSETS		
Cash - Unrestricted	1,190,099	5,262,152
Cash - Restricted	7,478,364	7,288,404
Cash - Restricted Unspent Grants	0	0
Receivables	1,789,662	1,426,471
Inventories	18,655	17,288
	<u>10,476,779</u>	<u>13,994,314</u>
LESS: CURRENT LIABILITIES		
Payables and Provisions	(678,449)	(1,003,565)
Less: Cash - Restricted	<u>(7,478,364)</u>	<u>(7,288,404)</u>
NET CURRENT ASSET POSITION	<u><u>2,319,967</u></u>	<u><u>5,702,346</u></u>

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity For the Period Ended 30 April 2014

Explanation of Material Variances

Variances +/- \$50,000 at Financial Statement Level

Variances +/- \$10,000 and 10% at Account Level

Operating

Recurrent Income - Excluding Rates ▼

General Purpose Funding ▼

Interest Income - Reserve Fund	\$	28,800	▼ Over achieved year to date budget estimate due to timing of investment maturity.

Governance ▲

Other Income - Other Governance	\$	10,400	▲ Income received earlier than expected. Timing.

Reimbursements - Kimberley Zone	\$	15,900	▲ Income received earlier than expected. Timing.

Law, Order and Public Safety ▼

No material variances to report

Health ▼

No material variances to report

Education and Welfare ▼

No material variances to report

Housing ▲

No material variances to report

Community Amenities ▼

Additional Waste Management Receptacle Charge	\$	14,500	▼ Lower income due to adjustment/refund of bin charges. Budget to be amended.

Rubbish Disposal Charges	\$	153,000	▼ Delay in invoicing process. Timing. Expect to correct.

Development Application Fees	\$	10,500	▼ Lower income due to lower development application than expected. Budget to be amended.

Contribution to Local Planning Strategy MUN	\$	90,000	▲ Invoice process occurred earlier than expected. Timing.

Youth Services Grant - Wyndham	\$	26,400	▼ Timing relates to year to date budget estimates. Expected to correct.

Recreation and Culture ▲

Writers Festival Income - Libraries	\$	20,000	▲ Income received earlier than expected. Timing.

Wyndham Community Resource Centre (CRC) - Operating Grant MUN	\$	35,000	▲ Grant income is higher than expected. Budget to be amended.

Transport ▼

Aircraft Landing Fees - East Kimberley Regional Airport	\$	125,200	▼ Under achieved year to date budget estimate due to seasonal impact.

Passenger Head Tax - East Kimberley Regional Airport	\$	217,300	▼ Delay in invoicing process. Timing. Expect to correct.

Passenger Screening Fees - East Kimberley Regional Airport	\$	108,200	▼ Delay in invoicing process. Timing. Expect to correct.

Reimbursements - East Kimberley Regional Airport	\$	11,500	▲ Higher reimbursements due higher utility charges, set-off against higher expenditure.

Economic Services ▼

No material variances to report

Other Property and Services ▲

Private Works Income	\$	10,400	▲ Higher income due to new private works offset by higher expenditure in private work.

Recurrent Expenditure ▼

General Purpose Funding ▼

Write Offs - Rates	\$	173,500	▼ Timing relates to year to date budget estimates.

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity

For the Period Ended 30 April 2014

(continued)

Recurrent Expenditure (continued)

Governance ▼

Staff Survey MUN	\$	15,000	▼ No activity on this project to date in contrast to budget timing forecast.
Integrated Planning Framework (IPF) - Asset Management	\$	18,300	▼ Timing relates to year to date budget estimates. Expected to correct.

Law, Order and Public Safety ▲

Direct Salaries - Ranger Services	\$	55,100	▲ Higher cost due to higher operations. Some cost set-off against lower cost in direct salaries -other law, order & public safety.
Vehicle Expenses - Other Law, Order and Public Safety	\$	10,700	▼ Lower expenditure set-off against higher vehicle expenditure in other areas.
Direct Salaries - Other Law, Order and Public Safety MUN	\$	11,400	▼ Lower expenditure set-off against higher expenses in ranger services.

Health ▼

Mosquito Control	\$	10,100	▼ Some savings. Budget to be amended.

Education and Welfare ▲

Direct Salaries - Wyndham Childcare Centre	\$	12,800	▼ Savings due to vacant positions. Budget to be amended.
Depreciation - Wyndham Childcare Centre	\$	22,000	▲ Movement in actual depreciation due to Land & Building re-valuation process. Budget to be amended. Non cash item.

Housing ▲

Depreciation - Staff Housing	\$	21,200	▲ Movement in actual depreciation due to Land & Building re-valuation process. Budget to be amended. Non cash item.

Community Amenities ▼

Tip Maintenance	\$	131,100	▼ Pending invoices for payments. Timing.
Refuse Collection	\$	67,100	▼ Pending invoices for payments. Timing.
Pre Cyclone Cleanups	\$	52,100	▲ Over expended against amended budget due to work required for the project higher than predicted. Budget to be amended.
Weaber Plain Flood Mitigation	\$	50,000	▼ Project re-schedule to Jun 14. Expect some savings.
Cumbungi Management - Protection of Environment	\$	28,100	▲ Over expended against amended budget due to work required for the project higher than predicted. Budget to be amended.
Waste Management Strategy - Protection of Environment	\$	32,600	▼ Timing relates to year to date budget estimates. Expected to correct.
Legal Expenses - Town Planning and Regional Development	\$	11,200	▲ Higher legal cost than expected. Budget to be amended.
Consultants - Local Planning Strategy MUN	\$	16,000	▼ Timing relates to year to date budget estimates.
Consultants - Foreshore Planning MUN	\$	29,800	▼ Timing relates to year to date budget estimates. Expect some savings.
Depreciation - Other Community Amenities	\$	111,300	▲ Movement in actual depreciation due to Land & Building re-valuation process. Budget to be amended. Non cash item.
Youth Buses and Camper Trailer - Operating Expenditure - Youth Services	\$	14,700	▼ Lower expenses due to depreciation adjustment for revaluation process. Budget to be amended.

Recreation and Culture ▲

Depreciation - Public Halls	\$	74,200	▲ Movement in actual depreciation due to Land & Building re-valuation process. Budget to be amended. Non cash item.
Direct Salaries - Kununurra Swimming Complex	\$	23,900	▲ Higher direct salaries due to seasonal impact. Timing. Some cost set off against lower cost in Leisure Centre direct salaries.
Direct Salaries - Kununurra Leisure Centre	\$	25,900	▼ Lower cost set-off against higher direct salaries cost in Swimming complex.
Depreciation - Kununurra Leisure Centre	\$	80,800	▲ Movement in actual depreciation due to Land & Building re-valuation process. Budget to be amended. Non cash item.
Direct Salaries - Recreation Staff - Wyndham Youth and Recreation Centre	\$	23,600	▼ Savings due to vacant positions. Budget to be amended.

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity

For the Period Ended 30 April 2014

(continued)

Recurrent Expenditure (continued)

Recreation and Culture (continued)

Depreciation - Wyndham Youth and Recreation Centre	\$ 38,300	▲ Movement in actual depreciation due to Land & Building re-valuation process. Budget to be amended. Non cash item.
Kununurra Sports Oval Maintenance	\$ 15,300	▲ Higher cost due to seasonal maintenance. Timing
Oval Lights - Kununurra Grounds	\$ 11,600	▼ Timing relates to year to date budget estimates.
Hardcourts Maintenance - Kununurra Grounds	\$ 12,800	▼ Timing relates to year to date budget estimates.
Depreciation - Kununurra Grounds	\$ 11,200	▲ Movement in actual depreciation due to Land & Building re-valuation process. Budget to be amended. Non cash item.
Depreciation - Wyndham Grounds	\$ 16,200	▲ Movement in actual depreciation due to Land & Building re-valuation process. Budget to be amended. Non cash item.
Parks and Gardens Maintenance - Kununurra	\$ 112,300	▲ Higher expenditure due to recent flood event and vandalism. Budget to be amended.
Parks and Gardens Maintenance - Wyndham	\$ 36,200	▲ Higher expenditure due to recent flood event and vandalism. Budget to be amended.
Direct Salaries - Wyndham Community Resource Centre (CRC)	\$ 24,000	▼ Lower expenses set-off against higher Direct Salaries in Wyndham Administration.

Transport

Rural Road Maintenance	\$ 52,500	▼ Timing relates to year to date budget estimates. Expected to correct.
Urban Road Maintenance - Wyndham	\$ 18,400	▼ Timing relates to year to date budget estimates. Expected to correct.
Urban Road Maintenance - Kununurra	\$ 11,000	▼ Timing relates to year to date budget estimates. Expected to correct.
Monsoonal Trough Flood Event, 6-9 Feb 2014	\$ 352,300	▲ Unbudgeted expenses due to major flood event. Majority of the project cost to be claimed from WANDRA funding.
Depreciation - Streets, Roads & Bridges - Maintenance	\$ 25,100	▲ Higher depreciation due to completed project started depreciating. Non cash item.
Airport Terminal Building Maintenance - East Kimberley Regional Airport	\$ 27,800	▼ Timing relates to year to date budget estimates. Expected to correct.
Airside Operations - East Kimberley Regional Airport	\$ 14,800	▲ Timing relates to year to date budget estimates. Expected to correct.
Passenger Screening Expenses - East Kimberley Regional Airport	\$ 67,300	▼ Timing relates to year to date budget estimates. Expected to correct.
Depreciation - East Kimberley Regional Airport	\$ 182,700	▼ Movement in actual depreciation due to Land & Building re-valuation process. Budget to be amended. Non cash item.
Direct Salaries - Wyndham Airport MUN	\$ 27,700	▼ Lower expenses set-off against Direct Salaries - East Kimberley Regional Airport
Depreciation - Wyndham Airport	\$ 42,200	▲ Movement in actual depreciation due to Land & Building re-valuation process. Budget to be amended. Non cash item.

Economic Services

Direct Salaries - Building Control	\$ 17,700	▲ Higher cost due to temporary relief staff required.
Economic Development Grants - Other Economic Services	\$ 21,400	▲ Timing relates to year to date budget estimates.
Sponsorship - Other Economic Services	\$ 60,000	▼ Timing relates to year to date budget estimates.
Depreciation - Other Economic Services	\$ 44,500	▲ Movement in actual depreciation due to Land & Building re-valuation process. Budget to be amended. Non cash item.

Other Property and Services

Private Works - Expenses	\$ 21,900	▲ Higher cost due to new private works offset by higher income in private work. Some cost yet to be invoiced.
Vehicle Expenses - Public Works	\$ 15,200	▼ Timing relates to year to date budget estimates. Expected to correct.
Direct Salaries - Wyndham Administration	\$ 30,000	▲ Higher expenses set-off against lower Direct Salaries in Wyndham CRC.
Building Maintenance - 20 Coolibah - New Kununurra Administration	\$ 25,000	▲ Timing related to year to date budget estimates.

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity

For the Period Ended 30 April 2014

(continued)

Recurrent Expenditure (continued)

Other Property and Services (continued)

Depreciation - Wyndham Administration	\$ 15,600	▲ Movement in actual depreciation due to Land & Building re-valuation process. Budget to be amended. Non cash item.
Internet and Network Connectivity - Information Services	\$ 10,700	▲ Timing related to year to date budget estimates.
POC Parts and Repairs	\$ 13,600	▲ Parts and repair cost higher than expected. Budget to be amended.
Depreciation - Plant Operation	\$ 259,000	▼ Lower plant depreciation due to correction adjustment made as a result of plant re-valuation process as at 30 June 13. Budget to be amended. Non cash item.
Loss on Sale of Assets - Plant Operation	\$ 19,200	▲ Loss on sale of plant disposal. Budget to be amended. Non cash item.
Landcorp /SWEK Deed Agreement - Expenses	\$ 12,000	▼ Un-expended casual engineers time.
Building Maintenance - Kununurra Depot	\$ 19,100	▲ Over expended against the annual amended budget due to higher maintenance. Some cost set-off against new depot caretaker dwelling maintenance cost.

Non Cash Expenditure and Revenue

Adjustments and Accruals

Profit & Loss on Sale of Assets	\$ 19,200	▲ Net increase in profit and loss on assets disposal
Movement in Accruals and Provisions	\$ 54,200	▲ Net increase in actual accrual and provision is lower than expected as at date of reporting.
Depreciation	\$ 92,300	▲ Movement in actual depreciation due to Land & Building re-valuation process and correction for Plant depreciation. Budget to be amended. Non cash item.

Capital

Purchase Land Held for Resale

No material variances to report

Purchase Land and Buildings

Waterlily Place - Staff Housing Stage One	\$ 718,000	▼ Project started. Part of the project carried forward to 2014/15
Purchase of 4x2 House in Kununurra MUN	\$ 1,193,800	▼ Assets acquisition process is in progress, Project will be completed before end of May 14.
Wyndham Oval Toilet	\$ 28,000	▼ Project almost completed. Expect some savings.
Kununurra Depot Upgrade	\$ 27,000	▼ Project in progress. Expect some savings.

Purchase Infrastructure Assets - Roads

Kalumburu Road - Re-sheet	\$ 110,900	▼ Project in progress. Timing.
Weaber Plain Road - RRG - Reconstruct	\$ 110,000	▼ Project re-schedule to Jun 14.
Road Upgrade Carlton Hill Road	\$ 284,700	▼ Project in design stage, will be carried forward to 2014/15.
Messmate Way Roundabout - Reconstruct and Seal	\$ 283,100	▼ Project re-schedule to Jun 14.
Kerb renewal	\$ 14,200	▼ Project in progress. Timing.
Coolibah - Ironwood Mangaloo MUN	\$ 27,200	▼ Project will be carried forward to 2014/15.

Purchase Infrastructure Assets - Footpaths

Footpath renewal	\$ 22,000	▼ Project not yet commenced.

Purchase Infrastructure Assets - Drainage

D2 Drain Rehabilitation	\$ 10,900	▼ Project in progress. Timing.
River Farm Road - Drainage Upgrades	\$ 18,400	▼ Project completed. Pending invoices for payment. Expect some savings.

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity

For the Period Ended 30 April 2014

(continued)

Capital

Purchase Infrastructure Assets - Drainage - (continued)

Drainage Strategy, re-instate drain, 746m to 1149m MUN \$ 34,000 ▼ Project completed. Savings.

Drainage Strategy, Survey, Design section 1, Ironwood MUN \$ 19,100 ▼ Project completed. Savings.

Purchase Infrastructure Assets - Other ▼

Kununurra Landfill Site - Liquid Waste Facility \$ 289,600 ▼ Project in progress. Timing.

Wyndham Landfill Site - Bores MUN \$ 20,000 ▼ Project not yet started.

Kununurra Landfill Site - Green Waste Hardstand MUN \$ 37,400 ▼ Project started. Progressing in early stage.

Kununurra Landfill Site - Capping Existing Site. MUN \$ 112,100 ▼ Project in progress. Timing.

Wyndham Landfill Site - Capping Existing Site MUN \$ 17,900 ▲ Project in progress. Timing.

Kununurra Landfill Site - Re-hab & De-commission Liquid Waste Lagoon MUN \$ 211,000 ▼ Project started. Progressing in early stage.

Kununurra Landfill Site - New Landfill Site Identification MUN \$ 31,800 ▼ Project started. Progressing in early stage.

Wyndham - Non Potable Water to Reserves \$ 43,000 ▼ Project not yet started.

Erythrina St - Reconstruct, Seal Pavement & Footpath Re-instate MUN \$ 22,800 ▲ Project in progress. Timing.

Security Fence Upgrade - East Kimberley Regional Airport \$ 23,200 ▼ Project in progress. Timing.

Reseal Apron - East Kimberley Regional Airport \$ 100,000 ▼ Project not yet started.

Pavement Engineering Consultant MUN \$ 35,100 ▲ Project in progress. Timing.

Welcome to Country Signage - East Kimberley Regional Airport MUN \$ 80,000 ▼ Project not yet started.

Upgrade Maintenance Area - East Kimberley Regional Airport MUN \$ 96,500 ▼ Project not yet started.

KNX Airport Security Parking Area - Stage 1 MUN \$ 66,800 ▼ Project will be carried forward to 2014/15.

Car Park Repairs - Wyndham Airport \$ 20,000 ▼ Project will be carried forward to 2014/15.

Runway Maintenance - Wyndham Airport \$ 30,000 ▼ Project will be carried forward to 2014/15.

Purchase Plant and Equipment ▲

Gymnasium Equipment - Recreation \$ 20,000 ▼ Project not yet started.

Airport Plant - Purchase Price \$ 49,400 ▲ Plant purchase occurring earlier than budget forecasting. Expected some savings.

Medium Plant - Purchase Price \$ 12,500 ▲ Higher cost set-off against Airport plant purchase price. Budget to be amended.

Purchase Furniture and Equipment ▼

Wyndham Youth Service - Setup \$ 26,800 ▼ Project completed. Savings.

Furniture and Equipment - East Kimberley Regional Airport \$ 12,500 ▼ Project will be carried forward to 2014/15.

Server and Network Upgrades - Information Technology \$ 30,000 ▼ Project not yet started.

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity

For the Period Ended 30 April 2014

(continued)

Capital

Purchase Furniture and Equipment - (continued)

Laptop and Desktop Upgrades - Information Technology	\$	14,600	▼ Project in progress. Timing.
Upgrade Inter-site Network Connectivity MUN	\$	35,000	▼ Project not yet started.
Infrastructure Dept. Landfill Software MUN	\$	10,300	▼ Project completed. Savings.

Grants / Contributions for Development of Assets

Country Local Government Fund - Kimberley Regional Collaborative Group	\$	776,900	▼ Estimated timing for receipt of grant earlier than expected.
Royalties for Regions Infrastructure Grant	\$	473,900	▼ Estimated timing for receipt of grant earlier than expected.
Aboriginal Roads Funding - State Grants	\$	32,800	▲ Income based on progress claim for projects. Timing.
Regional Road Group Grants	\$	184,000	▼ Income based on progress claim for projects. Timing.
State Local Road Black Spot - Income MUN	\$	20,300	▼ Income based on progress claim for projects. Timing.

Proceeds from Disposal of Assets

Sale of Boobialla Housing Kununurra	\$	799,500	▼ Sale process in progress. Timing.

Debentures

No material variances to report

Reserves

Reserve Interest - Transfer to Reserve	\$	26,500	▼ Timing related to year to date budget estimates.

Shire of Wyndham East Kimberley

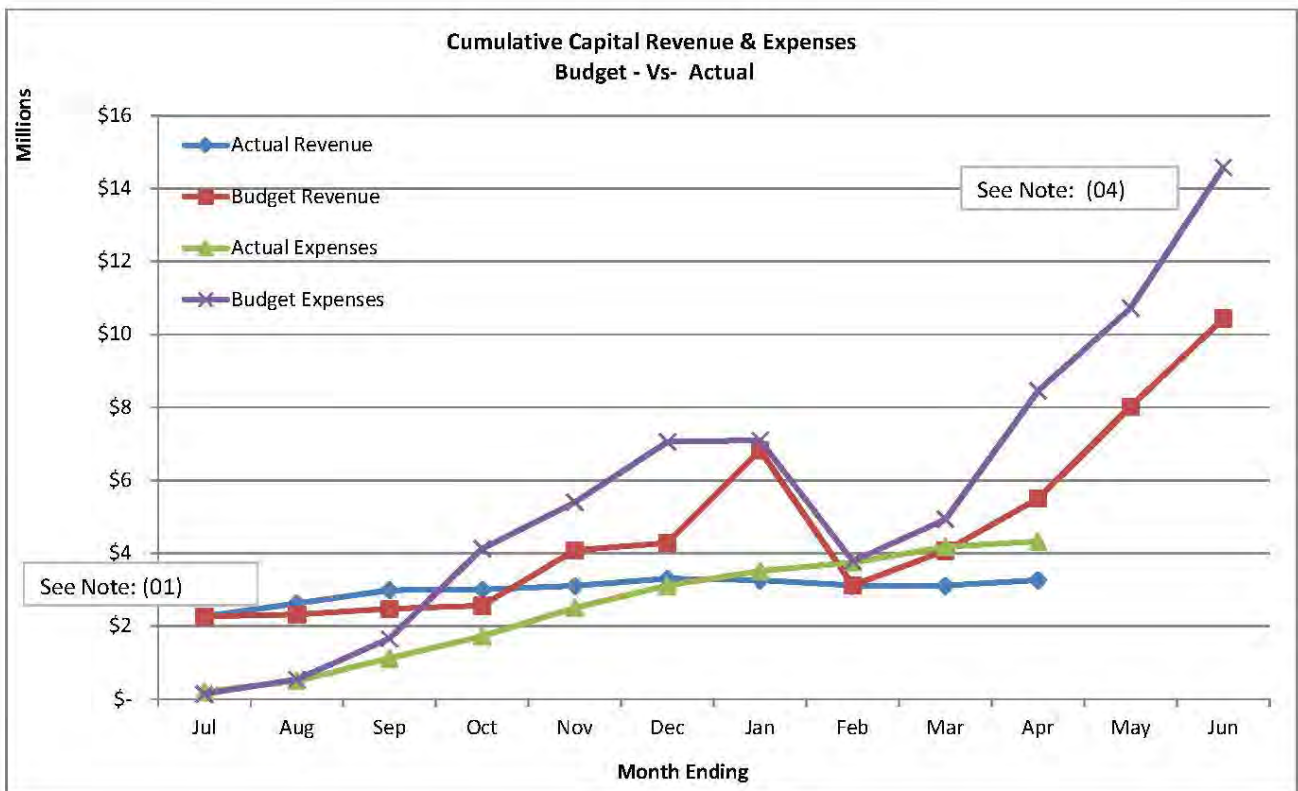
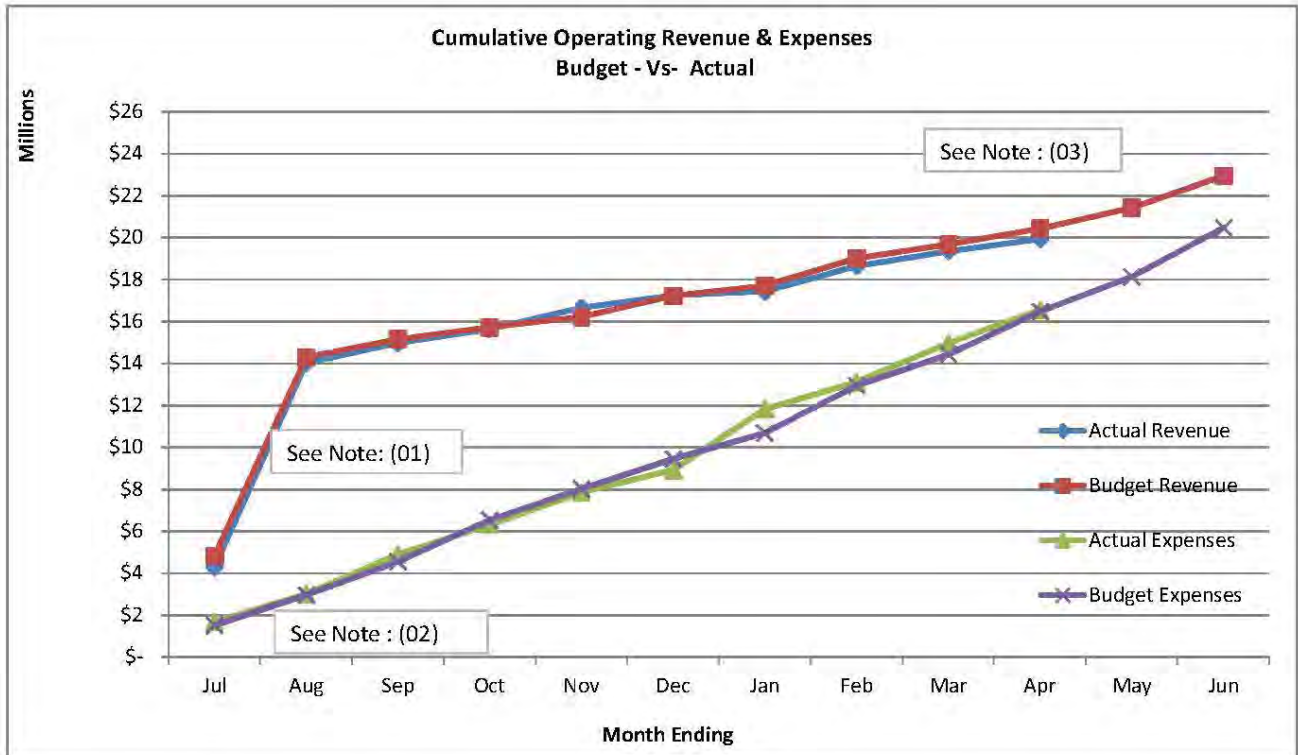
Note to Statement of Financial Activity

Budget Remaining to Collect/Spend as at 30 April 2014

	YTD Actual 2013/14 \$	Annual Budget 2013/14	Budget Remaining 2013/14 \$	%	
Revenue					
General Purpose Funding	1,808,871	2,284,289	475,417	21%	▼
Governance	127,161	119,966	(7,195)	-6%	▲
Law, Order, Public Safety	44,516	42,697	(1,819)	-4%	▲
Health	63,404	81,357	17,953	22%	▼
Education and Welfare	123,407	174,377	50,971	29%	▼
Housing	185,080	940,198	755,118	80%	▼
Community Amenities	2,098,668	2,552,334	453,666	18%	▼
Recreation and Culture	505,380	639,490	134,110	21%	▼
Transport	3,380,128	4,521,034	1,140,906	25%	▼
Economic Services	88,825	145,000	56,175	39%	▼
Other Property and Services	325,503	328,371	2,868	1%	▼
	<u>8,750,943</u>	<u>11,829,113</u>	<u>3,078,170</u>	<u>26%</u>	<u>▼</u>
Expenses					
General Purpose Funding	(521,193)	(844,584)	(323,391)	38%	▼
Governance	(2,920,261)	(3,274,343)	(354,082)	11%	▼
Law, Order, Public Safety	(590,339)	(709,724)	(119,385)	17%	▼
Health	(373,231)	(480,768)	(107,537)	22%	▼
Education and Welfare	(401,560)	(493,699)	(92,139)	19%	▼
Housing	(596,497)	(707,616)	(111,119)	16%	▼
Community Amenities	(3,893,035)	(4,936,178)	(1,043,143)	21%	▼
Recreation & Culture	(4,748,276)	(5,497,612)	(749,336)	14%	▼
Transport	(5,820,706)	(7,158,044)	(1,337,339)	19%	▼
Economic Services	(764,410)	(948,852)	(184,442)	19%	▼
Other Property and Services	(548,041)	(343,239)	204,802	-60%	▲
	<u>(21,177,549)</u>	<u>(25,394,660)</u>	<u>(4,217,111)</u>	<u>17%</u>	<u>▼</u>
Adjustments for Cash Budget Requirements:					
Non-Cash Expenditure and Revenue					
(Profit)/Loss on Asset Disposals	(28,195)	(778,004)	(749,809)	96%	▼
Movement in Accruals and Provisions	(5,717)	48,452	54,169	112%	▼
Depreciation on Assets	4,658,573	5,662,315	1,003,742	18%	▼
Capital Expenditure and Revenue					
Purchase Land Held for Resale	0	(504,504)	(504,504)	100%	▼
Purchase Land and Buildings	(497,441)	(3,221,628)	(2,724,187)	85%	▼
Purchase Infrastructure Assets - Roads	(723,410)	(2,214,546)	(1,491,136)	67%	▼
Purchase Infrastructure Assets - Footpaths	0	(31,000)	(31,000)	100%	▼
Purchase Infrastructure Assets - Drainage	(483,436)	(595,000)	(111,564)	19%	▼
Purchase Infrastructure Assets - Other	(1,348,057)	(4,184,706)	(2,836,649)	68%	▼
Purchase Plant and Equipment	(656,892)	(685,863)	(28,971)	4%	▼
Purchase Furniture and Equipment	(121,666)	(343,985)	(222,318)	65%	▼
Grants / Contributions for Development of Assets	1,020,429	5,156,224	4,135,795	80%	▼
Proceeds from Disposal of Assets	133,500	940,638	807,138	86%	▼
Proceeds from Sale of Land Held for Resale	0	0	0	0%	▼
Repayment of Debentures	(323,569)	(478,397)	(154,828)	32%	▼
Proceeds from New Debentures	0	2,308,498	2,308,498	100%	▼
Transfers to Reserves (Restricted Assets)	(168,173)	(2,315,914)	(2,147,741)	93%	▼
Transfers from Reserves (Restricted Assets)	0	1,611,787	1,611,787	100%	▼
ADD Estimated Surplus/(Deficit) July 1 B/Fwd	5,702,346	5,702,346	0	0%	▼
LESS Estimated Surplus/(Deficit) June 30 C/Fwd	2,319,967	31,300	(2,288,667)	-7312%	▲
Amount Required to be Raised from Rates	<u>7,588,281</u>	<u>7,520,134</u>	<u>(68,147)</u>	<u>-1%</u>	<u>▲</u>

Shire of Wyndham East Kimberley

Note to Statement of Financial Activity as at 30 April 2014



Note:

- (01) Start position includes allowance for brought forward surplus from previous financial year, Operating \$ 3.6M & Capital \$ 2.1M.
- (02) Budget/Actual operating expenditure excludes non financial transactions (Depreciation, Loss/Profit on assets disposals).
- (03) Surplus income to fund Capital Revenue gap.
- (04) Surplus operating income funds capital gap.

MONTHLY REPORT ON INVESTMENT PORTFOLIO (CASH)

INVESTMENT POLICY F17					RESULTS AS AT 30 April 2014	
"Overall Portfolio Limits"					Overall Portfolio	
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	60%	80%			
Note: "S & P" relates to Standard & Poors credit rating agency					Counterparty Credit	
"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"					Term to Maturity	
Overall Portfolio Term to Maturity Limits						
Portfolio % < 1 year	100% max 40% min					
Portfolio % > 1 year	60%					
Portfolio % > 3 year	35%					
Portfolio % > 5 year	25%					
Individual Investment Maturity Limits						
ADI	5 years					
Non ADI	3 years					
Note: "ADI" relates to an Authorised Deposit Institution (authorised under the Banking Act 1959)						

13.2.2 List of Accounts paid under Delegation

DATE:	27 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Felicity Heading, Senior Finance Officer Victoria Nakamya, Finance Officer - Creditors
REPORTING OFFICER:	Natalie Octoman, Director Corporate Services
FILE NO:	FM.09.5

PURPOSE

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

BACKGROUND

Council delegated to CEO the exercise of its power under Financial Management Regulation 12 to make payments from Municipal Fund and Trust Fund at the Ordinary Council Meeting of 16 August 2011.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

CD\GOV6113 – Payments from Municipal Fund and Trust Fund.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Community Plan – Strategy 1.4.3
Maintain Council's long term financial viability

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

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

ATTACHMENTS

Attachment 1 – List of Accounts paid from Municipal Fund and Trust Fund

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

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

Municipal EFT 120570 – 120724 (07 April – 30 April 14)	\$ 868,477.78
Municipal cheques 42735 - 42793 (07 April – 28 April 14)	\$ 139,118.09
Trust cheques 649 – 660 (30 April – 30 April 14)	\$ 13,151.54
Trust EFT 500691 – 500707 (01 April – 29 April 14)	\$ 13,186.85
Payroll (02 April – 30 April 14)	\$ 726,735.66
Direct bank debits (01 April – 29 April 14)	<u>\$ 38,208.66</u>
TOTAL	\$ 1,798,878.58

COUNCIL DECISION

Minute No. 10415

Moved: Cr B Robinson

Seconded: Cr D Learbuch

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

Municipal EFT 120570 – 120724 (07 April – 30 April 14)	\$ 868,477.78
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Payroll (02 April – 30 April 14)	\$ 726,735.66
Direct bank debits (01 April – 29 April 14)	<u>\$ 38,208.66</u>
TOTAL	\$ 1,798,878.58

Carried Unanimously 9/0

LIST OF ACCOUNTS SUBMITTED TO COUNCIL 27 MAY 2014

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT120570	07/04/2014	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	1,220.53
EFT120571	07/04/2014	ALLGEAR MOTORCYCLES AND SMALL ENGINES	REPAIR STIHL BLOWER	407.35
EFT120572	07/04/2014	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	219.96
EFT120573	07/04/2014	AUSTRALIAN TAXATION OFFICE - PAYG	PAYROLL DEDUCTIONS	85,473.00
EFT120574	07/04/2014	BEING THERE SOLUTIONS PTY LTD	SUBSCRIPTION TO BEING THERE VIDEO CONFERENCING 12 MONTHS	1,430.00
EFT120575	07/04/2014	BUSHCAMP SURPLUS STORE	SAFETY BOOTS - OUTDOOR WORK FORCE KUNUNURRA	210.00
EFT120576	07/04/2014	DSC CONTRACTING	INSTALLATION OF CABLES-WYNDHAM ADMINISTRATION	499.50
EFT120577	07/04/2014	EAST KIMBERLEY TOWING	TOWING OF WATER TANKER VEHICLE - P493	143.00
EFT120578	07/04/2014	EXPRESS VIRTUAL MEETINGS	TELECONFERENCE CHARGES- KUNUNURRA ADMINISTRATION	277.20
EFT120579	07/04/2014	FIGLEAF POOL PRODUCTS	PLANT ROOM WORK-KUNUNURRA LEISURE CENTRE	4,284.50
EFT120580	07/04/2014	FIVE RIVERS CAFE	CATERING FOR COUNCIL MEETING -WYNDHAM	427.50
EFT120581	07/04/2014	FRESHWATER EAST KIMBERLEY APARTMENTS	ACCOMODATION FOR CONSULTANT TRAINING & REVIEW - 24-28/2/2014	816.00
EFT120582	07/04/2014	HITACHI CONSTRUCTION MACHINERY	PARTS AND REPAIR-P477	1,871.05
EFT120583	07/04/2014	JSW HOLDINGS PTY LTD	SUPPLY AGGREGATE - COUNTER DISASTER - KUNUNURRA	3,082.20
EFT120584	07/04/2014	JAB INDUSTRIES	SINGLE TIPPER EQUIPMENT HIRE - WEABER PLAINS ROAD REPAIRS	12,947.00
EFT120585	07/04/2014	KATHERINE TREE MAINTENANCE	TREE MAINTENANCE - PLUM COURT	11,687.50
EFT120586	07/04/2014	KIMBERLEY KOOL REFRIG. & AIRCOND.	AIRCONDITIONER MAINTENANCE - AIRPORT KUNUNURRA	775.50
EFT120587	07/04/2014	KIMBERLEY TREE SERVICES PTY LTD	TREE MAINTENANCE - LEMONWOOD RD KUNUNURRA	4,050.00
EFT120588	07/04/2014	KUNUNURRA BETTA ELECTRICAL & GAS	FRIDGE FOR LANDFILL OFFICE - KUNUNURRA	349.00
EFT120589	07/04/2014	KUNUNURRA COURIERS	FILTERED WATER SUPPLIES RECEPTION - ADMINISTRATION OFFICE KUNUNURRA	80.00
EFT120590	07/04/2014	KUNUNURRA DIESEL SERVICE	SERVICE AND REPAIRS 10 TONNE TIPPER -P309	7,128.90
EFT120591	07/04/2014	KUNUNURRA HOME & GARDEN	MATERIALS - KUNUNURRA DEPOT	11.50
EFT120592	07/04/2014	KUNUNURRA PANEL BEATING WORKS	REPAIR STONE CHIPS - P475	198.00
EFT120593	07/04/2014	LEE AND KATIE GUYMER	CONCRETING - KUNUNURRA LEISURE CENTRE	1,266.10
EFT120594	07/04/2014	MAXXIA	PAYROLL DEDUCTIONS	5,989.35
EFT120595	07/04/2014	METALAND KUNUNURRA	HIRED LOADER - LANDFILL KUNUNURRA	2,159.99
EFT120596	07/04/2014	NYTROWORX	BUILDING, REPAIR AND MAINTENANCE-TOWN OVAL	463.23
EFT120597	07/04/2014	ORDCO	HARDWARE MATERIALS -KUNUNURRA	732.60
EFT120598	07/04/2014	ORD FUEL SUPPLIES	PARTS AND MATERIALS - P132	767.80
EFT120599	07/04/2014	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	70.00
EFT120600	07/04/2014	SURVEY NORTH	SURVEY - POINCETTIA WAY	313.50

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT120601	07/04/2014	TOP END MOTORS	VEHICLE MAINTENANCE - P387	1,977.45
EFT120602	07/04/2014	TYREPLUS KUNUNURRA	TYRE REPAIR - P387	35.00
EFT120603	07/04/2014	VANDERFIELD NORTHWEST PTY LTD	SERVICE REPAIRS AND PARTS TOYOTA LANDCRUISER -P387	5,296.67
EFT120604	07/04/2014	WA LOCAL GOVERNMENT SUPER PLAN	SUPERANNUATION CONTRIBUTIONS	30,278.98
EFT120605	07/04/2014	WA LOCAL GOVERNMENT ASSOCIATION	LOCAL GOVERNMENT ONLINE COURSE	214.50
EFT120606	07/04/2014	WILD MANGO	CATERING FOR COUNCIL MEETING -KUNUNURRA	266.00
EFT120607	11/04/2014	AUSTRALIAN FUEL DISTRIBUTORS	DIESEL - KUNUNURRA DEPOT	307.14
EFT120608	11/04/2014	ALLGEAR MOTORCYCLES AND SMALL ENGINES	PARTS - P356	543.70
EFT120609	11/04/2014	BOC GASES AUSTRALIAN LIMITED	WELDING GASES AND BOTTLE RENTAL - FEB 13	674.66
EFT120610	11/04/2014	BODAN CONSTRUCTIONS PTY LTD	REPAIRS AND MAINTENANCE - WYNDAM OVAL TOILETS	1,306.00
EFT120611	11/04/2014	BEST KIMBERLEY COMPUTING	PRINTING SUPPLIES - KUNUNURRA AND WYNDHAM	3,994.57
EFT120612	11/04/2014	BLACKWOODS ATKINS PTY LTD	SAFETY EQUIPMENT AND PROTECTIVE CLOTHING - OUTDOOR WORKFORCE - KNX.	808.36
EFT120613	11/04/2014	CR JOHN MOULDEN	MEMBERS PAYMENT 01/01/14 - 31/03/14 - SHIRE PRESIDENTS ALLOWANCE	9,323.75
EFT120614	11/04/2014	CIVIC LEGAL	LEGAL ADVICE – ORD STAGE 2 PROPOSED EASEMENTS/AG SOCIETY/LAKESIDE RESORT LEASES	18,527.86
EFT120615	11/04/2014	COATES HIRE OPERATIONS PTY LTD	PUMP HIRE, LOADER HIRE - KUNUNURRA LANDFILL	5,051.99
EFT120616	11/04/2014	CR BEAU ROBINSON	MEMBERS PAYMENT 01/01/14 - 31/03/14 - MEETING FEES	3,625.00
EFT120617	11/04/2014	CR GARY KING	MEMBERS PAYMENT 01/01/14 - 31/03/14 - MEETING FEES	3,625.00
EFT120618	11/04/2014	CR GLENN TAYLOR	MEMBERS PAYMENT 01/01/14 - 31/03/14 - MEETING FEES	3,625.00
EFT120619	11/04/2014	CR KEITH WRIGHT	MEMBERS PAYMENT 01/01/14 - 31/03/14 - MEETING FEES	3,909.00
EFT120620	11/04/2014	CR SOPHIE COOKE	MEMBERS PAYMENT 01/01/14 - 31/03/14 - MEETING FEES	3,625.00
EFT120621	11/04/2014	CROCODILE SIGNS PTY LTD	SIGNAGE - MANGALOO STREET	57.75
EFT120622	11/04/2014	DSC CONTRACTING	WIRING AND INSTALLATION OF PHONE LINES - KUNUNURRA LANDFILL OFFICE	2,261.56
EFT120623	11/04/2014	DAVEY TYRE & BATTERY SERVICE	REPAIRS AND MAINTENANCE-P367 AND P479	2,327.50
EFT120624	11/04/2014	EAST KIMBERLEY HARDWARE	VARIOUS HARDWARE MATERIALS AND PARTS - KUNUNURRA	896.15
EFT120625	11/04/2014	EAST KIMBERLEY PLUMBING	FIRE PUMP MAINTENANCE - KUNUNURRA AIRPORT	300.30
EFT120626	11/04/2014	FIGLEAF POOL PRODUCTS	REPAIRS AND MAINTENANCE - KUNUNURRA POOL PLANT ROOM	5,059.00
EFT120627	11/04/2014	GUERINONI & SONS	FLOOD EMERGENCY WORKS - SPEARGRASS RD TO IRONWOOD DVE KUNUNURRA	33,871.94
EFT120628	11/04/2014	HITACHI CONSTRUCTION MACHINERY	PARTS AND REPAIR - P136	1,339.80
EFT120629	11/04/2014	IBAC PLUMBING PTY LTD	PLUMBING MAINTENANCE AND REPAIR - CELEBRITY TREE PARK - KNX	190.74

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT120630	11/04/2014	INFORMA AUSTRALIA PTY LTD	SUBSCRIPTION PLANT SPEC. ONLINE STANDARD	330.00
EFT120631	11/04/2014	JSW HOLDINGS PTY LTD	LOADER HIRE SUPPLY AGGREGATE - LANDFILL KUNUNURRA	8,757.10
EFT120632	11/04/2014	JAB INDUSTRIES	TIPPER HIRE CAPPING EXISTING SITE - LANDFILL KUNUNURRA	16,514.04
EFT120633	11/04/2014	KIMBERLEY MECH. & TILT TRAY SERVICE	SERVICE AND REPAIR-P354,P331,P473,P372,P333 AND P381	5,712.90
EFT120634	11/04/2014	KUNUNURRA VISITORS CENTRE	SHIRE'S ANNUAL GRANT SCHEME	5,500.00
EFT120635	11/04/2014	STAFF MEMBER	REIMBURSEMENT - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	60.00
EFT120636	11/04/2014	KIMBERLEY COMMUNICATIONS	SUPPLY AND INSTALLATIONS-P391	1,480.00
EFT120637	11/04/2014	KIMBERLEY ECHO - ALBANY ADVERTISER	SWEK NEWS FEB14 (4 ISSUES), ADVERT TEAM LEADER CUSTOMER SERVICE	2,639.96
EFT120638	11/04/2014	KIMBERLEY KOOL REFRIG. & AIRCOND.	REPAIR AIR-ICE MACHINE - KUNUNURRA DEPOT	132.00
EFT120639	11/04/2014	KIMBERLEY TRAINING INSTITUTE	STAFF TRAINING - COMMUNITY DEVELOPMENT	2,600.00
EFT120640	11/04/2014	KUNUNURRA CHAMBER OF COMM. & IND.	IMPLEMENTATION OF TOURISM ACTION PLAN	16,500.00
EFT120641	11/04/2014	KUNUNURRA COMMERCIAL LAUNDRY	DRY CLEANING – RETURNED STAFF UNIFORMS KNX	242.61
EFT120642	11/04/2014	KUNUNURRA DIESEL SERVICE	GENERAL SERVICE -P309 AND P360	601.95
EFT120643	11/04/2014	KUNUNURRA ENGINEERING	SUPPLY AND INSTALLATION - FOGGER BASE	544.50
EFT120644	11/04/2014	KUNUNURRA LOCK & KEY	KEY CUTTING AND LOCKS-WYNDHAM CHILD CARE CENTRE	1,256.50
EFT120645	11/04/2014	KUNUNURRA PANEL BEATING WORKS	WINDOW TINTING - P123	499.99
EFT120646	11/04/2014	NYTROWORX	BUILDING REPAIRS AND INSTALLATIONS - KNX LEISURE CNTR, WYN CHILDCARE	2,193.42
EFT120647	11/04/2014	ORD RIVER ELECTRICS	MAINTENANCE - PINDAN PARK	126.50
EFT120648	11/04/2014	ORDCO	HERBICIDE - MAINTENANCE - KUNUNURRA	1,221.00
EFT120649	11/04/2014	ORICA AUSTRALIA PTY LTD	WYN. AND KNX. POOL CHLORINE GAS SUPPLY	432.92
EFT120650	11/04/2014	ORD FUEL SUPPLIES	8,000 LITRES OF DIESEL - DEPOT KUNUNURRA	13,597.27
EFT120651	11/04/2014	ORD MACHINING	PARTS -P386	264.00
EFT120652	11/04/2014	PIVOTEL	SATELITE PHONE COSTS - FEBRUARY 2014	60.00
EFT120653	11/04/2014	SEARLES HOLDINGS T/A AUTO PRO	PARTS-P379	160.89
EFT120654	11/04/2014	SHELF SUPPLY	ANIMAL NOURISHMENT - KUNUNURRA POUND	251.00
EFT120655	11/04/2014	SOUTHPAC AEROSPACE	STAFF TRAINING - EAST KIMBERLEY REGIONAL AIRPORT	14,795.00
EFT120656	11/04/2014	ST JOHN AMBULANCE	FIRST AID TRAINING - STAFF MEMBER	249.00
EFT120657	11/04/2014	SURVEY NORTH	SURVEY - POINCETTIA WAY	3,085.50
EFT120658	11/04/2014	TNT AUSTRALIA PTY LIMITED	FREIGHT - WESTRAC EQUIPMENT-DEPOT	22.74
EFT120659	11/04/2014	TOLL EXPRESS	FREIGHT - STATE LIBRARY - WYNDHAM LIBRARY	79.07
EFT120660	11/04/2014	THE KIMBERLEY GRANDE	BUSINESS AFTER HOURS FUNCTION - I WORK IN TOURISM	1,500.00
EFT120661	11/04/2014	THINK WATER KUNUNURRA	RETICULATION PARTS AND MAINTENANCE - KUNUNURRA	2,178.00

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT120662	11/04/2014	TOP END MOTORS	INSPECTION AND MAINTENANCE-P475	2,020.04
EFT120663	11/04/2014	TOX FREE SOLUTIONS LTD	REFUSE/LITTER COLLECTION/STREET SWEEPING - KNX & WYN- FEB 14	71,528.98
EFT120664	11/04/2014	UHY HAINES NORTON (WA) PTY LTD	LOCAL GOVT RATES COMPARISON REPORT	198.00
EFT120665	11/04/2014	VANDERFIELD NORTHWEST PTY LTD	SERVICE - P131	364.55
EFT120666	11/04/2014	WA LOCAL GOVERNMENT ASSOCIATION	MANAGEMENT TRAINING - INFRASTRUCTURE	1,916.15
EFT120667	11/04/2014	STAFF MEMBER	REIMBURSEMENT - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	412.10
EFT120668	11/04/2014	WESTERN AUST. TREASURY CORPORATION	LOAN REPAYMENTS	24,595.50
EFT120669	11/04/2014	WYNDHAM PLUMBING & GAS PTY LTD	REPAIRS AND MAINTENANCE-PETER REID MEMORIAL HALL WYNDHAM	5,566.00
EFT120670	15/04/2014	AUSTRAL MERCANTILE COLLECTIONS	DEBT COLLECTION COSTS - OCTOBER 13	89.18
EFT120671	15/04/2014	DEPARTMENT OF TRANSPORT	ANNUAL JETTY LICENCING	36.31
EFT120672	15/04/2014	KUNUNURRA COMMUNITY GARDEN INC.	QUICK GRANTS	500.00
EFT120673	15/04/2014	ST JOSEPHS SCHOOL	QUICK GRANTS-ST PATRICK'S QUIZ NIGHT	550.00
EFT120674	15/04/2014	WYNDHAM SUPERMARKET	PROVISION FOR WYN AUS DAY, WYN CHILD CARE, WYN YTH SERV. FEB, MAR 14	3,313.57
EFT120675	17/04/2014	A & R WELDING FABRICATION	GENERAL REPAIRS TO FLOATING PONTOONS-WYNDHAM	671.00
EFT120676	17/04/2014	ABG PAGES	ONLINE ADVERTISING	296.97
EFT120677	17/04/2014	AMPAC DEBT RECOVERY (WA) PTY LTD	DEBT RECOVERY RATES - FEB 2014	8,001.74
EFT120678	17/04/2014	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	1,220.53
EFT120679	17/04/2014	AERODROME MANAGEMENT SERVICES	TECHNICAL INSPECTION AERODROMES -KUNUNURRA, WYNDHAM	8,650.78
EFT120680	17/04/2014	ALCOLIZER PTY LTD	SERVICE AND RECALIBRATION - BREATH TESTER-AIRPORT	88.00
EFT120681	17/04/2014	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	219.96
EFT120682	17/04/2014	AUSTRALIAN TAXATION OFFICE - PAYG	PAYROLL DEDUCTIONS	72,908.00
EFT120683	17/04/2014	B VISUAL MEDIA	PHOTOGRAPHY - I WORK IN TOURISM CAMPAIGN	1,155.00
EFT120684	17/04/2014	BOAB REFRIGERATION AND AIRCON	REPAIR AND SERVICE-AIRCONDITONER- KUNUNURRA AIRPORT	264.00
EFT120685	17/04/2014	BODAN CONSTRUCTIONS PTY LTD	REPAIRS AND MAINTENANCE-SKATE PARK, KUNUNURRA	200.00
EFT120686	17/04/2014	BLACKWOODS ATKINS PTY LTD	SAFETY EQUIPMENT, PROTECTIVE CLOTHING - OUTDOOR WORKFORCE - KNX.	205.87
EFT120687	17/04/2014	C & S JOLLY ELECTRICS PTY LTD	REPAIRS AND MAINTENANCE - LEISURE CENTRE	3,437.74
EFT120688	17/04/2014	CAM MANAGEMENT SOLUTIONS	BUSINESS CASE - KALUMBURU ROAD	16,500.00
EFT120689	17/04/2014	EAST KIMBERLEY HARDWARE	VARIOUS HARDWARE ITEMS - DEPOT KUNUNURRA	406.80
EFT120690	17/04/2014	FRONTIER FENCING	SUPPLY AND INSTALLATION-CHAIN FENCE- LANDFILL AND DEPOT KUNUNURRA	4,402.78
EFT120691	17/04/2014	GHD PTY LTD	INVESTIGATE/TEST RUNWAY - KNX AIRPORT, REVIEW LOCAL PLANNING STRATEGY	76,572.10

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT120692	17/04/2014	GUERINONI & SONS	SUPPLY AND DELIVERY - ROAD BASE-WYNDHAM DEPOT	2,046.00
EFT120693	17/04/2014	JAB INDUSTRIES	MATERIALS-COUNTER DISASTER IVANHOE ROAD - KNX	6,141.58
EFT120694	17/04/2014	STAFF MEMBER	REIMBURSEMENT - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	71.80
EFT120695	17/04/2014	KENYON & COMPANY PTY LTD	PARTS -P491,P138,P135,P132,P492,P129,,390,P137,P382,P131,P133,P391	2,886.51
EFT120696	17/04/2014	KIMBERLEY KOOL REFRIG. & AIRCOND.	REPAIRS & MAINTENANCE - AIRCONDITIONERS - KUNUNURRA AIRPORT	17,864.00
EFT120697	17/04/2014	KIMBERLEY MARKETING - CASH AND CARRY	CONSUMABLES-LEISURE CENTRE	474.11
EFT120698	17/04/2014	KUNUNURRA BETTA ELECTRICAL & GAS	PHONE HANDSET - KUNUNURRA DEPOT	169.95
EFT120699	17/04/2014	KUNUNURRA DIESEL SERVICE	SERVICE -P116	570.95
EFT120700	17/04/2014	KUNUNURRA HOME & GARDEN	VARIOUS HARDWARE ITEMS - DEPOT KUNUNURRA	321.60
EFT120701	17/04/2014	LEISURE INSTITUTE OF WA AQUATICS	STAFF TRAINING -POOL MANAGERS	460.00
EFT120702	17/04/2014	LIZARD LOUNGE PTY LTD	CATERING SERVICES - LEAD AUDITORS' COURSE	429.00
EFT120703	17/04/2014	MARTELL ROAD MAINTENANCE	MATERIALS AND REPAIRS -COUNTER DISASTER/EMERGENCY REPAIRS - KNX	50,595.71
EFT120704	17/04/2014	MAXXIA	PAYROLL DEDUCTIONS	5,989.35
EFT120705	17/04/2014	NYTROWORX	BUILDING REPAIRS AND MAINTENANCE- LEISURE CENTRE KUNUNURRA	720.00
EFT120706	17/04/2014	ORDCO	ULTRAMAX - MAINTENANCE - AIPORT	814.00
EFT120707	17/04/2014	OLLIE'S IRRIGATIONS & PLUMBING SUPPLIES	RETICULATION MAINTENANCE - CASUARINA WY, KONKEBERRY DR. KUNUNURRA	1,883.97
EFT120708	17/04/2014	SEARLES HOLDINGS T/A AUTO PRO	BATTERY CHARGER-LANDFILL KUNUNURRA	139.00
EFT120709	17/04/2014	SHAWMAC PTY LTD	DETAILED DESIGN -PARKING MODIFICATIONS- KUNUNURRA AIRPORT	4,851.00
EFT120710	17/04/2014	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	70.00
EFT120711	17/04/2014	ST JOHN AMBULANCE	FIRST AID KIT - P115	20.50
EFT120712	17/04/2014	TELFORD INDUSTRIES	POOL MAINTENANCE SUPPLIES - KUNUNURRA POOL	1,496.00
EFT120713	17/04/2014	THINK WATER KUNUNURRA	RETICULATION PARTS AND MAINTENANCE-KUNUNURRA	182.16
EFT120714	17/04/2014	TOX FREE SOLUTIONS LTD	REFUSE/LITTER COLLECTION/STREET SWEEPING - KNX & WYN- MAR 14	10,890.00
EFT120715	17/04/2014	TUCKERBOX/RETRAVISION KUNUNURRA	PROVISIONS AND MATERIALS KUNUNURRA AIRPORT	221.28
EFT120716	17/04/2014	TYREPLUS KUNUNURRA	REPAIRS-P491	760.00
EFT120717	17/04/2014	VANDERFIELD NORTHWEST PTY LTD	NEW JOHN DEERE RIDE ON MOWER - KUNUNURRA AIRPORT	14,315.00
EFT120718	17/04/2014	WA LOCAL GOVERNMENT SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	30,055.78
EFT120719	22/04/2014	LANDGATE	GROSS RENTAL VALUATION SCHEDULES	2,646.06
EFT120720	28/04/2014	BRADLEY CALLANAN	REPAIR AND SERVICE-AIRCONDITONER-WYNDHAM ADMIN OFFICE	264.00
EFT120721	28/04/2014	CORE BUSINESS AUSTRALIA PTY LTD	RAWLINSON'S HANDBOOK 2014 EDITION	438.90
EFT120722	28/04/2014	DEREK BOHN	PROVISION OF LABOUR SERVICES - AIRPORT KUNUNURRA	6,429.50
EFT120723	28/04/2014	KESCO EDUCATIONAL PTY LTD	EDUCATIONAL PLAY EQUIPMENT-WYNDAM CHILDCARE CENTRE	439.27

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT120724	30/04/2014	AUSTRALIAN FUEL DISTRIBUTORS	FUEL COSTS-MAR14	1,269.16
TOTAL MUNICIPAL EFT PAYMENTS				868,477.78

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
42735	07/04/2014	AMP CORPORATE SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	18.14
42736	07/04/2014	AMP LIFE LTD	SUPERANNUATION CONTRIBUTIONS	427.01
42737	07/04/2014	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	430.70
42738	07/04/2014	AUSTRALIAN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	1,839.39
42739	07/04/2014	CARE SUPER	SUPERANNUATION CONTRIBUTIONS	30.58
42740	07/04/2014	COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	230.08
42741	07/04/2014	CONCEPT ONE SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	231.54
42742	07/04/2014	HIF (HEALTH INSURANCE FUND OF AUST LTD)	PAYROLL DEDUCTIONS	42.75
42743	07/04/2014	HORIZON POWER	STREET LIGHTING (1 INSTALLATION)	36.64
42744	07/04/2014	LOCAL GOVERNMENT SUPER	SUPERANNUATION CONTRIBUTIONS	493.86
42745	07/04/2014	MGC BUILDING AND MAINTENANCE PTY LTD	ADVENTURE POOL PLAY AREA - MAINTENANCE	853.00
42746	07/04/2014	MLC MASTERKEY PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	879.14
42747	07/04/2014	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	503.51
42748	07/04/2014	MTAA SUPER	SUPERANNUATION CONTRIBUTIONS	126.89
42749	07/04/2014	REI SUPER	SUPERANNUATION CONTRIBUTIONS	386.50
42750	07/04/2014	REST SUPER	SUPERANNUATION CONTRIBUTIONS	448.44
42751	07/04/2014	SUNSUPER	SUPERANNUATION CONTRIBUTIONS	1,564.37
42752	07/04/2014	TAEKWONDO FUNDRAISING	KIDSPORT MEMBERSHIP	400.00
42753	07/04/2014	THE TRUSTEE FOR HEADING SUPER FUND	SUPERANNUATION CONTRIBUTIONS	455.62
42754	07/04/2014	UNISUPER	SUPERANNUATION CONTRIBUTIONS	151.37
42755	07/04/2014	VISION SUPER	SUPERANNUATION CONTRIBUTIONS	3,613.78
42756	07/04/2014	WESTSCHEME	SUPERANNUATION CONTRIBUTIONS	646.76
42757	07/04/2014	WATER CORP. SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	221.08
42758	11/04/2014	CASH - PETTY CASH KNX AIRPORT	SPRAY DUST REMOVER	93.55
42759	11/04/2014	CR DARREN SPACKMAN	MEMBERS PAYMENT 01/01/14 - 31/03/14 - MEETING FEES	3,625.00
42760	11/04/2014	CR DON LEARBUCH	MEMBERS PAYMENT 01/01/14 - 31/03/14 - MEETING FEES	3,625.00
42761	11/04/2014	CR RAYMOND DESSERT	MEMBERS PAYMENT 01/01/14 - 31/03/14 - MEETING FEES DEPUTY PRESIDENT	5,049.75
42762	11/04/2014	DEPARTMENT OF TRANSPORT	P478 VEHICLE REGISTRATION FEE TO 12/04/2015	863.70

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
42763	11/04/2014	HORIZON POWER	ELECTRICITY - LOT 77, CHESTNUT AVENUE, YOUTH CNTR KNX: 22/01-24/03/2014	5,243.95
42764	11/04/2014	PINE TIMBER PRODUCTS PTY LTD	150 MM DOMED TOP BOLLARDS - VAR LOCS KNX INCL. KNX SWIM BEACH	2,525.00
42765	11/04/2014	W & K EXCAVATIONS PTY LTD	LOADER HIRE - LANDFILL KUNUNURRA - DEC 2013 TO FEB 2014	13,453.00
42766	11/04/2014	WATER CORPORATION	WATER USE VARIOUS LOCS. INCL. AIRPORT, DEPOT, OFFICE KNX: 13/01-12/03/2014	2,556.94
42767	14/04/2014	COMMISSIONER OF POLICE	APPLICATION FOR RENEWAL OF SECURITY AGENTS LICENSE FOR 3 YEARS	1,022.00
42768	14/04/2014	DEPARTMENT OF TRANSPORT	P370 REGISTRATION FEE TO 01/04/15	263.05
42769	14/04/2014	TELSTRA	LANDLINE COST - FEB 2014 - SHIRE ADMINISTRATION OFFICE KUNUNURRA	10,511.76
42770	17/04/2014	AUSTRAL POOL SOLUTIONS	4 X BACKSTROKE POLES, 2 X BACKSTROKE FLAGS - WYNDHAM POOL	818.09
42771	17/04/2014	CITY OF MELVILLE	REPLACEMENT BOOK FEE	7.70
42772	17/04/2014	CITY OF COCKBURN	REPLACEMENT BOOK FEE	24.20
42773		CANCELLED	CANCELLED	
42774	17/04/2014	HORIZON POWER	ELEC. - KNX AIRPORT TERMINAL BLDNG, KNX LEISURE CNTR: 11/02-14/03/2014	36,925.93
42775	17/04/2014	WATER CORPORATION	WATER USE AT INDOOR SPORTS - KNX LEISURE CENTRE: 06/01-05/03/2014	5,455.52
42776	17/04/2014	AMP LIFE LTD	SUPERANNUATION CONTRIBUTIONS	458.40
42777	17/04/2014	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	827.20
42778	17/04/2014	AUSTRALIAN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	1,811.28
42779	17/04/2014	COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	256.86
42780	17/04/2014	CONCEPT ONE SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	231.54
42781	17/04/2014	HIF (HEALTH INSURANCE FUND OF AUST LTD)	PAYROLL DEDUCTIONS	42.75
42782	17/04/2014	LOCAL GOVERNMENT SUPER	SUPERANNUATION CONTRIBUTIONS	493.87
42783	17/04/2014	MLC MASTERKEY PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	907.01
42784	17/04/2014	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	516.75
42785	17/04/2014	REI SUPER	SUPERANNUATION CONTRIBUTIONS	386.50
42786	17/04/2014	REST SUPER	SUPERANNUATION CONTRIBUTIONS	448.44
42787	17/04/2014	SUNSUPER	SUPERANNUATION CONTRIBUTIONS	1,807.92
42788	17/04/2014	THE TRUSTEE FOR HEADING SUPER FUND	SUPERANNUATION CONTRIBUTIONS	532.17
42789	17/04/2014	UNISUPER	SUPERANNUATION CONTRIBUTIONS	133.87
42790	17/04/2014	VISION SUPER	SUPERANNUATION CONTRIBUTIONS	3,548.80
42791	17/04/2014	WESTSCHEME	SUPERANNUATION CONTRIBUTIONS	622.93
42792	17/04/2014	WATER CORP. SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	196.51

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
42793	28/04/2014	RECREATION CONCEPTS AUSTRALIA	INSTALL SOFTFALL AT KLC PLAY AREA	19,800.00
TOTAL MUNICIPAL CHEQUE PAYMENTS				139,118.09

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
649	30/04/2014	KIMBERLEY METALS GROUP PTY LTD	REFUND BCITF OVERPAYMENT BL 100105	800.00
650	30/04/2014	ARTCOAST PTY LTD	KERB BOND REFUND BL061/2010	370.00
651	30/04/2014	EAST KIMBERLEY CONSTRUCTION PTY LTD	KERB BOND REFUND BL122/2013	624.00
652	30/04/2014	FRANMOR CONSTRUCTIONS PTY LTD	KERB BOND REFUND BL034/2011	300.00
653	30/04/2014	KURT HUNTER	BOND REFUND HALL HIRE 17/4/14	1,020.00
654	30/04/2014	NATHAN & SHAE SIEBERT	KERB BOND REFUND BL101/2010	370.00
655	30/04/2014	ROXANNE BIRCH	BOND REFUND HALL HIRE 14/3/14	270.00
656	30/04/2014	SIGNATURE ENGRAVING PTY LTD	ENGRAVED PAVERS - 50TH ANNIVERSARY PROJECT	4,316.50
657	30/04/2014	STEVEN MCEVOY	BOND REFUND ASIC CARD STEVEN MCEVOY	50.00
658	30/04/2014	TIER NOMINEES PTY LTD	KERB BOND REFUND BL086/2013	520.00
659	30/04/2014	QE2 PTY LTD	BLANK PAVERS - 50TH ANNIVERSARY PROJECT	4,377.82
660	30/04/2014	SIGNATURE ENGRAVING PTY LTD	ENGRAVED PAVERS - 50TH ANNIVERSARY PROJECT	133.22
TOTAL TRUST CHEQUE PAYMENTS				13,151.54

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
500691	01/04/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 1/4/14	767.60
500692	02/04/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 2/4/14	245.40
500693	03/04/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 3/4/14	122.60
500694	04/04/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 4/4/14	1,370.40
500695	07/04/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 7/4/14	256.65
500696	08/04/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 8/4/14	404.75
500697	09/04/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 9/4/14	1,236.80
500698	10/04/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 10/4/14	1,932.55
500699	14/04/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 14/4/14	1,010.85
500700	15/04/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 15/4/14	131.70
500701	16/04/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 16/4/14	409.60
500702	17/04/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 17/4/14	887.55
500703	22/04/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 22/4/14	214.35
500704	23/04/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 23/4/14	2,333.45

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
500705	24/04/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 24/4/14	575.90
500706	28/04/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 28/4/14	774.70
500707	29/04/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 29/4/14	512.00
TOTAL TRANSPORT EFT PAYMENTS				13,186.85

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
	02/04/2014	PAYROLL	PAYROLL	230,276.04
	14/04/2014	PAYROLL	PAYROLL	4,000.72
	16/04/2014	PAYROLL	PAYROLL	235,731.13
	17/04/2014	PAYROLL	PAYROLL	2,313.78
	30/04/2014	PAYROLL	PAYROLL	254,413.99
TOTAL PAYROLL PAYMENTS				726,735.66

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
	1/04/2014	DIRECT DEBIT	FEE - BPAY	178.69
	1/04/2014	DIRECT DEBIT	BANK FEES	200.30
	1/04/2014	DIRECT DEBIT	LEASE COSTS - 11 KWINANA STREET WYNDHAM	1,441.00
	1/04/2014	DIRECT DEBIT	LEASE COSTS - 9B PLUM COURT KUNUNURRA	1,380.50
	8/04/2014	DIRECT DEBIT	MESSAGES ON HOLD	507.00
	10/04/2014	DIRECT DEBIT	LEASE COSTS - 5 RATTLEPOD CLOSE KUNUNURRA	2,946.66
	10/04/2014	DIRECT DEBIT	LEASE COSTS - 38 GARDENIA DRIVE KUNUNURRA	3,606.55
	15/04/2014	DIRECT DEBIT	LEASE COSTS - 9B PLUM COURT KUNUNURRA	1,380.50
	22/04/2014	DIRECT DEBIT	PERIODICAL PAYMENT TO MASTERCARD	18,296.97
	28/04/2014	DIRECT DEBIT	LEASE COSTS 17/33 KONKERBERRY DRIVE KUNUNURRA	2,253.33
	28/04/2014	DIRECT DEBIT	LEASE COSTS - LOT 2433 (REAR) 60 COOLIBAH DRIVE KUNUNURRA	2,383.33
	29/04/2004	DIRECT DEBIT	LEASE COSTS 16/33 KONKERBERRY DRIVE KUNUNURRA	2,253.33
	29/04/2014	DIRECT DEBIT	LEASE COSTS - 9B PLUM COURT KUNUNURRA	1,380.50
TOTAL DIRECT DEBIT PAYMENTS				38,208.66

13.3 INFRASTRUCTURE

13.3.1 Adoption of Firebreak Order

DATE:	27 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Robert Jehu, Emergency & Regulatory Services Coordinator
REPORTING OFFICER:	Kevin Hannagan, Director Infrastructure
FILE NO:	ES.03.1

PURPOSE

For Council to adopt the Firebreak Order in line with the steps necessary for the 2014/2015 Firebreak Order as provided in the attached document.

BACKGROUND

Each year the Shire compiles and distributes a Firebreak Order to all landowners and occupiers. The order lists firebreak methods relevant to different areas within the Shire, distinguishing between rural and urban areas and penalties for noncompliance.

The Firebreak Order will apply from 1 April 2014 to 1 January 2015.

STATUTORY IMPLICATIONS

Council is responsible for the issuing of fire permits and the control of firebreaks under the *Bush Fires Act 1954*.

POLICY IMPLICATIONS

No policy implications apply in the preparation of this report.

FINANCIAL IMPLICATIONS

Councils adopted 2013 / 2014 Budget allows for maintenance of firebreaks.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure.

Objective 2.3: Facilities are appropriate for their intended purpose and factor in whole of life costing and maintenance.

Strategy 2.3.1: Manage and maintain assets in a strategic and cost effective manner.

Strategy 2.3.2: Plan, design and budget for sustainable infrastructure.

COMMUNITY CONSULTATION

Community consultation is not relevant in relation to this item as it is a statutory requirement in accordance with the *Bush Fires Act 1954*. The Firebreak Order will be published in the Government Gazette, Kimberley Echo and The Bastion. Correspondence will be issued to all land owners of blocks over 2000m² regarding their responsibilities and potential fines and costs associated with complying with the Order.

COMMENT

Each year the Shire compiles and distributes a Firebreak Order to all landowners and occupiers. The order lists firebreak methods relevant to different areas within the Shire. Distinguishing between the requirements of rural and urban areas. The Firebreak Order also outlines the penalties enforced for noncompliance.

ATTACHMENTS

Attachment 1 – 2014/2015 Firebreak Order

VOTING REQUIREMENT

Simple Majority.

OFFICER'S RECOMMENDATION

That Council:

- 1) adopts the 2014 / 2015 Firebreak order as presented;
- 2) publishes the Firebreak Order in the Government Gazette, Kimberley Echo and The Bastion; and
- 3) issues notices to all land owners of blocks over 2000m² regarding their responsibilities and potential fines and costs associated with complying with the Order.

COUNCIL DECISION

Minute No. 10416

Moved: Cr G King

Seconded: Cr D Learbuch

That Council:

- 1) adopts the 2014 / 2015 Firebreak order as presented;**
- 2) publishes the Firebreak Order in the Government Gazette, Kimberley Echo and The Bastion; and**
- 3) issues notices to all land owners of blocks over 2000m² regarding their responsibilities and potential fines and costs associated with complying with the Order.**

Carried Unanimously 9/0

BUSH FIRES ACT 1954

Shire of Wyndham East Kimberley

Firebreak Order and Bushfire Information 2014/2015

(This is a summary of the Order adopted by the Shire of Wyndham East Kimberley under Section 33 of the Bush Fires Act 1954).

In accordance with the provisions of this Order, landowners are required to carry out fire prevention work on land they own or occupy.

Details of work required to be completed are contained in this Order. Work must be completed by 15 August 2014.

PERSONS WHO FAIL TO COMPLY WITH THE REQUIREMENTS OF THE ORDER MAY BE ISSUED WITH AN INFRINGEMENT NOTICE (PENALTY \$250) OR PROSECUTED WITH AN INCREASED PENALTY UP TO (\$1000). IN ADDITION, THE SHIRE MAY CARRY OUT THE REQUIRED WORK AT COST TO THE OWNER OR OCCUPIER OF THE LAND.

There may be instances where it is considered to be impractical to clear firebreaks or remove flammable materials as required by this Order, due to:

- The aggravation of soil erosion;
- The identification of a more effective system of fire prevention; or
- Firebreaks being rendered unnecessary by natural features existing on the land.

In this instance, application may be made to Council not later than 15 June 2014 for permission to provide firebreaks in alternative positions or to take alternative action to reduce fire hazards on the land.

If Council permission is not forthcoming, then you will be required to comply with the provisions of this Order.

Firebreaks are used primarily to gain access to and provide an area to work from when controlling a fire. They will not stop all fires, and removal of unnecessary flammable material prior to the fire season is your best safeguard against fire threat.

If the requirements of this Order are fulfilled by burning off, then the burning must be carried out in accordance with the relevant provisions of the Bush Fires Act 1954.

1. Ord River Irrigation Project Area:

Firebreaks for all land within the Ord Irrigation Area must be:

- Not less than three (3) metres wide inside and along and as close as possible to external boundaries; and
- Not less than six (6) metres wide and within three (3) metres of the perimeter of all buildings and/or haystacks and groups of buildings.

NOTE: This requirement need not be met if the property is being worked, and provided the irrigation channels are in use.

2. Pastoral Lands:

Firebreaks are required to be a distance of not less than six (6) metres wide and within three (3) metres of buildings and/or haystacks or groups of buildings.

3. Townsite Land:

Where the area is 2 000m² or less, all inflammable material (with the exception of standing live trees) shall be removed from the whole of the land by clearing or slashing.

Where the area of the land is greater than 2 000m², a firebreak of not less than six (6) metres in width immediately surrounding any buildings, or not less than three (3) metres in width inside and along the whole of the external boundaries of the land is required.

4. Rural Lands:

Land outside townsites which is not under a pastoral lease requires firebreaks of:

- Not less than four (4) metres wide inside, along and within ten (10) metres of external boundaries; or
- Not less than six (6) metres wide and within three (3) metres of the perimeter of all buildings and/or haystacks or groups of buildings.

5. Rural Living Areas:

- 1) *Where land (up to 5 ha per lot) outside of the Wyndham and Kununurra town sites is used primarily for residential purposes firebreaks are to be provided to all boundaries in accordance with the following requirements:*
 - a) *clear a 3 metre wide firebreak of all flammable material, immediately inside the external boundaries of the land; and*
 - b) *trees must be trimmed back to provide a vertical clearance of 3.5 metres to allow fire appliances along the firebreak*
- 2) *Where a Shire managed Strategic Firebreak is provided the provisions of 1(a) do not apply to the boundaries abutting the Strategic Firebreak.*
- 3) *Where there is a risk soil erosion or the ground conditions do not permit (e.g. rocky terrain) the provisions of 1(a) may be deemed to be satisfied where the grasses are slashed and maintained at a height of 75mm or less.*

5. Rubbish Sites:

All rubbish sites for pastoral stations and communities require firebreaks not less than three (3) metres wide and within three (3) metres of the perimeter of the rubbish site.

6. Fuel Dumps and Depots:

Flammable material must be removed from all land where fuel drum ramps or dumps are located and where fuel drums (whether containing fuel or not) are stored, to a distance of at least fifteen (15) metres outside the perimeter of any drum, ramp or stack of drums.

The acts referred to in paragraphs 1 to 6 herein must be performed to the satisfaction of the duly authorised person appointed by the Shire of Wyndham East Kimberley.

If it is impractical for any reason to clear firebreaks or to remove flammable material from the land as required by this Order, you may apply to Council or its duly authorised officer by no later than 15 June 2014 for permission to provide firebreaks in alternative positions, or to take alternative positions or to take alternative action to abate fire hazards on the land.

RESTRICTED BURNING PERIOD

1 April to 1 January Each Year

The Restricted Burning Period now includes Kununurra and Wyndham Townsites, the Ord Irrigation Area and pastoral areas.

PERMITS TO BURN

1. Permits to burn are required for the whole of the Restricted Period, and must be obtained from one of the Fire Control Officers identified for your area (see overleaf).
2. Any special conditions imposed by the Fire Control Officer when issuing permits must be strictly adhered to.
3. The permit holder shall give notice of his intention to burn to:
 - a. The Shire's Kununurra Administration Centre by no later than 24 hours prior to the day when the burning is to take place. Weekend burning must be notified by 4.00pm, Friday.
 - b. The owner or occupier of adjoining land.
 - c. The nearest Department of Environment and Conservation (DEC) office if the land is situated within three (3) kilometres of State Forest land, National Park, Nature Reserve or other DEC lands.
4. The period of notice to neighbours prior to burning cannot be more than twenty eight (28) days or less than four (4) days, although lesser notice may be determined by mutual agreement of all neighbours.

5. Your attention is drawn to Items 5, 6 and 7 as listed on the back of the permit.
6. Burning under permit is permitted during the Restricted Burning Period on Sundays and Public Holidays.
7. All landowners and occupiers who suffer a bush fire have an obligation to assist each Area Fire Control Officer to compile a Fire Report Form.
8. Garden refuse (excluding GREEN clippings) burnt on the ground may be lit only between 6.00pm and 11.00pm, and must be completely extinguished with water or earth by midnight. All flammable matter is to be cleared within five (5) metres of all points of the site of the fire, and a person must be in attendance during the whole time the fire is lit.
9. Any incinerator used to burn rubbish must be properly constructed – an open drum (with or without a lid) is not an appropriate incinerator.
10. With reference to Item 8 and 9 of this summary, burning may not take place if the Fire Weather Warning for the day is "Very High", or "Extreme".

Gary Gaffney

Chief Executive Officer

13.3.2 Asset Management support for Country Local Governments

DATE:	27 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Kevin Hannagan, Director Infrastructure
REPORTING OFFICER:	Kevin Hannagan, Director Infrastructure
FILE NO:	CM.10.4

PURPOSE

For Council to endorse the submission of an Expression of Interest by the Shire on a project by the Department of Local Government to support 75 country local governments to carry out an assessment of their current asset and financial management processes, in line with the nationally consistent measures set out in the National Asset Management Assessment Framework (NAF).

BACKGROUND

Since 2009 the Western Australian Government with support from the Western Australian Local Government Association, Local Government Managers Australia, Western Australia Branch and the Institute of Public Works Engineers Australia, Western Australia Branch, has guided the implementation of Integrated Planning and Reporting (IPR) in all Western Australian Local Governments through the Department of Local Government and Communities (the Department's) capacity building program.

This program seeks to improve the local government sector's ability to respond to the increasing demands placed on it by ageing infrastructure; by developing and implementing long term approaches that integrate strategic planning, asset management, workforce and long term financial planning.

STATUTORY IMPLICATIONS

To achieve regulatory compliance in the area of local government strategic community planning and corporate business planning, as required by regulations 19C and 19DA of the Local Government (Administration) Regulations 1996.

POLICY IMPLICATIONS

No policy implications apply in the preparation of this report.

FINANCIAL IMPLICATIONS

The development of:

1. Asset Management Strategy;
2. Asset Management Policy;
3. Asset Management Plan;
4. Asset Management Systems (such as RAMS);
5. Asset Management Improvement Strategies;
6. Capital Works Evaluation Policy / Procedures;
7. Condition Assessments;
8. Long Term Financial Plan project specifications,

to date have been largely funded by the Shire using municipal funds and staff time.

The Shire did receive a \$40,000.00 grant from the Department several years ago for development of the Shire's initial (high level) Asset Management Plan.

This project will help offset some of the funds required for the Shire to develop its Asset Management processes from 'Core' capability to 'Advanced' capability as required by the Department.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure.

Objective 2.3: Facilities are appropriate for their intended purpose and factor in whole of life costing and maintenance.

Strategy 2.3.1: Manage and maintain assets in a strategic and cost effective manner.

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

Although significant progress has been made in implementing asset management planning as part of IPR, further work is required. Ongoing assessment of asset management planning by the Department has highlighted the need to improve the accuracy of asset condition and useful life data.

To address these challenges the Department has developed a project to support 75 country local governments to carry out assessment of their current asset and financial management processes, in line with the nationally consistent measures set out in the National Asset Management Assessment Framework (NAF).

The Department will also assist country local government officers to assess and update the condition and useful life data of one crucial asset class, resulting in a more accurate calculation of the local government's infrastructure gap. This will be achieved by using best practice asset condition assessment methodologies and updating Asset Management Plans (AMP's) and Long Term Financial Plans (LTFP's).

To deliver these outcomes, the Department will engage asset management professionals to work with, educate and mentor local government administration staff.

The Department is currently establishing a panel of suitably qualified asset management specialist and will, in consultation with participating local governments, engage contractors to work with them to deliver the project. All contractual arrangements will be between the Department and the agreed contractor. Participating local governments will not be expected to carry the extra burden of contracts and grant acquittals associated with the project.

All country local governments are eligible to be considered for this project. To be considered for the project, country local governments are invited to complete and submit an Expression of Interest form and to outline their need for further asset management planning assistance. Country local governments are also requested to indicate their preferred financial year for receiving asset management support.

The Expression of Interest should be guided by the priorities set out in each local government's Asset Management Improvement Strategy.

This project promotes skills and knowledge transfer between asset management consultants and local government staff. Therefore, it requires a commitment from participating local governments to work with the asset management consultants and make staff available to work on the project.

The project is funded through the Royalties for Regions Country Local Government Fund which is administered by the Department of Regional Development.

As Expressions of Interest were to be received by 16 May 2014 via email or hard copy to the Department, Councillors were briefed on this item at a Councillors Briefing on 13 May 2014 and the application was submitted on Councils behalf prior to the deadline.

The Department will assess the Expressions of Interest and advise respondents of the outcome by 30 May 2014.

Attached is completed Expression of Interest form sent to the Department on Friday 16 May 2014.

ATTACHMENTS

Attachment 1 – Expression of Interest Form completed

VOTING REQUIREMENT

Simple Majority.

OFFICER'S RECOMMENDATION

That Council endorses the Shire's Expression of Interest for asset management support for country Local Governments submitted by the closing date of 16 May 2014.

COUNCIL DECISION

Minute No. 10417

Moved: Cr B Robinson

Seconded: Cr D Learbuch

That Council endorses the Shire's Expression of Interest for asset management support for country Local Governments submitted by the closing date of 16 May 2014.

Carried Unanimously 9/0

Expression of Interest Form

Your contact details

Title:	Mr ☒	Ms ☐	Mrs ☐	Miss ☐	Other ☐
	If other, please specify title:				
First name:	Kevin				
Last name:	Hannagan				
Position:	Director Infrastructure				
Local government:	Shire of Wyndham East Kimberley				
Street or postal address:	PO Box 614 Kununurra WA 6743				
Business telephone:	(08) 9168 4161				
Mobile telephone:	0428 848 916				
Email address:	Kevin.Hannagan@swek.wa.gov.au				

Expression of Interest

Please select or enter the response that best fits your local government's circumstances.

- Does your local government have an Asset Management Plan(s) for all of its critical asset classes?

Yes – AMP(s) are for all critical assets.

- Are the Asset Registers for your critical assets complete?

No – completed for some critical assets

- Do the plans document the current condition of the assets, including useful lives?

No

- Please indicate which critical asset class has the lowest level of data confidence:

Roads and buildings

5. Has your local government completed the NAF online self-assessment?

Yes

6. If yes, which areas does the profile indicate as "not substantially progressed"?

Up to date condition data and level of service.

7. Does your local government have a ten-year Long Term Financial Plan?

Yes

8. What is the estimated value of your asset management renewal gap?

\$4.5 million average of 20 years, \$9.2 million in the first year.

9. What is the quality of data that this gap is based on?

Estimations or modelled data

10. Please indicate why your local government should be considered for this asset management planning project:

The Shire of Wyndham East Kimberley has embraced asset management and put considerable resources into asset management over the past 6 years. This has been a difficult exercise due to the Shire's limited rate base and remoteness, which leads to significant additional costs compared to other local governments. The Shire would like to build upon the excellent work done to date and refine our efforts by collecting up to date condition data. We have committed AM staff supplemented by an experienced consultant and would like to further enhance our staff abilities.

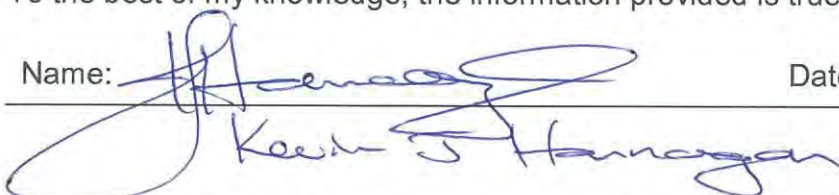
11. Preferred financial year to receive support:

2015-16

Declaration

To the best of my knowledge, the information provided is true and correct.

Name:


Kevin J. Hannagan

Date:

13/5/14

13.3.3 Kununurra District High School – Public Transport Authority

DATE:	27 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Kununurra District High School
AUTHOR:	Kevin Hannagan, Director Infrastructure
REPORTING OFFICER:	Kevin Hannagan, Director Infrastructure
FILE NO:	CP.06.17

PURPOSE

For Council to note correspondence between the Public Transport Authority (PTA) and Department of Education (DoE) regarding the bus parking embayment.

BACKGROUND

At a Special Meeting of Council on 19 December 2013, part one (1) of the resolution at that meeting contained the following:

Minute No. 10287

Moved: Cr D Spackman

Seconded: Cr B Robinson

Part one (1)

That the CEO writes to the Department of Education informing that Council will not support the relocation of the KDHS buses to the proposed area on Coolibah Drive and use the following points to express our concerns:

- ***There is a greater risk to the kids and parents by relocating;***
- ***The long term risk and cost to the community is not justified;***
- ***Relocation to reduce the risk to the Education Department is not valid reason to increase the risk to the children's safety;***
- ***The Shire has a responsibility to limit the risk to our most valued asset, our children.***

Since that time there has been liaison between the DoE and PTA regarding the design of the bus embayment. DoE have engaged a consultancy to review the original designs and have recommended several modifications which are the subject of a separate report in this agenda.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

No policy implications apply in the preparation of this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this item.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure.

Objective 2.3: Facilities are appropriate for their intended purpose and factor in whole of life costing and maintenance.

Strategy 2.3.1: Manage and maintain assets in a strategic and cost effective manner.

Strategy 2.3.2 Plan, design and budget for sustainable infrastructure.

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

Objective 3.4: Protection and enhancement of community facilities.

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

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

The DoE has acknowledged that its staff members are parking in the parent parking area on Coolibah Drive / Mangaloo Street. The Shire prefers this to discontinue as it increases drop-off / pick-up traffic congestion and increases road safety risks associated with the children. Once the buses are relocated from the turn around, the Department will close the access road and additional onsite parking will be constructed on a portion of that land. This will result in an increased availability of public parking bays for parents in Coolibah Drive / Mangaloo Street. The remaining land will be available for the School to develop as additional play space that has been reduced in other parts of the school site due to the increase in new facilities.

The attached letter from the PTA to DoE advised that School Bus Services have reviewed the proposed modifications to the design, which now provide for a separation of pedestrian, and vehicle movements and a widening of the crossing section allowing students to access the school through a gate located at the widened section of that crossing.

The PTA supports these control measures being undertaken to reduce the risk of an incident occurring at the site. There remains the need to undertake a risk assessment of the operation once the construction process is finalised and is scheduled to be used by the bus contractors. This is a normal process after completion of works and part of the commissioning process.

The PTA anticipates this assessment will be undertaken by the DoE through Kununurra District High School prior to the bus bays being approved for use and that the report will be forwarded to the PTA to review any measures that are deemed necessary to further reduce the associated risks.

It should be noted, there will be an ongoing responsibility on behalf of Kununurra District High School to ensure that passengers (students) are transferred to bus drivers through direct supervision provided by the school.

ATTACHMENTS

Attachment 1 – Letter from Public Transport Authority

VOTING REQUIREMENT

Simple Majority.

OFFICER'S RECOMMENDATION

That Council:

- 1) notes correspondence between the Public Transport Authority and Department of Education regarding the bus parking embayment at Kununurra District High School; and
- 2) writes to the Department of Education and Public Transport Authority requesting a meeting regarding their request to relocate the Kununurra District High School buses to the proposed area on Coolibah Drive.

COUNCIL DECISION

Minute No. 10418

Moved: Cr S Cooke

Seconded: Cr G Taylor

That Council:

- 1) notes correspondence between the Public Transport Authority and Department of Education regarding the bus parking embayment at Kununurra District High School; and
- 2) writes to the Department of Education and Public Transport Authority requesting a meeting regarding their request to relocate the Kununurra District High School buses to the proposed area on Coolibah Drive.

Carried Unanimously 9/0



Government of Western Australia
Public Transport Authority



Your ref: D14/0104859

Enquiries: Michael Cordingley
(08) 9326 2706

29 April, 2014

Milan Trifunovic
Director, Facilities Program Delivery
Department of Education
151 Royal Street
East Perth WA 6004

Dear Mr Trifunovic

KUNUNURRA DISTRICT HIGH SCHOOL – BUS EMBAYMENT

Thank you for your letter regarding the design of the bus embayment area located adjacent to the Kununurra District High School site on Coolibah Drive.

School Bus Services have reviewed the proposed modifications to the design, which now provide for a separation of pedestrian and vehicle movements and a widening of the crossing section allowing students to access the school through a gate located at the widened section of that crossing.

These measures are considered appropriate and in line with recommendations agreed to 'in principle' at a meeting held on 24 February, 2013 with Sue Swenson from the Department of Education.

The Public Transport Authority (PTA) supports these controls measures being undertaken to reduce the risk of an incident occurring at the site; however, there remains the need to undertake a risk assessment of the operation once the construction process is finalised and is scheduled to be used by the bus contractors. The PTA anticipates this assessment will be undertaken by the Department of Education through Kununurra District High School prior to the bus bays being approved for use and that the report will be forwarded to the PTA to review any measures that are deemed necessary to further reduce the associated risks.

It should be noted, there will be an ongoing responsibility on behalf of Kununurra District High School to ensure that passengers (students) are transferred to bus drivers through direct supervision provided by the school.

Should you wish to discuss this matter please do not hesitate to make contact.

Yours sincerely

Michael Cordingley
Operations Manager

13.3.4 Kununurra Courthouse – Footpath Upgrade

DATE:	27 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Kununurra District Courthouse
AUTHOR:	Kevin Hannagan, Director Infrastructure
REPORTING OFFICER:	Kevin Hannagan, Director Infrastructure
FILE NO:	LP.02.65

PURPOSE

For Council to consider a request from the Department of the Attorney General (DotAG) to a cost sharing of their request for an upgrade of footpath and kerbing adjacent to the new courthouse to match the standard of design for the new courthouse.

BACKGROUND

At a meeting of Wednesday 30 April 2014 with the architects and DotAG a request was made for the Shire to consider upgrading its footpath and kerbing adjacent to the new courthouse.

Several options were suggested by DotAG using the builder of the courthouse to undertake the work at their builder's contract rates for the courthouse project. This would need to be undertaken before completion of the courthouse and the builder vacates the site (estimated end June 2014).

Subsequently the Shire has received a further request for relocation of the three (3) flag poles to be positioned along Coolibah Drive between the Police and new court buildings. In order to position the poles with the required space around and between the poles they need to be pushed forward beyond the allotment boundary and into the street verge.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

No policy implications apply in the preparation of this report.

FINANCIAL IMPLICATIONS

The Shire does have a Footpath Renewal and a Kerb Renewal budget in its 2013 / 2014 Adopted Budget. The Shire proposed to use this budget to 'renew' existing footpaths / kerbing as part of its Asset Management Plan. There are no funds to be allocated to the courthouse footpath area.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure.

Objective 2.3: Facilities are appropriate for their intended purpose and factor in whole of life costing and maintenance.

Strategy 2.3.1 Manage and maintain assets in a strategic and cost effective manner

Strategy 2.3.2 Plan, design and budget for sustainable infrastructure.

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

Objective 3.3: Towns are safe and inviting for locals and tourists.

Strategy 3.3.4: Ensure a well-connected and maintained network of shared paths.

COMMUNITY CONSULTATION

Community Consultation is not required for this report.

COMMENT

DotAG proposed three (3) footpath areas to be considered for the upgrade:

1. Replacing the footpath from the corner of Messmate and Coolibah to the entry ramp of the courthouse (approximately 30sqm);
2. Replacing the footpath from the courthouse to the notional boundary of the Western Australian Police facility (approximately 100sqm); and
3. Increasing the width of the paving and rationalising the layout to the south east near the courthouse building (approximately 30sqm).

The total area in consideration is approximately 160sqm and would therefore cost in the order of \$26,400.00 excluding GST.

The existing footpath and kerbing around the courthouse was in fair condition prior to the redevelopment.

The footpath has been renewed from Messmate Way to the courthouse public entry as part of the redevelopment. It is easy to see with the naked eye, concrete mix water stains and that rubber tracked machinery have marked the rest of the footpath. The Courthouse builder is responsible for cleaning of the footpath from Messmate Way until the boundary with Western Australia Police. The Shire does not have available funds to renew the section from the Western Australian Police boundary to Banksia Street. DotAG have not offered any contribution to upgrade works.

Kerbing has been cracked from the corner of Messmate Way and completely missing in front of the courthouse. The remaining kerbing to Banksia Street is showing signs of age with some cracking but is still serviceable. The courthouse builder is responsible for repair and renewal of the kerbing from Messmate Way until the boundary with Western Australian Police. DotAG have not offered any contribution to the proposed upgrade works.

DotAG in their original design allowed for two (2) flag poles within their boundary. Subsequently the State Government have determined that three (3) flag poles are now required as standard for new government buildings. Three (3) flag poles won't align within the boundary as the flags will touch the building. As such the poles would need to be moved forward into the Shires road reserve. The attached plan shows the proposed flagpoles location which should not impede pedestrian access to the Shire footpath.

ATTACHMENTS

Attachment 1 – Kununurra Courthouse flagpoles location

VOTING REQUIREMENT

Simple Majority.

OFFICER'S RECOMMENDATION

That Council:

- 1) does not agree to contribute to the requested upgrade of footpath and kerbing adjacent to the new courthouse to match the standard of design for the new courthouse;
- 2) requests the Department of the Attorney General to provide written assurance to the Shire that it accepts all future maintenance, renewal and liability associated with the location of the three (3) flag poles within the Shire road reserve; and
- 3) subject to the receipt of written assurance from the Department of the Attorney General with regard to future maintenance, renewal and liability, Council approves the location of three (3) flag poles within the Shires road reserve as per the attached plan.

COUNCIL DECISION

Minute No. 10419

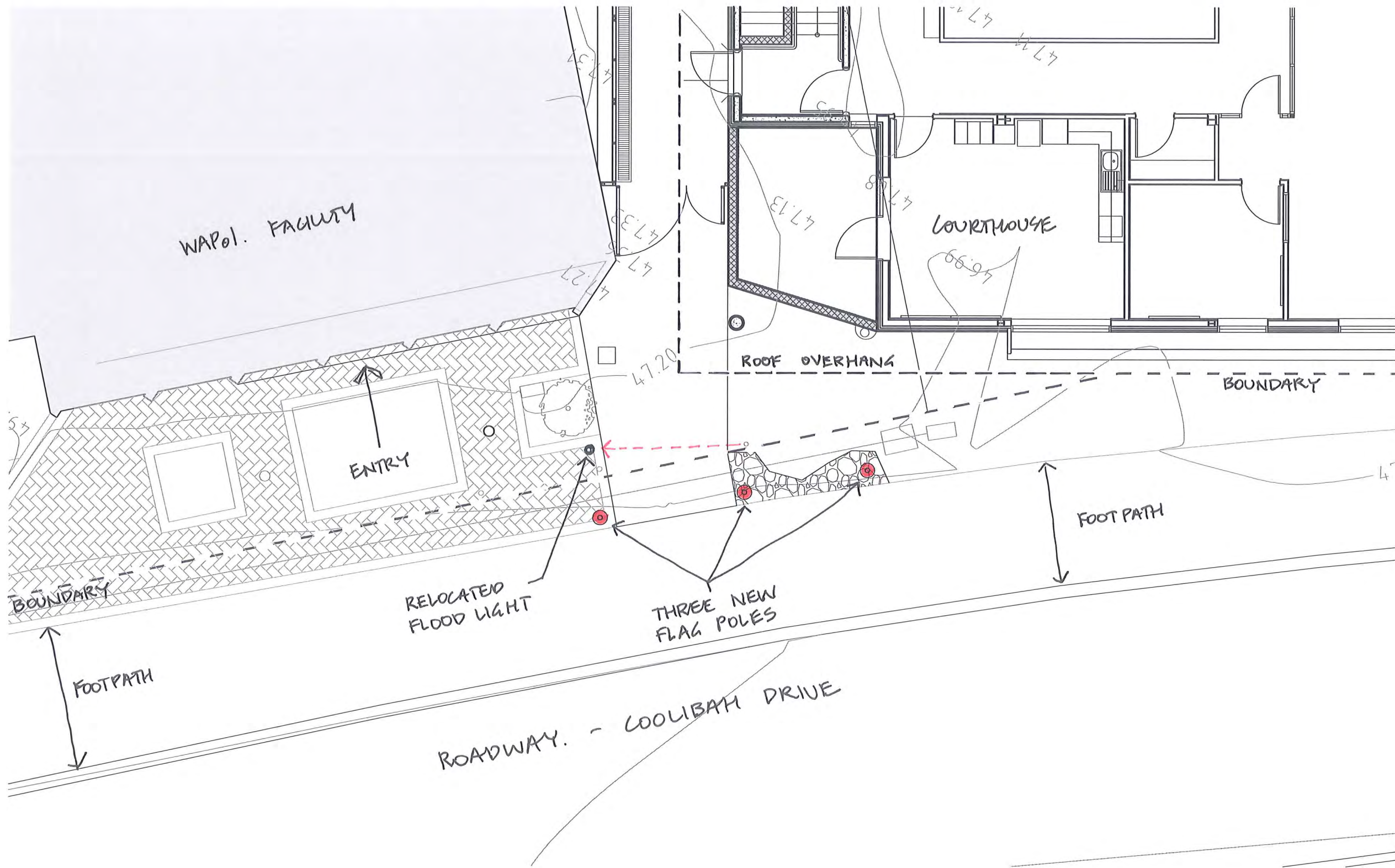
Moved: Cr B Robinson

Seconded: Cr G Taylor

That Council:

- 1) **does not agree to contribute to the requested upgrade of footpath and kerbing adjacent to the new courthouse to match the standard of design for the new courthouse;**
- 2) **requests the Department of the Attorney General to provide written assurance to the Shire that it accepts all future maintenance, renewal and liability associated with the location of the three (3) flag poles within the Shire road reserve; and**
- 3) **subject to the receipt of written assurance from the Department of the Attorney General with regard to future maintenance, renewal and liability, Council approves the location of three (3) flag poles within the Shires road reserve as per the attached plan.**

Carried Unanimously 9/0



TAG / IPH ARCHITECTS.
KUNUNURRA REPLACEMENT COURTHOUSE
FLAG POLE & FLOODLIGHT RELOCATION.
SCALE 1:100 @ A3.
5.5.2014.

13.3.5 Kununurra District High School – Bus Parking

DATE:	27 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Kevin Hannagan, Director Infrastructure
REPORTING OFFICER:	Kevin Hannagan, Director Infrastructure
FILE NO:	CP.06.17

PURPOSE

For Council to note correspondence received from the Department of Education (DoE) advising they have conferred with the Public Transport Authority (PTA), (see separate Briefing Report regarding PTA response) and requesting the Shire to proceed and project manage a scope of works.

BACKGROUND

The Shire has previously project managed the construction of the bus parking embayment using DoE funds. The shire has now received a request from DoE for the Shire to further project manage a scope of works as above using DoE funds.

The scope of works can be summarised as follows:

1. Supply and installation of pool style fencing to locations as shown on the attached drawing, nominally in front of the existing School fencing and on the bus embayment island;
2. Existing wombat crossing to be widened to line up with the School pedestrian gate;
3. New kerbing and concrete infill to existing car bay to suit the new widened wombat crossing; and
4. Relocation of existing drainage pit and new cover to existing drainage pit to suit new widened wombat crossing.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this matter. However, the Shire's Thoroughfares and Public Places Local Law enables the Shire to approve alternative verge treatments as is proposed, to Shire specifications.

POLICY IMPLICATIONS

No policy implications apply in the preparation of this report.

FINANCIAL IMPLICATIONS

There are no 'cash' financial implications associated with this item as infrastructure installed will be constructed at DoE cost. It is acknowledged that Shire Engineering staff time will be involved in checking designs, materials procurement and managing the infrastructure installation etc.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure.

Objective 2.3: Facilities are appropriate for their intended purpose and factor in whole of life costing and maintenance.

Strategy 2.3.1: Manage and maintain assets in a strategic and cost effective manner.

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

The DoE has acknowledged that its staff members are parking in the parent parking area on Coolibah Drive / Mangaloo Street and that the Shire is keen for this to discontinue as it increases drop-off / pick-up traffic congestion. Once the buses are relocated from the turn around, the Department will close the access road and additional on-site parking will be constructed on a portion of that land. This will result in more public parking bays being available for parents in Coolibah Drive / Mangaloo Street. The remaining land will be available for the School to develop as additional play space that has been reduced in other parts of the school site due to the increase in new facilities.

The attached letter from the PTA to DoE advised that School Bus Services have reviewed the proposed modifications to the design, which now provide for a separation of pedestrian, and vehicle movements and a widening of the crossing section allowing students to access the school through a gate located at the widened section of that crossing.

ATTACHMENTS

Attachment 1 - Letter from Public Transport Authority
Attachment 2 - Bus Bay Fencing Diagram

VOTING REQUIREMENT

Simple Majority.

OFFICER'S RECOMMENDATION

That Council project manages and proceeds with the scope of works, using Department of Education funds, summarised as follows:

- 1) Supply and installation of pool style fencing to locations as shown on the attached drawing, nominally in front of the existing School fencing and on the bus embayment island;
- 2) Existing wombat crossing to be widened to line up with the School pedestrian gate;
- 3) New kerbing and concrete infill to existing car bay to suit the new widened wombat crossing; and

Relocation of existing drainage pit and new cover to existing drainage pit to suit new widened wombat crossing.

MOTION

Cr D Spackman moves to suspend Standing Orders.

COUNCIL DECISION

Minute No. 10420

Moved: Cr D Spackman

Seconded: Cr K Wright

Motion to suspend Standing Orders.

Lost 2/7

For: Cr D Spackman, Cr K Wright

**Against: Cr J Moulden, Cr R Dessert, Cr D Learbuch, Cr B Robinson, Cr S Cooke,
Cr G Taylor, Cr G King**

COUNCIL DECISION

Minute No. 10421

Moved: Cr S Cooke

Seconded: Cr R Dessert

That Council project manages and proceeds with the scope of works, using Department of Education funds, summarised as follows:

- 1) Supply and installation of pool style fencing to locations as shown on the attached drawing, nominally in front of the existing School fencing and on the bus embayment island;**
- 2) Existing wombat crossing to be widened to line up with the School pedestrian gate;**
- 3) New kerbing and concrete infill to existing car bay to suit the new widened wombat crossing; and**

Relocation of existing drainage pit and new cover to existing drainage pit to suit new widened wombat crossing.

Carried 6/3

**For: Cr S Cooke, Cr R Dessert, Cr J Moulden, Cr D Learbuch, Cr B Robinson,
Cr G Taylor**

Against: Cr D Spackman, Cr K Wright, Cr G King



Government of Western Australia
Public Transport Authority



Your ref: D14/0104859

Enquiries: Michael Cordingley
(08) 9326 2706

29 April, 2014

Milan Trifunovic
Director, Facilities Program Delivery
Department of Education
151 Royal Street
East Perth WA 6004

Dear Mr Trifunovic

KUNUNURRA DISTRICT HIGH SCHOOL – BUS EMBAYMENT

Thank you for your letter regarding the design of the bus embayment area located adjacent to the Kununurra District High School site on Coolibah Drive.

School Bus Services have reviewed the proposed modifications to the design, which now provide for a separation of pedestrian and vehicle movements and a widening of the crossing section allowing students to access the school through a gate located at the widened section of that crossing.

These measures are considered appropriate and in line with recommendations agreed to 'in principle' at a meeting held on 24 February, 2013 with Sue Swenson from the Department of Education.

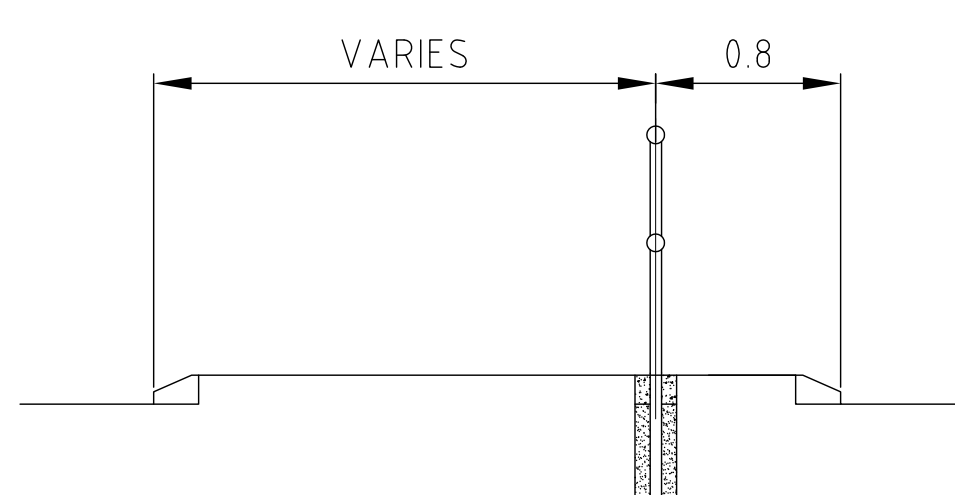
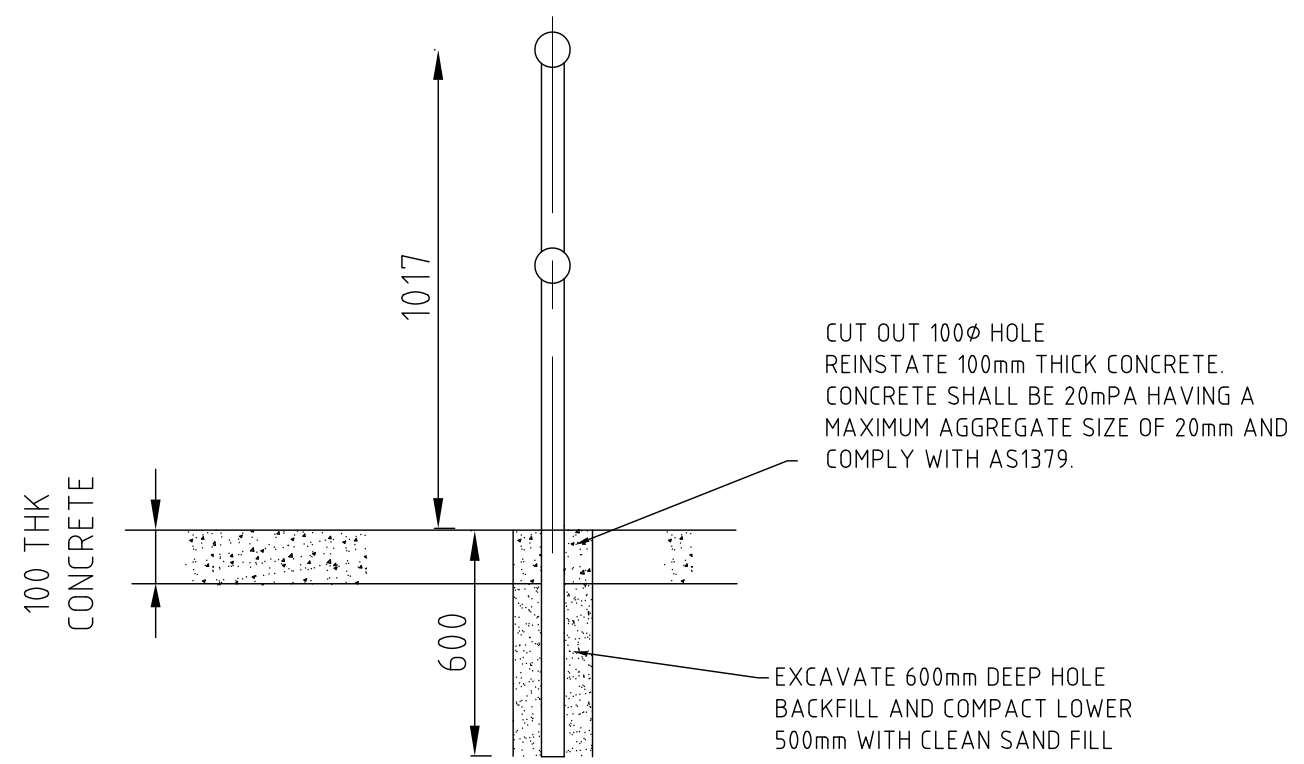
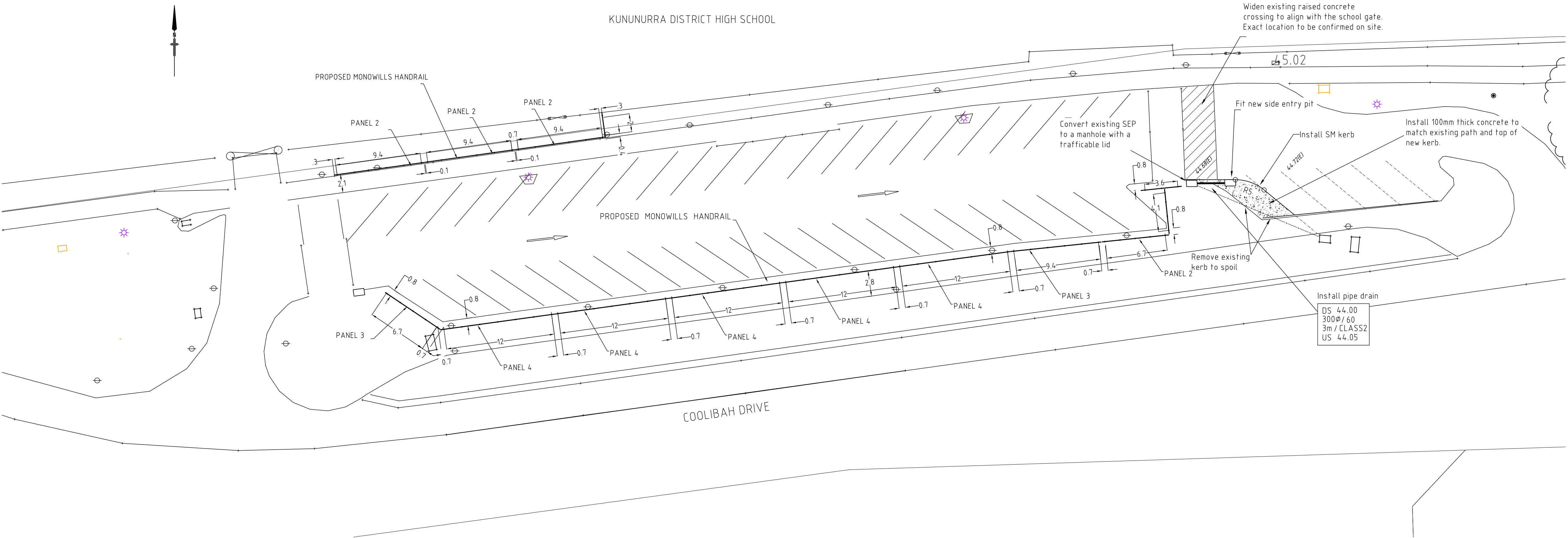
The Public Transport Authority (PTA) supports these controls measures being undertaken to reduce the risk of an incident occurring at the site; however, there remains the need to undertake a risk assessment of the operation once the construction process is finalised and is scheduled to be used by the bus contractors. The PTA anticipates this assessment will be undertaken by the Department of Education through Kununurra District High School prior to the bus bays being approved for use and that the report will be forwarded to the PTA to review any measures that are deemed necessary to further reduce the associated risks.

It should be noted, there will be an ongoing responsibility on behalf of Kununurra District High School to ensure that passengers (students) are transferred to bus drivers through direct supervision provided by the school.

Should you wish to discuss this matter please do not hesitate to make contact.

Yours sincerely

Michael Cordingley
Operations Manager



TYPICAL STANCHION FOOTING DETAIL

BUS BAY HANDRAIL - SECTION A

AMENDMENTS			
No.	DATE	DESCRIPTION	APPROVED
D	21.03.14	RAIL LAYOUT AMENDED	BG
C	14.02.14	RAIL LAYOUT AMENDED	BG
B	17.12.13	GENERAL AMENDMENT	BG
A	26.11.13	GENERAL AMENDMENT	BG
	20.11.13	ISSUED FOR REVIEW	BG

CLIENT	
Wyndham East Kimberley	

LOCAL GOVERNMENT AUTHORITY	
Wyndham - East Kimberley	

SCALE	Hz 1:125	Vt N/A
CHECKED	R Garton	
DIRECTOR	T Shaw	



1ST FLOOR
908 ALBANY HIGHWAY
EAST VICTORIA PARK
WA 6101
P 9355 1300
E admin@shawmac.com.au

CONSULTING CIVIL AND TRAFFIC ENGINEERS

DATE	10/10/12
DESIGNED	T Shaw
DRAWN	A Shaw

KUNUNURRA DISTRICT HIGH SCHOOL BUS EMBAYMENT - COOLIBAH DRIVE PROPOSED HANDRAIL SETOUT DETAIL	
DRAWING NUMBER 1209010-006	AMEND. D

13.3.6 Ord Irrigation Expansion Goomig Farmland Roads – Final Road Seal

DATE:	27 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Ord Irrigation Expansion Goomig Farmlands Roads
AUTHOR:	Peter Kerp, Manager Engineering Services
REPORTING OFFICER:	Kevin Hannagan, Director Infrastructure
FILE NO:	RD.07-25

PURPOSE

For Council to consider an offer from Landcorp to pay the Shire \$2.85m (GST exclusive) for the purpose of design, procurement, implementation and responsibility for application of the second bitumen seal, comprising 14mm size sealing aggregate of the Goomig roads as part of the development created by the Ord Irrigation Expansion Project Stage 2.

BACKGROUND

Landcorp originally proposed bonding the value of the final seal at \$2.25m (which included an escalation contingency) and would also supply the 14mm sealing aggregate. The estimate was provided to Landcorp by Main Roads WA's spray seal contractor RnR Spray Seal Contractors. The \$2.25m bonded money would be deposited into a Shire "restricted reserve" account with the interest earned on the account to be utilised for any further escalation of bitumen application costs, reducing financial risk to the Shire.

Councillors at the August 2013 Councillor Briefing considered the Landcorp \$2.25m proposal and instructed the Director Infrastructure to further negotiate with Landcorp to increase the escalation contingency as the Shire would be bearing all the risks.

This negotiation was concluded and presented to the Ordinary Council Meeting of 24 September 2013 where Council resolved as follows:

Minute No. 10189

Moved: Cr R Dessert

Seconded: Cr D Learbuch

That Council:

- 1. Accepts Landcorp's offer to bond \$2,500,000 (restricted reserve) for the second coat seal of roads within the Goomig Farmlands;***
- 2. Does not agree to refund any under spend of the bonded \$2,500,000 as Council is bearing all the financial risk for the project should it go over the estimate;***
- 3. Direct Shire staff to ensure the aggregate stock pile is secured until to its final seal use; and***
- 4. Will not prior to the second coat seal to use this gravel for any other project.***

Carried Unanimously 6/0

STATUTORY IMPLICATIONS

The following list of legislation is the legal framework that governs subdivisional development throughout the State. This list is not exhaustive:

- Planning and Development Act 2005
- Environmental Protection Act 1986
- Conservation and Land Management Act 1945
- Native Title Act 1993 and Amendments 1998 (Federal)
- Aboriginal Heritage Act 1972
- Local Government Act 1995
- Occupational Safety and Health Act 1984
- Fire and Emergency Services Authority WA Act 1998
- Environmental Protection and Biodiversity Conservation Act 1999 as Amended (Federal)

There are other legislated Acts that have relevance but which do not have a direct effect on subdivisional construction. Several of these are as follows:

- Main Roads Act 1930
- Transport Coordination Act 1966
- Soil and Land Conservation Act 1945

POLICY IMPLICATIONS

No policy implications apply in the preparation of this report.

FINANCIAL IMPLICATIONS

There is a financial risk for the Shire as it would be responsible for any costs incurred over the “bonded amount”. However, the increase of the bond by \$250,000 minimises that risk.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure.

Objective 2.3: Facilities are appropriate for their intended purpose and factor in whole of life costing and maintenance.

Strategy 2.3.1: Manage and maintain assets in a strategic and cost effective manner.

Strategy 2.3.2: Plan, design and budget for sustainable infrastructure.

COMMUNITY CONSULTATION

Not Applicable.

COMMENT

Landcorp by letter dated 22 April 2014 re-affirmed to pay the Shire \$2.5m (GST exclusive) for the purpose of design, procurement, implementation and responsibility of the Goomig Farmland roads final coat reseal. The figure of \$2.5m excludes the procurement of the 14mm size sealing aggregate. Landcorp in increasing its offer acknowledged that the Shire accepts all risks for the Goomig roads reseal as described in the Shire letter dated 17 January 2014.

Landcorp currently retains a supply of 40mm size crushed hard rock near the corner of Weaber Plain Road and Moonamang Road which is suitable for the purpose (after further crushing and sizing) of sealing aggregate for application of second coat reseal on the Goomig Farmland roads. Landcorp was to supply the 6,625 tonnes of 14mm sealing aggregate in addition to the \$2.5m bond. Landcorp has now proposed to bond a further \$350,000 with the Shire to cover the cost of the sealing aggregate.

Landcorp has now given the Shire the option of the Council purchasing the 14mm sealing aggregate from this stockpile from the bonded \$350,000 payment at an agreed rate of \$52.80 / tonne (6,625T x \$52.80 = \$350,000).

The volume of the Landcorp stockpile will only produce approx. 4,600 tonnes of the required 6,625 tonnes leaving a shortfall of some 2,025 tonnes to source from another supplier. Alternatively the Shire may use the bonded \$350,000 to acquire the total required 6,625 tonnes from another supplier at a time prior to application of the final coat reseal.

It was agreed in discussions with Landcorp to defer the final coat reseal (as is normal practice) on the Goomig Farmlands roads for two (2) years to allow the existing wearing course to settle under traffic conditions with the two (2) years up in October 2015.

It is the responsibility of the developer (Landcorp) to repair any defects resulting from faulty workmanship and / or defective materials on all roads and associated works for a period of 12 months from the date of practical completion, referred to as the Defects Liability Period. The defects liability period expires 25 October 2014.

Where defects become evident during the defects liability period, such defects shall be rectified at the developer's cost. Prior to the expiry of the defects liability period, Landcorp's Consulting Engineer shall arrange an inspection with Shire Engineers ensuring that all defects are repaired to the Shire's satisfaction.

Should the Consulting Engineer delay or defer this process, any defects which arise during the deferment period shall be deemed by the Shire to be a defect under the defects liability period and will required remediation at the developer's cost. The Consulting Engineer shall apply in writing to the Shire for defects liability release which will be subject to the effective repair of any defective works.

Shire officers have reviewed the Landcorp offer of \$2.85m bonded payment and are comfortable that adequate contingency has been calculated in the \$2.85m figure (plus interest) for any unforeseen escalation of costs for the final coat seal being applied in the mid to late 2015 calendar year.

ATTACHMENTS

There are no attachments associated with this report.

VOTING REQUIREMENT

Simple Majority.

OFFICER'S RECOMMENDATION

That Council accepts the bonded payment of \$2.85m from Landcorp for the purpose of design, procurement, implementation and responsibility of the Goomig Farmlands Road final seal to be performed by the Shire in the 2015 'dry' season calendar year.

COUNCIL DECISION

Minute No. 10422

Moved: Cr D Learbuch

Seconded: Cr B Robinson

That Council accepts the bonded payment of \$2.85m from Landcorp for the purpose of design, procurement, implementation and responsibility of the Goomig Farmlands Road final seal to be performed by the Shire in the 2015 'dry' season calendar year.

Carried 6/3

**For: Cr S Cooke, Cr R Dessert, Cr J Moulden, Cr D Learbuch, Cr B Robinson,
Cr G Taylor**

Against: Cr D Spackman, Cr K Wright, Cr G King

13.3.7 Kimberley Regional Waste Technical Advisory Group, Regional Investment Plan Application – Recycling processing equipment

DATE:	27 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Kununurra Landfill
AUTHOR:	Kevin Hannagan, Director Infrastructure
REPORTING OFFICER:	Kevin Hannagan, Director Infrastructure
FILE NO:	WM.09.3

PURPOSE

For Council not to support participation in a Regional Investment Plan funding application completed by the Shire of Derby / West Kimberley to the Waste Authority of Western Australia.

BACKGROUND

At the Kimberley Zone Meeting held on 5 June 2013, the Shire's of Broome, Derby / West Kimberley, Halls Creek and Wyndham / East Kimberley resolved to form a Regional Collaborative Group (RCG) to update the Regional Waste Management Plan (RWMP). This was in alignment with the Waste Authority of Western Australia's Zero Waste Plan Development Scheme. The RWMP provides strategies and actions which guide the RCG to improve waste management practices, consistent with the State's vision of working towards Zero Waste.

During the Regional Waste TAG Meeting held on 13 January 2014, the group discussed four (4) potential projects for submission to the regional funding program. The individual projects were allocated to each local government for development of a Regional Investment Plan, to be submitted to the Waste Authority of Western Australia. Allocation is as follows:

1. Data Collection & Monitoring (Shire of Broome);
2. Mobile Weigh Cells (Shire of Wyndham / East Kimberley & Shire of Halls Creek);
3. Tyre (Zone Project Manager); and
4. Recycling processing equipment (Shire of Derby / West Kimberley).

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

No policy implications apply in the preparation of this report.

FINANCIAL IMPLICATIONS

The RIP application is for an Anela Pulveriser (glass crushing machine) and two (2) Wastepac 150 balers. The Shire proposes to only participate in the baler project that will require a 2014 /2015 budget contribution:

1. In kind resources - \$40,000.00 (SWEK \$10,000.00);
2. Cash - \$17,400.00 (SWEK \$3,700.00);

with a RIP funding request of \$66,200.00.

The capital cost to the Shire of the baler is \$3,700.00 with in kind officer time. There will be ongoing recurrent costs of using the baler of \$17,770.00 per annum. The estimate of maintenance of the baling machine, consumables, transport to Perth and recycle costs are based on 150 bales per annum. Should the take up of recycling be more than that allowed then costs will be proportionately higher.

The introduction of a 'self-help' recycling service at the landfill would require the Shire to increase its Waste Fees and Charges to cover the additional costs.

The Shire's of Broome and Halls Creek are not part of this RIP and are therefore not requested to contribute towards the project financially.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

- Goal 1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisation sustainability.
- Objective 1.2: Alignment of regional and local priorities with other agencies and community groups.
- Strategy 1.2.2: Work collaboratively with the other Kimberley Shires to create and manage regionally beneficial projects.
- Goal 3: Protection and Enhancement of lifestyle values, community facilities and the environment to provide safe and inviting communities.
- Objective 3.2: Waste management and protection of environmental values.
- Strategy 3.2.1: Provide an integrated approach to waste management that includes waste minimisation strategies.

COMMUNITY CONSULTATION

Consultation was undertaken as part of developing / reviewing the RWMP and development of the Shire's Waste Management Strategy.

COMMENT

Attached is the Regional Investment Plan (RIP) for – Recycling processing equipment completed by the Shire of Derby West Kimberley. Included in this project is the purchase of automatic baling equipment for the Derby Waste Management Facility and the Kununurra Waste Management Facility, as well as a glass pulveriser for the Derby Waste Management Facility. The balers will be used to bale recyclable materials such as cardboard, paper, plastics, aluminium cans and steel cans together in one bale so that the materials can be transported to a recovery centre in Perth.

This method will result in efficient transportation costs as larger compacted volumes can be transported to the recycling centre in Perth.

The Shire currently does not provide this service to its community but it's Strategic Community Plan: Strategy 3.2.1: Provide an integrated approach to waste management that includes waste minimisation strategies - has relevance as it will assist in minimising waste (at a cost) from the landfill to recycling.

Furthermore the Strategic Community Plan:

Performance Measure for Objective 3.2: Percentage of community waste diverted from landfill - also has relevance as this project will enable the Shire to measure the volume of waste re-directed (at a cost) from the landfill to recycling.

If the Shire was to implement this additional service for the community it should also review:

1. whether it simply provides a self-help option for the community to drop off recycled products into the bales which would be located at the landfill entry; or
2. whether it should try to also introduce a limited recycling program such as currently being run by the Shire of Derby West Kimberley.

It is acknowledged this will further increase the above estimated cost as recycle receptacles would need to be provided to community members who wished to recycle more and any increase above 150 bales for transport to Perth etc.

With the introduction of either a 'self-help' recycling at the landfill or a 'limited recycling program' would require the Shire to increase its Waste Fees and Charges to cover the additional costs.

The Shire's of Broome and Halls Creek have opted out of this RIP, as the Shire of Broome already has a well-functioning recycling program while the Shire of Halls Creek does not have the resources to support a recycling program at present. However, it was vital that these two (2) Shires did provide support for the RIP as part of the RCG.

The Shire has two (2) options to consider with this RIP funding application:

1. That Council approves participation in the Regional Investment Plan application for Recycling Processing Equipment to the Waste Authority of Western Australia as it is consistent with the Shire's Strategic Community Plan; or
2. That Council does not support participation in the Regional Investment Plan application for Recycling Processing Equipment to the Waste Authority of Western Australia at this time due to the increased costs to its community for a limited reduction in tonnages diverted from the landfill to recycling.

ATTACHMENTS

Attachment 1 – Regional Investment Plan Application Shire Derby / West Kimberley

VOTING REQUIREMENT

Simple Majority.

OFFICER'S RECOMMENDATION

That Council does not support participation in the Regional Investment Plan application for Recycling Processing Equipment to the Waste Authority of Western Australia at this time due to the increased costs to its community for a limited reduction in tonnages diverted from the landfill to recycling.

COUNCIL DECISION

Minute No. 10423

Moved: Cr B Robinson

Seconded: Cr D Learbuch

That Council does not support participation in the Regional Investment Plan application for Recycling Processing Equipment to the Waste Authority of Western Australia at this time due to the increased costs to its community for a limited reduction in tonnages diverted from the landfill to recycling.

Carried Unanimously 9/0



Regional Funding Program for Local Government Authorities 2011/2012 - 2015/2016

Regional Investment Plan

Kimberley Regional Group

Waste Stream Classification and Quantification

An initiative of the Waste Authority

Version 1: January 2012

Acronyms

DEC	Department of Environment and Conservation
LGA	Local Government Authority
RIP	Regional Investment Plan
RIPAG	Regional Investment Plan Assessment Group
RCG	Regional Council Group
RFP	Regional Funding Program
SWMP	Strategic Waste Management Plan
WALGA	Western Australian Local Government Association
WARR Account	Waste Avoidance and Resource Recovery Account
Waste Authority	Waste Authority of Western Australia

Definitions

Regional Council Group (RCG); *two or more Local Government Authorities within metropolitan and non-metropolitan Western Australia working together to deliver regional waste management priorities identified within Strategic Waste Management Plans (SWMP).*

Waste Strategy priorities; for the purpose of this document Waste Strategy priorities include the priorities, aims, objectives, targets and strategies outlined within the *Western Australian Waste Strategy: "Creating the Right Environment"* (Waste Strategy)

Contact Details

Regional Funding Program Co-ordinator - Brendan Mohr

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Waste Management Branch
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PART A – REGIONAL COUNCIL GROUP

Regional Council Group (RCG) Name:

Kimberley Regional Group

Local Government Authority (LGA) Members:

1. Shire of Broome
2. Shire of Derby West Kimberley
3. Shire of Halls Creek
4. Shire of Wyndham East Kimberley

List your RCG's regional priorities (as indicated in its SWMP):

In 2013, ASK Waste Management (ASK) was engaged by the Kimberley Regional Group to update the group's original Regional Waste Management Plan (ASK, 2009). This updated RWMP (ASK, 2013) placed particular emphasis on assessing the progress made on the previous RWMP, identification of any barriers to its implementation, and recommending actions that can be taken to ensure progress continues into the future.

The review of waste management practices across the region produced a number of findings that were divided into five categories:

Organisational Capacity: at the individual council and regional level must be sufficient to successfully implement new waste management initiatives such as those recommended in this document. This includes implementing mechanisms to improve inter-council collaboration on regional initiatives and ensuring that staff changes do not critically damage ongoing projects.

Economic Viability: of waste management projects and services must be optimised to reduce the burden on shires and enable new initiatives to be implemented.

Waste Data: the collection of waste related data, such as tonnages, landfill cell locations and site plans is essential to effectively manage and monitor the operations of the Shire's waste facilities. The data allows the Shires to monitor progress against targets, quantify the impact of any strategies implemented and effectively plan future activities and operations.

Community Awareness: understanding and meeting the community's expectations is an important element of the Strategy, together with ensuring the community (including commercial waste producers) are aware of the issues faced and strategies to be implemented by the Shires.

Best Practice Operations: the use of best practice for the waste management activities would assist in minimising the risk of environmental damage or pollution, extending the life of the Shire's waste facilities and reducing the operational and maintenance costs associated with the facilities.

Waste Minimisation: the minimisation of waste will assist in extending the operational life of the landfill facilities, maximising the recycling of resources and minimising the risk of environmental damage or pollution.

The RWMP outlines a series of actions, priorities and objectives to address the issues identified above; the following of which are directly relevant to the project outlined in this Regional Investment Plan:

Waste Minimisation – Packaging Materials

Findings:

Drop-off or kerbside collection of packaging recyclable is not offered to the residents and businesses of Kununurra, Wyndham, Halls Creek and Fitzroy Crossing.

Recyclable packaging makes up approximately 20% of domestic kerbside waste (thus approx. 5% of total waste stream).

Perth (location of most recycle buyers) is approximately 2,800km from Halls Creek and 3,200km from Kununurra (Adelaide is 3,220km from Kununurra).

Issues:

Recyclable packaging material is being disposed of to landfill, as collection or drop-off service is not offered at all towns.

Resources are lost and landfill void space is unnecessarily filled.

There is one MRF at Broome; there are no other sorting or baling facilities in the region.

Transport Costs would be significant to move the materials to Perth (\$150-\$500/t). Therefore, based on current prices, the cost to collect and transport most materials (e.g. glass, paper) would be uneconomic.

Recommendations:

The Shires should not introduce a kerbside collection for recyclable materials (Recommendations from Kimberley Zone report. MRA, 2013).

However, drop-off facilities could be established at manned facilities for higher value materials such as metals and plastics.

Drop-off facilities avoid the cost of sorting co-mingled packaging materials and thus a lower cost alternative to introduce some recycling of these materials in the Shires.

Once the materials are baled, transportation options need to be assessed to identify the most efficient system.

Implementation

The Shires should assess the viability and cost of implementing a recycling drop-off service for residents at the Kununurra, Wyndham, Fitzroy Crossing and Halls Creek as these sites become manned.

The service can be offered to commercial business at cost.

The Shire's should identify an appropriate infrastructure and seek funding for its purchase. It would need to bale a range of material (inc. aluminium cans, plastics, paper, card and possible tyres).

The use of a baler would avoid the inefficient transfer of uncompacted material.

Is the lead organisation that will administer the grant funds registered for GST purposes?

Yes, the Shire of Derby/West Kimberley is registered for GST purposes.

PART B – PROJECT INFORMATION

Project Name:

Baling and crushing of recyclable materials

Project Manager / Contact Person details:

Melanie Houghton, Manager of Development Services

Shire of Derby/West Kimberley

24 Loch Street, PO Box 94 Derby WA 6728

(08) 91910949

Melanie.houghton@sdwk.wa.gov.au

Project duration (start and finish dates):

From: 1/07/2014

To: 30/06/2015

Summary of Project (Key Features):**Background**

The Kimberley region covers more than 420,000 square kilometres with an estimated population of less than 40,000. These factors create a challenge for waste management due to small economy of scales and the tyranny of distance. Whilst the operational management of region's waste disposal facilities has improved markedly over the past five years, they are still far from best practice, and are perhaps a decade or more behind the waste management practices employed in the metropolitan and southwest areas.

Currently the Shire of Derby/West Kimberley is operating a drop-off recycling program at the Derby Waste Management Facility. This program is currently operating successfully and relies on householders to collect recyclable materials and drop them off to the waste management facility. These recyclables are then being stored stockpiled on site in skip bins and transported uncompacted to the Broome Materials Recovery Facility (MRF). As the materials are transported uncompacted the cost of transportation is exorbitant and the program is therefore restricted due to budget and transport constraints. The current practise is both costly and inefficient meaning that the program is also not able to be expanded and volumes of recyclable materials diverted from landfill are not able to be increased. The Broome MRF does not have the capacity to be able to process compacted recyclables.

The Shire of Wyndham/East Kimberley does not have a recycling program, however is keen to provide a recycling program for the community.

Whilst the Kimberley Group of Councils recognises the need and public demand for recycling to be available in the regions there are currently limited funds available to instigate the infrastructure required to make the programs successful.

This project proposes the purchase and installation of baling equipment at the Kununurra Waste Management Facility and baling and glass pulverising equipment at the Derby Waste Management Facility. The baling equipment will be suitable to bale paper, cardboard, plastics, aluminium cans, steel cans co-mingled in the one bale. The bales of recyclables will then be transported by truck to a Perth MRF for sorting, processing and transfer to market.

The purchase of the glass pulverising equipment will mean that glass will be recycled in the region and can be used locally for road base or landfill cover material. This would be at far greater benefit than

transporting glass to Perth for processing due to the poor global market for glass and large transportation cost.

The public would be asked to deliver their recyclables to the allocated drop-off facilities at Derby and Kununurra. Typically in Derby this method has been very successful due to the fact that it is only targeting people that want to recycle and therefore the contamination rate is almost nil. Should the new baling and glass pulverising equipment be installed participants would be asked to separate glass from the other recyclable materials.

The Shire of Broome already has an existing functioning recycling program and do not require to be included in this project. The Shire of Halls Creek at this time does not want to be included in the project as they have more pressing priorities in other areas of waste management, however with the purchase of the equipment at their nearest neighbouring Shire, the Shire of Halls Creek may be able to utilise this program in the future when they are more able to focus efforts on recycling.

Summary of Project Methodology

The project will be based on the following actions:

- Purchase and install baling and glass crushing equipment for the Derby waste management site and baling equipment for the Kununurra waste management site.
- Train site staff to operate the equipment.
- Educate the public about the recycling program and how to deliver their recyclables to the drop-off recycling facilities.
- Consultant to compile the data, and prepare a report on the quantities of recyclables recovered at the region's facilities on an ongoing basis.

Project Benefits

The project is anticipated to provide the following benefits:

- Increase the volume of household recyclables being sent to market from Derby and provide a direct reduction of volume of waste going to landfill.
- Implementation of a drop-off recycling program in Kununurra for residents of the Shire of Wyndham East Kimberley and provide a direct reduction of volume of waste going to landfill.
- Enable accurate recycling data to be collected, thus enabling the effective monitoring and assessment of any waste minimisation and recovery measures that are introduced.
- Improved waste acceptance procedures at waste disposal facilities.

Project Methodology (align with Projected Milestone Schedule – Part D):

1. Purchase of baling and glass crushing equipment

The Shire's will undertake a regional procurement process in accordance with the Local Government Act 1995 for baling and glass pulverising equipment for Derby and Kununurra waste disposal facilities. The purchase of the baling equipment will enable the efficient baling of cardboard, plastic, aluminium and steel cans into approximately 1m³ bales so they are ready for transport to a Materials Recovery Facility in Perth.

The glass crushers that are proposed will crush the glass into pieces between 3mm – 8mm and expel the other waste such as labels, corks, lids etc.

2. Installation and commissioning of balers and glass crushers

Balers and glass crushers ordered and delivered to site.

3. Training and implementation

The following actions will be undertaken to ensure that the operating procedures for the new baling and crushing equipment are implemented effectively:

- The Council specific reports outlining the acceptance and operation procedures will explicitly outline how to operate the equipment in accordance with the manufacturer's specifications. It will provide demonstrative examples and seek to address any issues which may be encountered.
- This report will be provided to the manager in each Council responsible for managing waste disposal facility staff. This manager will then instruct the gatehouse staff and any relevant staff on the requirements for the equipment.
- Council staff will meet with the supplier of the equipment to be given a demonstration on their use prior to their rollout at the Facilities.
- Each month on an ongoing basis Council staff will review the procedures and determine whether any issues need to be addressed or changes are required.

4. Ongoing maintenance

To ensure the equipment is well maintained the Shires will ensure regular servicing and maintenance is carried out.

5. Data collection and project reporting

After the review of the first month's data and rectification of any issues identified, the Shire's will provide copies of recorded data in excel format to the consultant on a monthly basis for the duration of the project. The consultant will compile the data during this period and ensure that data is being recorded in accordance with the new recording procedures.

Project Investment

Regional Funding Program funds requested for this project (Excluding GST)	\$66,200
Amount of funding contributed by RCG (in-kind)	\$40,000
Amount of funding contributed by RCG (cash)	\$17,400
Other funding program investment (list)	\$ 0
Total	\$123,600

PART C - FUNDING CRITERIA

Project alignment with SWMP:

The project is identified as a regional priority within Section 4.6 of the Kimberley Regional Council Group's Strategic Waste Management Plan (ASK, 2013).

Outline the regional priority(s), objectives and deliverables that this project will achieve or contribute towards achieving:

At implementation, the project will directly achieve the following regional priorities:

4.6.6 Packaging Materials

Findings:

Drop-off or kerbside collection of packaging recyclable is not offered to the residents and businesses of Kununurra, Wyndham, Halls Creek and Fitzroy Crossing.

Recyclable packaging makes up approximately 20% of domestic kerbside waste (thus approx. 5% of total waste stream).

Perth (location of most recycle buyers) is approximately 2,800km from Halls Creek and 3,200km from Kununurra (Adelaide is 3,220km from Kununurra).

Issues:

Recyclable packaging material is being disposed of to landfill, as collection or drop-off service is not offered at all towns.

Resources are lost and landfill void space is unnecessarily filled.

There is one MRF at Broome; there are no other sorting or baling facilities in the region.

Transport Costs would be significant to move the materials to Perth (\$150-\$500/t). Therefore, based on current prices, the cost to collect and transport most materials (e.g. glass, paper) would be uneconomic.

Recommendations:

The Shires should not introduce a kerbside collection of recyclable materials (Recommendations from Kimberley Zone report. MRA, 2013).

However, drop-off facilities could be established at manned facilities for higher value materials such as metals and plastics.

Drop-off facilities avoid the cost of sorting co-mingled packaging materials and thus a lower cost alternative to introduce some recycling of these materials in the Shires.

Once the materials are baled, transportation options need to be assessed to identify the most efficient system.

Implementation

The Shires should assess the viability and cost of implementing a recycling drop-off service for residents at the Kununurra, Wyndham, Fitzroy Crossing and Halls Creek as these sites become manned.

The service can be offered to commercial business at cost.

The Shire's should identify an appropriate infrastructure and seek funding for its purchase. It would need to bale a range of material (inc. aluminium cans, plastics, paper, card and possible tyres).

The use of a baler would avoid the inefficient transfer of uncompacted material.

Indicate the Waste Strategy target(s) that this project will contribute towards achieving:

The WA Waste Strategy sets municipal solid waste diversion targets for metropolitan areas, and major regional centres. The Kimberley region is unlikely to be included as a major regional centre as the Waste Strategy proposes that the regional targets would only apply to Avon, Greater Bunbury, Albany, Geraldton, Kalgoorlie, Karratha, Peel and Busselton.

Of relevance to the Kimberley region are the state-wide targets for the Municipal Solid Waste sectors:

- 30% diversion from landfill of material presented for collection in major regional centres by 30 June 2015 (non-metropolitan region recovery in 2009/10 was 15%)

Indicate how the project will acknowledge the contribution that RFP funding will make towards improvement in waste avoidance, resource recovery or disposal:

The project will acknowledge the RFP funding contributions by:

- Installing signage at the waste disposal facilities alongside the new equipment that recognise the Waste Authority's support (the signage will also display instructions for site users).
- Acknowledging the RFP contribution in Shire communications and publications regarding the project, this is expected to include:
 - o Information on Shire websites,
 - o Articles in local newspapers advising of changes to recycling material acceptance procedures.
 - o Letters to waste disposal businesses advising of changes where necessary.
 - o Information to ratepayers in annual rates package,
 - o Local Government Annual Reports.

Outline if the project is a new initiative or if it will add value to an existing activity:

This project will add value and allow expansion to the current recycling program in the Shire of Derby/West Kimberley and is a new initiative in the Shire of Wyndham East Kimberley.

Briefly outline how the project will meet Project Criteria and how it will impact on the region.

(Section 7: Regional Funding Program for Local Government Authorities 2011-2016 Funding Guidelines)

If required this form can be completed in A3 format.

Fixed Funding Stream and Competitive Funding Stream - Project Criteria	How project meets criteria
Makes a measurable contribution towards meeting Waste Strategy targets.	This project will make a contribution towards achieving the Waste Strategy targets by reducing the volume of waste going to landfill. The success of the project will be measureable in volume of waste diverted from landfill and sent to market for recycling. Although these volumes will inevitably be smaller than regional centres due to population sizes, this is an important step and contribution for the Kimberley Region working towards waste targets for the State.
Project identified in regional SWMP	The project is identified within the Kimberley RWMP (ASK, 2013). It will directly achieve regional priorities 4.6.Waste Minimisation – Packaging Materials.
Meets or makes significant advance towards meeting current industry best practice in waste management services and infrastructure.	The project will make a significant advance in current recycling programs in the region and ensure a best practise approach.
Clearly identifies the contribution that the proposed project will make towards improvement in waste avoidance, resource recovery or disposal	The project will divert waste from landfill in the Shire of Derby/West Kimberley and the Shire of Wyndham East Kimberley. Diverted materials will be transported to Perth for processing and recycling.
Provides or will lead to a benefit to the whole region.	This project is targeting the Shire of Derby/West Kimberley and the Shire of Wyndham East Kimberley. The Shire of Broome already has an existing functioning recycling program and do not require expansion or assistance with the program. The Shire of Halls Creek at this time does not want to be included in the project as it is not currently a priority, however with the purchase of the equipment at their nearest neighbouring Shire, the Shire of Halls Creek may be able to utilise this program in the future when they are more able to focus efforts on household recycling.
Achieves continuous improvement in waste avoidance, resource recovery or disposal.	Once this equipment is in place it will ensure the continuous and ongoing improvement in the volumes of household recycling in the region. The key to the success of this program is community education and positive promotion of recycling. Good education will always result in increased participation and in turn increased volumes of recycling.
Demonstrates resource use efficiency.	The project's regional approach will maximises resource use efficiency by ensuring that mobilisation costs are minimised for the training of staff

	and the supply and installation of equipment and infrastructure.
Demonstrates that end markets have been or can be established (where applicable).	Enquiries have been made with Perth Waste and established that they will accept any recyclable product consisting of cardboard, paper, plastics, steel & aluminium cans.
Outlines the environmental, social and economic impacts (both positive and negative).	Environmental Impacts • Reduces waste disposed of to landfill in the region. • Shire of Derby/West Kimberley – reduces the volume of the (by baling the materials) recyclables being transported by road and therefore reducing the carbon footprint. • Shire of Wyndham East Kimberley – Implementation of the recycling project will mean that the recyclables are being transported by road therefore increasing the carbon footprint. Social Impacts • Heightened community awareness of the importance of recycling. • Fosters community spirit and participation. Economic Impacts • Ongoing cost to Council to transport recyclable materials to Perth. • Ongoing cost of labour to man the baling and glass crushing equipment.
Outlines how the benefits of the project will be communicated to relevant stakeholders.	The regional benefits of the project will be communicated to stakeholders through local newspaper articles, local government communication channels and the final project evaluation report.

Resources / Approvals

What time and skills, or other resources (including, staff; services; materials; equipment; technology; intellectual property rights / access;etc) will be required to complete the project on time and within budget?

Please provide details (including how these resources will be funded / sourced):

Local government staff

The internal staff of the two local governments participating in the project will play an important role in the project, and will include:

- Staff providing oversight of the project delivery and financial management.
- Managerial level staff undertaking the procurement processes for the consulting services, equipment provision, and site works.
- Managerial level staff supporting the implementation of training and operational procedures.
- Site staff operating equipment in accordance with the operating procedures.
- Administrative staff compiling records of volumes received.
- Managerial level staff completing and submitting the final Project Evaluation Report to the Waste Authority.

Internal staff resources will be provided on an in-kind basis by the two participating local governments.

Baling and Crushing Equipment

The project will require the purchased of two balers and one glass crushers/pulveriser to be stationed at the Derby Waste Management Facility and the Kununurra Waste Management Facility.

The equipment that will be stationed at the above facilities is mobile, meaning that it can be relocated to new waste management facilities when the existing ones are closed and rehabilitated or alternatively utilised in other areas of the region in future if required.

The equipment will be purchased from an Australian supplier through a tender process in accordance with the Local Government Act.

The equipment will be funded with an 80% contribution from the RFP and 20% from the Shire of Derby/West Kimberley and the Shire of Wyndham East Kimberley.

Ongoing annual costs (Incurred by Council)

	Shire of Derby/West Kimberley	Shire of Wyndham/East Kimberley
Labour	\$5200	\$5200
Twine	\$200	\$250
Maintenance	\$500	\$500
Transport to Perth MRF	\$20/bale	\$66/bale
Processing at MRF	\$12.80/bale	\$12.80/bale
Estimated No of bales per year	130	150

TOTAL COST OF PROGRAM ANNUALLY	\$10164	\$17770

Expenditure in the 2013/2014 financial year for the Shire of Derby/West Kimberley recycling project is estimated at \$52,000. With the establishment of the new baling and crushing equipment this will provide a significant and obvious cost benefit for the Shire of Derby/West Kimberley. Furthermore it will ensure that the recycling program can continue to be expanded in the future and volumes of recyclables can be increased without the huge cost burden to the community.

Ongoing maintenance

The equipment will require maintenance on an annual basis; this process is best undertaken by the manufacturer or supplier.

Are any planning, environmental or other approvals required for this project? No

Provide details:

No planning or environmental approvals are required for the project as infrastructure works will be minimal (limited to installation of concrete hardstand).

Have these approvals been issued? *(Please provide a copy of the relevant approval/s)*

Not applicable.

Project stakeholders

List the LGAs directly involved in this project and a summary of their involvement.

1. Shire of Broome	Shire of Broome and Shire of Halls Creek will not have direct involvement in the project although both councils have given their support through the Kimberley Country Zone and individually through Council Meetings. The Shire of Derby/West Kimberley and the Shire of Wyndham East Kimberley will: • Manage the installation of infrastructure (baling and crushing equipment) • Co-ordinate the 'drop off' recycling facilities at the respective waste management sites or other chosen locations. • Support the training of facility staff to operate the equipment and educate the public. • Collect and record data relating to recyclables exported from the respective facility. • Contribute to the production and review of the project reports.
2. Shire of Derby West Kimberley	
3. Shire of Halls Creek	
4. Shire of Wyndham East Kimberley	

List any partner organisations and their role in the project (including other funding programs, consultants, sub contractorsetc), where known.

1. Kimberley Country Zone (WALGA)	Will coordinate the procurement process and manage project funds.
2.	

3.	

PART D – PROJECT MILESTONES

If required the following forms can be submitted in A3 format.

Note: This table provides a projection of the Regional Funding Program funding that will be required on completion of project milestones.

Projected Milestone Schedule–Regional Funding Program contribution

Project Name:

Baling and crushing of recyclable materials

Activity	Milestone		Anticipated Milestone Completion Date	Regional Funding Program payment on completion of milestone (Excluding GST)
Contract agreement	No. 1	Submission and approval of RIP	1/07/2014	20% being \$13,240
Development of standardised gatehouse reporting procedures	No. 2	Reports submitted to each Council.	3/12/2014	10% being \$6,620
Installation of weigh cells and training of staff	No. 3	Equipment installed, recyclables collected and baled/crushed at the respective waste management facilities.	1/04/2015	55% being \$36,410
Completion of Kimberley Regional Landfill Data Report.	No. 4	Report submitted to project stakeholders and Waste Authority.	31/04/2016	5% being \$3,310
Final Project Evaluation Report	No. 5	Submission and approval of Final Project Evaluation Report	27/05/2016	10% being \$6,620
Total Regional Funding Program Funding (Excluding GST)				\$66,200

PART E - PROJECT BUDGET

If required, the following tables can be submitted in A3 format.

This table outlines the projected costs and how the project will be funded.

Projected Expenditure

Item	Projected Expenditure			
	Regional Funding Program (Excluding GST)	RCG (in-kind)	RCG (cash)	Funds from other sources
<u>Salaries/Wages/Fees</u>				
In house labour costs	0	30,000	0	0
Consultant& Subcontractor fees	0	0	0	0
<u>Direct Project Costs</u>				
WastePac 150 balers (2)	18,000	0	5,000	0
Andela Pulveriser	40,000	0	10,000	0
Signage	3,200	0	800	0
Equipment hire (list)	0	0	0	0
Expendables (list)	0	0	0	0
Freight & transport	5000	0	1,600	0
Vehicle expenses	0	0	0	0
Insurance/s	0	0	0	0
Printing, advertising, distribution	0	0	0	0
Accounting / Legal fees	0	0	0	0
Administration costs (procurement)	0	10,000	0	0
Maintenance and calibration of weighbridges (for project duration only)				
Sub - total	\$66,200	\$40,000	\$17,400	
Total Projected Expenditure	\$123,600			

Regional Investment Plan Checklist	
Please complete this checklist to ensure that the project meets the required funding and assessment criteria.	✓
You have read and understand the <i>Regional Funding Program for Local Government Authorities 2011-2016: Funding Guidelines- January 2012</i> (Funding Guidelines).	✓
Your RCG has lodged a Strategic Waste Management Plan with Department of Environment and Conservation (DEC) and it has been endorsed.	✓
All LGAs within your RCG have completed and submitted the most recent DEC local government census of waste services and recycling.	✓
The project was identified as a regional priority within the RCG's DEC endorsed SWMP.	✓
The project will clearly identify and recognise the contribution that RFP funding makes towards improvement in waste avoidance, resource recovery or disposal.	✓
You have provided proof of delegation of decision making powers from all LGAs to the nominated lead authority of the RCG for the current RFP (Section 8.1.1 Funding Guidelines) AND The RIP has been signed by the delegated authority OR all LGA member Chief Executive Officers (CEOs).	
The project will make a measurable contribution towards meeting Waste Strategy targets.	✓
The project will achieve continuous improvement in waste avoidance, recovery or disposal.	✓
The project meets all applicable Project Investment Criteria, (Section 7: Funding Guidelines).	✓
The Regional Investment Plan (RIP) includes all details of project funding, including details of funding under other funding programs (including Waste Authority programs).	✓
The project includes a recipient contribution totalling 20% of the overall project cost (cash if a competitive bid funding application).	✓
The RIP is submitted within the applicable funding period (Section 1 Funding Guidelines).	✓
You have completed all applicable sections of the RIP template.	✓
You have submitted one electronic and one signed hard copy of your RIP.	

Note: This report must be signed by the CEO of the regional council, lead local government representing the RCG or all group CEOs as applicable.

Add declarations as required.

PART F - DECLARATION	
I, Chief Executive Officer of declare that the information given in this <i>Regional Investment Plan</i> and all attached documents are complete and correct to the best of my knowledge, information and belief.	
Signature of Chief Executive Officer:	(signature) (print name) (date)
Witnessed by:	(signature) (print name & occupation) (date)

Attachment 1: Milestone Reporting

Note: This form provides information on how each milestone has been met and the measurable outcome achieved.

- Complete and submit this form to DEC with a progress report; evidence of expenditure (including copies of invoices and detail of recipient matching contributions); and a tax invoice as each milestone is achieved.
- Previous milestone entries should be maintained within the form.
- Evidence to support achievement of milestones should be provided with this form.

Milestone Achievement Report: (Insert RCG name and Project Title)

Milestone		Description of how milestone was achieved	Milestone Achievement date	Measurable outcome	Regional Funding Program funding received Y/N - %
1	Submission and approval of RIP	RIP was prepared by RCG and submitted to DEC on (state date)	(insert date of contract sign off by DEC)	RIP met funding criteria and was approved by DEC	Y – 20%
	Submission of Final Project Evaluation Report and Statement of Income and Expenditure	(use Final Project Evaluation Report template)			10%

13.3.8 Regional Investment Plan Application – Waste Stream Classification and Quantification

DATE:	27 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Kununurra Landfill
AUTHOR:	Kevin Hannagan, Director Infrastructure
REPORTING OFFICER:	Kevin Hannagan, Director Infrastructure
FILE NO:	WM.09.3

PURPOSE

For Council to consider an application by the Kimberley Zone to submit a regional funding application completed by the Shire to the Waste Authority of Western Australia on the Regional Investment Plan.

BACKGROUND

The Kimberley Councils Group – Waste, Technical Advisory Group has prepared funding applications for projects in accordance with the Regional Waste Strategy. These applications were considered by the Kimberley Zone to submit to the Waste Authority of Western Australia for the Regional Funding Program for Local Government Authorities.

In accordance with the Regional Waste Management Plan (RWMP), the Waste, Technical Advisory Group (WTAG) have recommended two (2) Regional Investment Plan (RIP) applications covering:

1. Recycling; and
2. Waste Stream Classification and Quantification.

This report is in relation to the second item above. The WTAG have considered the attached RIP and was presented to the Regional Councils Group for consideration at the Kimberley Zone meeting of Wednesday 30 April 2014. The WALGA Kimberley Zone / Regional Collaborative Group resolved to forward the RIP application to the Council members for formal funding submission.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

No policy implications apply in the preparation of this report.

FINANCIAL IMPLICATIONS

The four (4) Kimberley Shires will share equally in 2014 / 2015 budget contributions of:

1. In kind resources - \$40,000.00 (SWEK \$10,000.00);
2. Cash - \$117,380.00 (SWEK \$29,345.00);

With a RIP funding request of \$389,520.00.

The purchase includes the first four (4) years maintenance. Future year's maintenance cost using a regional maintenance agreement would be \$4,900.00 per annum per Shire. The initial Capital Works and future maintenance would be funded from the Shires Waste Reserve which is funded from Waste Fees and Charges.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

- Goal 1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisation sustainability.
- Objective 1.2: Alignment of regional and local priorities with other agencies and community groups.
- Strategy 1.2.2: Work collaboratively with the other Kimberley Shires to create and manage regionally beneficial projects.
- Goal 3: Protection and Enhancement of lifestyle values, community facilities and the environment to provide safe and inviting communities.
- Objective 3.2: Waste management and protection of environmental values.
- Strategy 3.2.1: Provide an integrated approach to waste management that includes waste minimisation strategies.

COMMUNITY CONSULTATION

Consultation was undertaken as part of developing / reviewing the RWMP and development of the Shire's Waste Management Strategy.

COMMENT

The RWMP outlines a series of actions, priorities and objectives to address issues identified in the plan. The following are directly relevant to the project outlined in the Regional Investment Plan application:

1. Data Collection and Monitoring

Findings

Waste data collection is inconsistent across the region and inconsistent with industry standards. It also does not fully meet reporting requirements (such as annual Local Government Waste Census).

Issues

The inconsistent data recording makes completion of reporting requirements more time consuming for Shires. It also makes the comparison of the region's data with other datasets problematic and creates difficulty in analysing the data needed to underpin regional recycling initiatives.

Recommendations

All Shires should implement standardised recording procedures based on the classification system utilised in the Waste Data Study for the Pilbara Region (Talis, 2013).

2. Waste Tonnage Data

Findings

At best, the waste data for the region is based on volumetric estimates at facility gatehouses.

Issues

Volumetric estimates of waste are inherently inaccurate. Charging disposal fees based on volumetric estimates allows commercial customers to reduce gate fees payable by heavily compacting loads.

Recommendations

Shires should consider installing single deck weighbridges at the larger sites in the region. Also of relevance to the project are recommendations for increasing the resource recovery rate across the region, particularly in regards to scrap metal, construction and demolition, and organics (garden) waste streams. To implement resource recovery projects such as that recommended in the RWMP it is first necessary to have a sound understanding of the waste quantities involved so that appropriate project planning can be undertaken (plant requirements, staffing requirements etc.) and the effectiveness of the programs assessed and quantified accurately.

At the May 2014 Councillor Briefing, Councillors raised a number of questions related to the operation of the weigh bridge. Attached is a short report from the Shires Waste Consultant addressing these questions.

There may be some confusion in reference to 'Axle weighbridge' instead of 'relocatable weighbridge' in the RIP document. The document has now been amended to better clarify what type of weighbridge is proposed. Also attached is a brochure on the relocatable weighbridge.

ATTACHMENTS

Attachment 1 - Weighbridge Summary Note

Attachment 2 - Weighbridge Brochure

Attachment 3 - Regional Investment Plan Application

VOTING REQUIREMENT

Simple Majority.

OFFICER'S RECOMMENDATION

That Council approves the Shire participating in the Regional Investment Plan funding application to the Waste Authority of Western Australia for a steel relocatable weighbridge.

MOTION

Cr D Spackman moves to suspend Standing Orders.

COUNCIL DECISION

Minute No. 10424

Moved: Cr D Spackman

Seconded: Cr K Wright

Motion to suspend Standing Orders.

Lost 2/7

For: Cr D Spackman, Cr K Wright

**Against: Cr J Moulden, Cr R Dessert, Cr D Learbuch, Cr B Robinson, Cr S Cooke,
Cr G Taylor, Cr G King**

COUNCIL DECISION

Minute No. 10425

Moved: Cr D Spackman

Seconded: Cr K Wright

That Council approves the Shire participating in the Regional Investment Plan funding application to the Waste Authority of Western Australia for a steel relocatable weighbridge.

Carried 6/3

**For: Cr J Moulden, Cr R Dessert, Cr D Learbuch, Cr B Robinson, Cr S Cooke,
Cr G Taylor**

Against: Cr K Wright, Cr D Spackman, Cr G King



Project Number	1308: KNX Weighbridge
Document Title	Questions and benefits regarding relocatable weighbridge installation
Date	16 May 2014

Introduction

The Shire is considering the purchase and installation of a relocatable weighbridge at the Kununurra Waste Disposal Facility. ASK has researched various weighing options and concluded that a steel relocatable weighbridge is a suitable solution for the facility. Such a weighbridge will enable the Shire to relocate it to a new site once the existing one is closed and rehabilitated (Approx 4 – 7 years). The steel relocatable weighbridges are comprised of 6 metre cells; a supplier has recommended that a three cell 18 metre long system would be optimal; however, the length of the trucks that typically use the facility would mean that a 12metre system would capture approximately 95% of users.

Figure 1 Steel relocatable weighbridge (12m) with concrete ramps



Benefits

The Shire can expect the following benefits of operating a weighbridge:

- Consistent charging for waste disposal;
- Accurate cost recovery and reduced risk of undercharging at gatehouse;
- Accurate data for monitoring facility inputs and outputs will facilitate operational and financial management improvements;
- Collected data will assist the development of measures and projects for reprocessing various waste types.

What size vehicles can it handle?

Steel re-locatable weighbridges can be configured to accept vehicles as long as 18 metres through the use of a system comprised of three six metre weighbridge cells. Such a system would be suited for weighing short trucks up to standard semi-trailers - any vehicle that can be fitted entirely on the weighbridge deck.

It may also be possible to use split weighing to weigh trucks that are longer than the weighbridge by weighing the truck/trailer in two halves, then combining both weight readings. The capacity to undertake split-weighing is largely dependent on the weighbridge approaches which need to be completely level and in the same plane as the weighbridge deck for the entire length of the truck/trailer that overhangs the weighbridge during weighing. The additional costs of the extended approaches can add considerably to the cost of installing a weighbridge if longer truck/trailers also need to be weighed.

An alternative solution would be for the small number of larger truck combinations to be weighed at Kununurra's public weighbridge.

Figure 2 Steel relocatable weighbridge (12m) with steel ramps



How long does it take to weigh a vehicle?

Weighing of commercial vehicles will require some additional time compared to volumetrically estimating waste loads as it requires that vehicles are weighed on both entry and exit to determine the net weight of the waste. However, for regular users the gatehouse electronic data system can save the tare weight of trucks, so that when the vehicle's licence plate number is entered the net weight of the waste load would automatically be calculated. Therefore, regular users would not need to be weighed again on exiting the Facility.

Fortunately, the extra time required should prove to be minimal when compared to the existing situation as the Shire will be utilising the Mandalay software suite for recording gatehouse with which the weighbridge will automatically feed its data into the software within seconds.

ASK recommends that domestic cars and trailers continue to be charged based on a standard fee for vehicle size to ensure that gatehouse procedures remain timely and efficient (e.g. \$38.50 per 6x4 trailer or ute). Such vehicles would only be occasionally weighed to determine an 'average weight' per vehicle or trailer type so that the Shire can utilise the factors in calculations to determine total annual tonnage at the Facility.

Why a relocatable weighbridge instead of axle weigher?

The weighbridge should be installed instead of an axle weigher, as this will make the process at the gatehouse more streamlined and most importantly due to changes in legislation in 2011 (see below) mean that axle weights can no longer be aggregated. However, the combining of two weighing's (front and back end) is allowed. Therefore, unusually long loads can be accommodated on the weighbridge; and road trains could be weighed but a separate weight (ticket) would be provided for each 'trailer' to comply with the legalisation.

LICENSING DIRECTIVE SL12/02 – JANUARY 2012

DETERMINATION OF END-AND-END MEASUREMENT – REGULATION 3.11 (1 July 2011)

End-and-end measurements are the result of two weighing's only (front end and back end). Where more than two weighing's are completed this is deemed to be axle weighing and must be recorded on a separate measurement ticket. Axle weights are recorded as individual or grouped axle weights. Axle weighing's are not to be added together and recorded on a measurement ticket as a total weight of the vehicle.

Where is the weighbridge to be located?

The weighbridge should be installed adjacent to the Facility's gatehouse so that the gatehouse attendant has easy oversight of the weighbridge and its operation.

If located on the 'in' lane how do you weigh the vehicle on the exit 'out' lane?

Facility access roads should be aligned so that there is an entry and exit lane for domestic site users and 'pre-weighed' trucks (the current layout), with an option for trucks to leave via the weighbridge if a tare weight (un-laden weight) is required. Sometimes this requires the installation of traffic lights at the gatehouse; however, given the frequency of traffic at the KNX facility it is felt that this would not be required.

What does the estimated \$4,900 maintenance cover?

The maintenance figures referred to in the Regional Investment Plan document are for the weighbridge supplier to travel to the Site, inspect the weighbridge for damage, lubricate moving parts and recalibrate the weighbridge. The estimates provided are based on all four Kimberley Shires installing a weighbridge and having them maintained and calibrated once during the project duration at the same time. The total cost for the region was estimated at \$19,600 (\$4,900 per Shire) with 80% of the funding provided by the Regional Funding Program. If the weighbridge project is not done on a regional basis it is likely that this cost would rise due to the reduced economy of scale.



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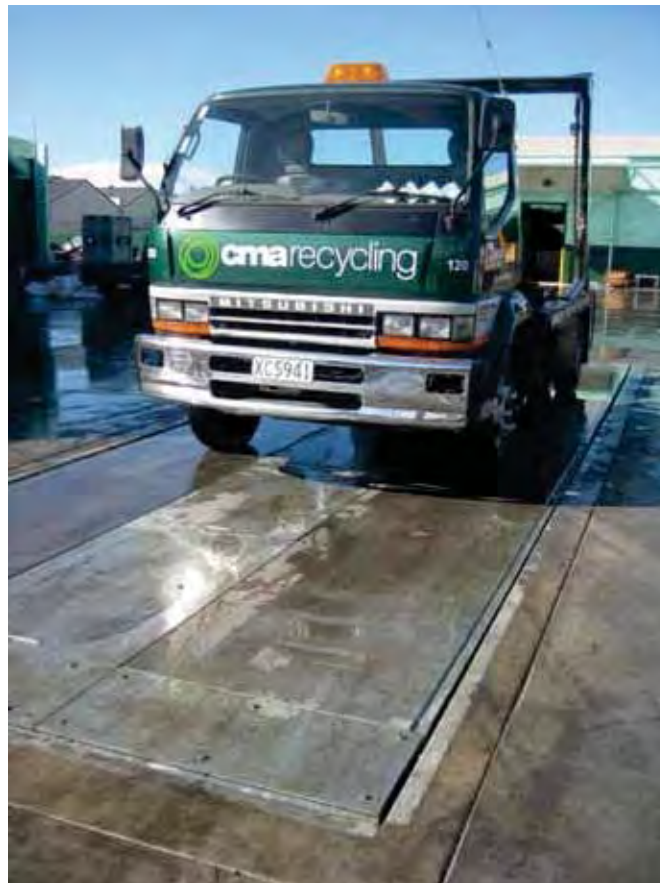


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Regional Funding Program for Local Government Authorities 2011/2012 - 2015/2016

Regional Investment Plan

Kimberley Regional Group

***Waste Stream Classification and
Quantification***

An initiative of the Waste Authority

Acronyms

DEC	Department of Environment and Conservation
LGA	Local Government Authority
RIP	Regional Investment Plan
RIPAG	Regional Investment Plan Assessment Group
RCG	Regional Council Group
RFP	Regional Funding Program
SWMP	Strategic Waste Management Plan
WALGA	Western Australian Local Government Association
WARR Account	Waste Avoidance and Resource Recovery Account
Waste Authority	Waste Authority of Western Australia

Definitions

Regional Council Group (RCG); *two or more Local Government Authorities within metropolitan and non-metropolitan Western Australia working together to deliver regional waste management priorities identified within Strategic Waste Management Plans (SWMP).*

Waste Strategy priorities; for the purpose of this document Waste Strategy priorities include the priorities, aims, objectives, targets and strategies outlined within the *Western Australian Waste Strategy: "Creating the Right Environment"* (Waste Strategy)

Contact Details

Regional Funding Program Co-ordinator - Brendan Mohr

Department of Environment and Conservation
Waste Management Branch
7th Floor The Atrium
168 St Georges Terrace
Perth WA 6000

Phone / Fax

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Postal address

Locked Bag 104
Bentley Delivery Centre WA 6983

Email

rfp@dec.wa.gov.au

PART A – REGIONAL COUNCIL GROUP

Regional Council Group (RCG) Name:

Kimberley Regional Group

Local Government Authority (LGA) Members:

1. Shire of Broome
2. Shire of Derby West Kimberley
3. Shire of Halls Creek
4. Shire of Wyndham East Kimberley

List your RCG's regional priorities (as indicated in its SWMP):

In 2013, ASK Waste Management (ASK) was engaged by the Kimberley Regional Group to update the group's original Regional Waste Management Plan (ASK, 2009). This updated RWMP (ASK, 2013) placed particular emphasis on assessing the progress made on the previous RWMP, identification of any barriers to its implementation, and recommending actions that can be taken to ensure progress continues into the future.

The review of waste management practices across the region produced a number of findings that were divided into five categories:

Organisational Capacity: at the individual council and regional level must be sufficient to successfully implement new waste management initiatives such as those recommended in this document. This includes implementing mechanisms to improve inter-council collaboration on regional initiatives and ensuring that staff changes do not critically damage ongoing projects.

Economic Viability: of waste management projects and services must be optimised to reduce the burden on shires and enable new initiatives to be implemented.

Waste Data: the collection of waste related data, such as tonnages, landfill cell locations and site plans is essential to effectively manage and monitor the operations of the Shire's waste facilities. The data allows the Shires to monitor progress against targets, quantify the impact of any strategies implemented and effectively plan future activities and operations.

Community Awareness: understanding and meeting the community's expectations is an important element of the Strategy, together with ensuring the community (including commercial waste producers) are aware of the issues faced and strategies to be implemented by the Shires.

Best Practice Operations: the use of best practice for the waste management activities would assist in minimising the risk of environmental damage or pollution, extending the life of the Shire's waste facilities and reducing the operational and maintenance costs associated with the facilities.

Waste Minimisation: the minimisation of waste will assist in extending the operational life of the landfill facilities, maximising the recycling of resources and minimising the risk of environmental damage or pollution

The RWMP outlines a series of actions, priorities and objectives to address the issues identified above; the following of which are directly relevant to the project outlined in this Regional Investment Plan:

Data collection and monitoring

Findings:

Waste data collection is inconsistent across the region and inconsistent with industry standards. It also does not fully meet reporting requirements (such as annual Local Government Waste Census).

Issues:

The inconsistent data recording makes completion of reporting requirements more time consuming for Shires. It also makes the comparison of the region's data with other datasets problematic and creates difficulty in analysing the data needed to underpin regional recycling initiatives.

Recommendations:

All Shires should implement standardised recording procedures based on the classification system utilised in the Waste Data Study for the Pilbara Region (Talis, 2013).

Waste tonnage data

Findings:

At best, the waste data for the region is based on volumetric estimates at facility gatehouses.

Issues:

Volumetric estimates of waste are inherently inaccurate.

Charging disposal fees based on volumetric estimates allows commercial customers to reduce gate fees payable by heavily compacting loads.

Recommendations:

Shires should consider installing single deck weighbridges at the larger sites in the region.

Also of relevance to the project are recommendations for increasing the resource recovery rate across the region, particularly in regards to scrap metal, construction and demolition, and organics (garden) waste streams. To implement resource recovery projects such as that recommended in the RWMP (ASK, 2013) it is first necessary to have a sound understanding of the waste quantities involved so that appropriate project planning can be undertaken (plant requirements, staffing requirements etc.) and the effectiveness of the programs assessed and quantified accurately.

Is the lead organisation that will administer the grant funds registered for GST purposes?

Yes, the Shire of Wyndham East Kimberley is registered for GST purposes.

PART B – PROJECT INFORMATION

Project Name:

Waste Stream Classification and Quantification

Project Manager / Contact Person details:

Kevin Hannagan, Director Infrastructure

Shire of Wyndham East Kimberley

20 Coolibah Drive, PO Box 614 Kununurra WA 6743

(08) 9168 4161

Kevin.Hannagan@swek.wa.gov.au

Project duration (start and finish dates):

From: 1/07/2014

To: 30/06/2015

Summary of Project (Key Features):**Background**

The Kimberley region covers more than 420,000 square kilometres with an estimated population of less than 40,000. These factors create a challenge for waste management due to small economy of scales and the tyranny of distance. Whilst the operational management of region's waste disposal facilities has improved markedly over the past five years, they are still far from best practice, and are perhaps a decade or more behind the waste management practices employed in the metropolitan and southwest areas.

One area in which the region is critically lagging behind is the availability of quality data on the type and quantities of waste received at its waste disposal facilities. As no facility in the region currently has a weighbridge, waste quantities are estimated by extrapolating the inherently inaccurate volumetric estimates from staffed facilities. Data quality is further compromised by inconsistent and insufficient gatehouse data recording. The impact being that local governments in the Region lack the data and information required to effectively manage the facilities and implement new initiatives (such as recycling and resource recovery).

One of the key objectives of the Regional Funding Program is to support projects that directly contribute towards achieving the waste diversion targets outlined in WA Waste Strategy. If the Kimberley region is to contribute towards the Waste Strategy's targets and increase the level of resource recovery it must first improve the quality of data being recorded at its Waste Disposal Facilities. Without this data it is impossible to develop accurate feasibility studies and business plans, and monitor the effectiveness of any resource recovery projects that are implemented.

Whilst the Kimberley Group of Councils recognise the merit of improving the quality of data recorded, they have limited funds available to undertake the necessary improvements due to significant capital expenditure outlays that are being incurred to raise operational standards of facilities to meet environmental licence conditions. The Group identified that the Regional Funding Program could provide the necessary financial support to enable the Kimberley region to begin the process of developing and implementing resource recovery initiatives that are underpinned by sound data, without compromising the priority task of raising the environmental standards of the waste disposal facilities.

The project outlined within this Regional Investment Plan seeks to implement best practice gatehouse recording procedures across the region, based on the installation of cost effective weighbridge systems at

the region's four largest waste disposal facilities.

Summary of Project Methodology

The project will be based on the following actions:

- Develop standardised gatehouse recording procedures based on the 'Talis waste classification model'¹ for all staffed waste disposal facilities in the Kimberley region.
- Purchase and install relocatable single deck weighbridges at the Broome, Derby, Halls Creek and Kununurra waste disposal facilities.
- Train site staff at these facilities to utilise the weighbridges.
- Train site and administrative staff to implement the standardised gatehouse reporting procedures at all staffed waste disposal facilities in the region (Broome, Derby, Fitzroy Crossing, Halls Creek, Wyndham and Kununurra).
- Consultant to compile the data, and prepare a report on the quantities of waste disposed and recovered at the region's facilities over a one year period, this report would be provided to WAWA to provide detailed waste data for the Kimberley region.

Project Benefits

The project is anticipated to provide the following benefits:

- Provide accurate data to determine the quantities of potentially recyclable waste streams, thus providing the information necessary to determine the economic viability of their recovery and the plant and infrastructure required (i.e. feasibility studies).
- Enable accurate recycling data to be collected, thus enabling the effective monitoring and assessment of any waste minimisation and recovery measures that are introduced.
- Improved waste acceptance procedures at waste disposal facilities.
- Provide accurate ongoing tonnage data (rather than estimated volumetric data) for the Kimberley region, which could be used to assist in the development of Government policy for remote / regional recycling and waste management. The project will also provide a higher quality of data for state government reporting requirements (such as DER's Annual Local Government Waste Census).
- The final report will compliment (and test any assumptions made about Broome's waste) in the Pilbara & Broome waste study (Talis, 2013).

1. Talis Consultants Pty Ltd (2013). Waste Data Study for the Pilbara Region and Shire of Broome. Prepared for the WA Waste Authority.

Project Methodology (align with Projected Milestone Schedule – Part D):

1. Develop standardised gatehouse recording procedures

A consultant will be engaged to review the gatehouse recording procedures currently employed at the staffed waste disposal facilities throughout the region (Broome, Derby, Fitzroy Crossing, Halls Creek, Wyndham and Kununurra).

In liaison with administrative and site staff, the consultant will develop new gatehouse recording procedures based on the three level classification methodology utilised in the *Waste Data Study for the Pilbara Region and Shire of Broome* that was undertaken by Talis Consultants Pty Ltd on behalf of the Waste Authority in 2013. The 'Talis model' classifies waste materials according to the following three levels:

- Stream - three traditional waste streams of Municipal Solid Waste (MSW), Commercial and Industrial (C&I) waste and Construction and Demolition (C&D) waste;
- Sector - sector of the economy from which waste was generated; and
- Material Type - describing the composition of the waste.

Ideally, the new recording procedures will be based on electronic data entry where possible and will include the following fields:

- Customer identification - vehicle registration and business name (where applicable).
- Material identification – based on a three level classification.
- Material quantities – tonnes and/or estimated volume.
- Charges payable.

The new recording procedures will be outlined in a report for each Council.

2. Purchase of relocatable weighbridges and peripheral equipment

The Shire's will undertake a regional procurement process in accordance with the Local Government Act for weighbridges and peripheral equipment such as digital displays and software for the Broome, Derby, Halls Creek and Kununurra waste disposal facilities. This would enable the accurate collection of waste disposal and recycled material tonnages for 90%-95% of all material managed at local government facilities in the Kimberley.

For this project, relocatable weighbridges are the preferred option to 'fixed' weighbridges as they are more cost effective to install and can be relocated to new sites when the time arises. This is important considering two of the sites have estimated remaining lifespans of less than five years.

Figure 1 Example of a steel relocatable weighbridge (12m) with concrete ramps



Whilst the weighbridge hardware purchased for each site will be identical, the peripheral equipment such as digital displays and software packages will be tailored to meet site specific requirements and integrate with existing or planned Council administrative systems. The funding mechanism for this equipment will therefore differ from the rest of the project with individual councils providing 100% of the funds for the purchase of peripheral equipment for their site/s.

3. Installation and commissioning of weighbridges

Once the re-locatable weighbridges have been ordered, civil works must be undertaken at the four waste disposal facilities prior to their delivery. This will include:

- the construction of concrete footings for the weighbridges;
- the realignment of site access roads to facilitate a flat, straight line of sight on weighbridge approaches and departures for the longest configuration of vehicle accessing the sites; and
- In some instances, the realignment of site access roads to facilitate orderly traffic flow through the site and the weighbridge.

On completion of the civil works the weighbridge provider (yet to be determined) will deliver, install and calibrate the weighbridges and peripheral equipment at each of the facilities.

4. Training and implementation

The following actions will be undertaken to ensure that the new gatehouse recording procedures and weighbridge operations are implemented effectively:

- The Council specific reports outlining the new recording procedures (produced during Part 1 of the Project Methodology) will explicitly outline the data fields to be collected, and the process for recording data from the various customer types and waste streams. It will provide demonstrative examples and seek to address any issues which may be encountered.
- This report will be provided to the manager in each Council responsible for managing waste disposal facility staff. This manager will then instruct the gatehouse staff and any relevant administrative staff on the requirements for the new recording procedures.
- The consultant that produced the gatehouse recording procedures will meet with the supplier/s of the software systems that will service the weighbridges to be given a demonstration on their use prior to their rollout at the Facilities.
- Once the weighbridges and supporting systems have been installed, the consultant and/or the systems providers will provide one day of onsite training to gatehouse staff (and supervisors) at each staffed waste disposal facility in the region (Broome, Derby, Fitzroy Crossing, Halls Creek, Wyndham and Kununurra).
- After the first month of data is collected in accordance with the newly implemented recording procedures, the consultant will review the data for each facility and determine whether any issues need to be addressed or changes are required.

5. Ongoing maintenance and calibration

To ensure the weighbridges are accurate and well maintained the Shires will obtain a four year maintenance and calibration contract with the weighbridge supplier on a regional basis. This will involve:

- An initial servicing and re-calibration of the weighbridges approximately 6 months after their installation.
- Servicing and calibration of the weighbridges at 12 month intervals for four years.

6. Data collection and project reporting

After the review of the first month's data and rectification of any issues identified, the Shire's will provide copies of recorded data in excel format to the consultant on a monthly basis for the duration of the project. The consultant will compile the data during this period and ensure that data is being recorded in

accordance with the new recording procedures.

Once 12 months of data has been compiled, the consultant will produce a Waste Stream Classification and Quantification Report that includes:

- Total waste generated by stream, sector and material type on a regional and individual council basis.
- Total tonnage of targeted recyclable materials (including greenwaste, metals, inert materials, and tyres).
- Total waste landfilled by stream, sector and material type on a regional and individual council basis.
- Total waste recovered/recycled by stream, sector and material type on a regional and individual council basis.
- Seasonal and monthly variations in waste generation on a regional and individual council basis.
- Comparison of per capita waste generation rates between the Kimberley, metropolitan, and state-wide estimates.
- Compares data and tests assumptions from previous reports such as the:
 - o Kimberley Regional Waste Management Plan (ASK, 2013);
 - o Regional Waste – Recovery and Recycling Business Case Evaluation (Mike Ritchie and Associates 2013); and
 - o Waste Data Study for the Pilbara Region and Shire of Broome (Talis, 2013).
- Recommendations on potential resource recovery initiatives and associated plant and infrastructure requirements, with a focus on advancing the business cases outlined in the *Regional Waste – Recovery and Recycling Business Case Evaluation* that was undertaken by Mike Ritchie and Associates (2013) on behalf of the Kimberley Development Commission.

On completion of the Waste Stream Classification and Quantification Report the consultant will then prepare and finalise the Project Evaluation Report to be submitted to the Waste Authority.

Project Investment

Regional Funding Program funds requested for this project (Excluding GST)	\$ 389,520
Amount of funding contributed by RCG (in-kind)	\$ 40,000
Amount of funding contributed by RCG (cash)	\$ 117,380
Other funding program investment (list)	\$ 0
Total	\$ 546,900

PART C - FUNDING CRITERIA

Project alignment with SWMP:

The project is identified as a regional priority within Section 4.3 of the Kimberley Regional Council Group's Strategic Waste Management Plan (ASK, 2013).

Outline the regional priority(s), objectives and deliverables that this project will achieve or contribute towards achieving:

At implementation, the project will directly achieve the following two regional priorities:

4.3.1 Data collection and monitoring

Findings:

Waste data collection is inconsistent across the region and inconsistent with industry standards. It also does not fully meet reporting requirements (such as annual Local Government Waste Census).

Issues:

The inconsistent data recording makes completion of reporting requirements more time consuming for Shires. It also makes the comparison of the region's data with other datasets problematic and creates difficulty in analysing the data needed to underpin regional recycling initiatives.

Recommendations:

All Shires should implement standardised recording procedures based on the classification system utilised in the Waste Data Study for the Pilbara Region (Talis, 2013).

4.3.2 Waste tonnage data

Findings:

At best, the waste data for the region is based on volumetric estimates at facility gatehouses.

Issues:

- Volumetric estimates of waste are inherently inaccurate.
- Charging disposal fees based on volumetric estimates allows commercial customers to reduce gate fees payable by heavily compacting loads.

Recommendations:

Shires should consider installing single deck weighbridges at the larger sites in the region.

At implementation, the project will also contribute towards achieving '*Regional Priority 4.24 - Whole of life costing and gate fee price structure*' (see below) by providing information that can be used to determine 'whole of life costs'.

4.2.4 Whole of life costing and gate fee price structure

Findings:

- The Shire's lack a full understanding of the whole of life costs associated with landfilling waste.
- The actual cost of waste disposal may be significantly higher than the gate fees charged.
- Gate fees are not charged for most self-hauled wastes at unmanned sites.
- It is difficult to assess the feasibility of resource recovery initiatives when the true cost of waste

disposal is unknown.

Issues:

- Operation of waste sites is undertaken without consideration of the long-term financial impacts which can lead to significant avoidable costs being incurred.
- If the whole of life costs (previously calculated for other small landfills at \$50-\$90 per tonne), are not covered by the gate fees and without a waste reserve fund established, it is likely that rates are subsidising commercial waste disposal and that the Shires will incur a significant financial burden when the sites require rehabilitation.
- One of the main barriers to recycling is the separation of recyclable materials into separate waste streams, (e.g. greenwaste, concrete, metals, organics, etc.). While there is no economic incentive for waste producers to bring separated loads of waste to the waste facilities, the Shires will have to bear the cost of separating the potentially recyclable materials or continue to landfill them.

Recommendations

- The Shires should aim to ensure all waste management costs relating to commercial wastes are received from gate fees or any shortfall is quantified.
- The gate fees need to be structured to maximise the financial drivers.
- This means structuring prices so that mixed wastes are charged higher fees than separated recyclable wastes.

Five years from implementation, the project will contribute towards achieving the resource recovery initiatives outlined in Section 4.6 of the SWMP. The data collected through this project will be used to assess the economic viability of the resource recovery initiatives, and to determine the appropriate plant and infrastructure required.

The resource recovery initiatives outlined in the SWMP include:

- 4.6.1 Scrap metal
- 4.6.2 Source separation of C&D waste
- 4.6.3 Inert waste processing
- 4.6.4 Waste tyres
- 4.6.5 Green waste processing
- 4.6.6 Packaging materials
- 4.6.7 Low volume highly polluting (LVHP) waste

Indicate the Waste Strategy target(s) that this project will contribute towards achieving:

The WA Waste Strategy sets municipal solid waste diversion targets for metropolitan areas, and major regional centres. The Kimberley region is unlikely to be included as a major regional centre as the Waste Strategy proposes that the regional targets would only apply to Avon, Greater Bunbury, Albany, Geraldton, Kalgoorlie, Karratha, Peel and Busselton.

Of relevance to the Kimberley region are the state-wide targets for the Construction and Demolition (C&D), and Commercial and Industrial (C&I) waste sectors:

- C&D - 60% diversion rate by 2015, and 75% by 2020; and

- C&I - 55% diversion rate by 2015, and 70% by 2020.

This project will make a contribution towards achieving these targets in two ways:

- It will provide quality data from the entire Kimberley region which can be used in determining more accurate state and non-metropolitan area landfill quantities (at present these quantities are estimated using a variety of assumptions and data sources), it will also ensure accurate reporting of the quantity of waste materials recycled in the region.
- It will provide the waste quantity information the Kimberley group of councils requires to develop feasibility studies and business plans to implement a range of resource recovery initiatives that will directly contribute towards increasing the state-wide diversion rate for the C&D and C&I sectors.

Indicate how the project will acknowledge the contribution that RFP funding will make towards improvement in waste avoidance, resource recovery or disposal:

The project will acknowledge the RFP funding contributions by:

- Installing signage at the waste disposal facilities alongside the new weighbridges that recognise the Waste Authority's support (the signage will also display instructions for site users).
- Acknowledging the RFP contribution in Shire communications and publications regarding the project, this is expected to include:
 - o Information on Shire websites,
 - o Articles in local newspapers advising of changes to waste acceptance procedures.
 - o Letters to waste disposal businesses advising of changes.
 - o Information to ratepayers in annual rates package,
 - o Local Government Annual Reports.

Outline if the project is a new initiative or if it will add value to an existing activity:

This project is a new initiative for the Kimberley Region.

Briefly outline how the project will meet Project Criteria and how it will impact on the region.

(Section 7: Regional Funding Program for Local Government Authorities 2011-2016 Funding Guidelines)

If required this form can be completed in A3 format.

Fixed Funding Stream and Competitive Funding Stream - Project Criteria	How project meets criteria
Makes a measurable contribution towards meeting Waste Strategy targets.	This project will make a contribution towards achieving the Waste Strategy targets in two ways: It will provide the waste quantity information needed for the Kimberley group of councils to effectively target, develop and implement a range of resource recovery initiatives that will directly contribute towards increasing the state-wide diversion rate for the C&D and C&I sectors. It will provide quality data from the entire Kimberley region which can be used in determining more accurate state and non-metropolitan area landfill quantities (at present these quantities are estimated using a variety of assumptions and data sources), it will also ensure accurate reporting of the quantity of waste materials recycled in the region.
Project identified in regional SWMP	The project is identified within the Kimberley RWMP (ASK, 2013). It will directly achieve regional priorities 4.3.1 Data collection and monitoring, and 4.3.2 Waste tonnage data. It will also contribute to the following regional priorities: • 4.2.4 Whole of life costing and gate fee price structure • 4.6.1 Scrap metal • 4.6.2 Source separation of C&D waste • 4.6.3 Inert waste processing • 4.6.4 Waste tyres • 4.6.5 Green waste processing • 4.6.6 Packaging materials • 4.6.7 Low volume highly polluting (LVHP) waste
Meets or makes significant advance towards meeting current industry best practice in waste management services and infrastructure.	The project will provide a significant advance in landfill management for the region by ensuring comprehensive and accurate data is recorded at gatehouses in accordance with best practice guidelines. The data provided by this project will also enable more sustainable whole of life economic management of the region's waste disposal facilities, and facilitate the development of project plans and business cases for new resource recovery initiatives.
Clearly identifies the contribution that the proposed project will make towards improvement in waste avoidance, resource recovery or disposal	The project will provide the data necessary for planning and implementing waste avoidance and resource recovery projects across the Kimberley Region. It will also improve the operational control of the entire region's staffed waste disposal facilities by ensuring waste recording procedures are based on best practice.

Provides or will lead to a benefit to the whole region.	The project will encompass all four Shires within the Kimberley Region and all staffed waste disposal facilities.
Achieves continuous improvement in waste avoidance, resource recovery or disposal.	Continuous improvement requires access to quality data to be able to assess performance, and develop and implement initiatives to improve performance. This project will provide the data the region requires to achieve continuous improvement in waste avoidance, resource recovery or disposal.
Demonstrates resource use efficiency.	The project will make efficient use of resources by ensuring that the weigh bridges and associated support systems can be relocated to new facilities when the existing ones are decommissioned and rehabilitated. The project's regional approach will maximises resource use efficiency by ensuring that mobilisation costs are minimised for the training of staff and the supply and installation of equipment and infrastructure.
Demonstrates that end markets have been or can be established (where applicable).	Not applicable.
Outlines the environmental, social and economic impacts (both positive and negative).	Environmental Impacts • Improved data to facilitate the development of resource recovery projects. • Quality data to help track the progress of waste minimisation and resource recovery initiatives. • Resource consumption to construct and install weighbridge and associated equipment. Social Impacts • Heightened community awareness of waste disposal practices. • Potential resistance to new gatehouse recording procedures. Economic Impacts • Improved data to inform decisions regarding the economic management of waste disposal facilities. • Provision of the framework necessary for the implementation of a user pays model that encourages source separation of recyclable materials. • More accurate and consistent charging for waste disposal.
Outlines how the benefits of the project will be communicated to relevant stakeholders.	The regional benefits of the project will be communicated to stakeholders through local newspaper articles, local government communication channels and the final project evaluation report.

Resources / Approvals

What time and skills, or other resources (including, staff; services; materials; equipment; technology; intellectual property rights / access; etc) will be required to complete the project on time and within budget?

Please provide details (including how these resources will be funded / sourced):

Local government staff

The internal staff of the four local governments participating in the project will play an important role in the project, they will include:

- Executive level staff providing oversight of the project delivery and financial management.
- Managerial level staff undertaking the procurement processes for the consulting services, equipment provision, and site works.
- Managerial level staff liaising with the consultant and providing information throughout the duration of the project.
- Managerial level staff supporting the implementation of gatehouse recording procedures.
- Site staff recording gatehouse data in accordance with the new recording procedures.
- Administrative staff raising invoices and paying bills.
- Administrative staff compiling and archiving gatehouse records.
- Managerial level staff reviewing the draft Waste Stream Classification and Quantification Report.
- Managerial level staff completing and submitting the final Project Evaluation Report to the Waste Authority.

Internal staff resources will be provided on an in-kind basis by the four participating local governments.

Consulting services

Development of the new gatehouse recording procedures, training of the site staff to implement these procedures, analysis of the collected data, and completion of the Waste Stream Classification and Quantification Report is outside the skillset available from the participating Council's internal staff resources. A consultancy will therefore be engaged to undertake these tasks through a 'Request for Quotation' or tender process in accordance with the Local Government Act.

The consulting services will be funded with an 80% contribution from the RFP and 20% from the RCG.

Weighbridges

The project will require the purchased of four relocatable weighbridges that are capable of weighing the variety of vehicles accessing the facilities, and can be relocated to new facilities when the existing ones are closed and rehabilitated. The relocatable weighbridges will be purchased from an Australian supplier through a tender process in accordance with the Local Government Act.

The weighbridge equipment will be funded with an 80% contribution from the RFP and 20% from the RCG.

Weighbridge IT systems

IT systems will be required to record data collected from the weighbridges and gatehouses. Supplier/s will be engaged to undertake these tasks through a 'Request for Quotation' or tender process in accordance with the Local Government Act.

As these systems may vary considerably between sites and local governments they will be funded on an individual basis by the participating local governments.

Site works

The project will require concrete footings to be installed at each facility (4) for the relocatable weighbridges. Additional site works may also be required for the approach and departures to the weighbridges.

A civil engineer will be engaged through a 'Request for Quotation' or tender process in accordance with the Local Government Act, to complete the construction plans and drawings for the site works.

A construction company/s will be engaged through tender process in accordance with the Local Government Act to undertake the site works.

The procurement for these services will be undertaken on a regional basis, but will allow tenderers to submit bids for one site, a combination of sites, or all sites. It is anticipated that this will increase the competitiveness of bids received, and ultimately the cost effectiveness of the project.

These services will be funded with an 80% contribution from the RFP and 20% from the RCG. If the cumulative cost of site works (construction) for the region exceeds the budgeted \$80,000, individual councils that exceeded the \$20,000 per site budget allocation will contribute the difference.

Ongoing maintenance and calibration

The weighbridges will require maintenance and calibration on an annual basis; this process is best undertaken by the manufacturer or supplier of the weighbridges. The RCG intends to secure a four year contract for this service; the procurement process will be incorporated with the purchase of the weighbridges.

During the project period this service will be funded by an 80% contribution from the RFP and 20% from the RCG. The cost will be met solely by the RCG beyond the duration of the project.

Are any planning, environmental or other approvals required for this project?

Provide details:

No planning or environmental approvals are required for the project as infrastructure works will be minimal (limited to installation of concrete hardstand).

Have these approvals been issued? *(Please provide a copy of the relevant approval/s)*

Not applicable.

Project stakeholders

List the LGAs directly involved in this project and a summary of their involvement.

1. Shire of Broome	For their own facility each Shire will: • Manage the installation of infrastructure (concrete footings and weighbridge) • Co-ordinate the installation of software and integration with existing IT systems • Support the training of facility staff and the adoption of new reporting procedures • Collect and record data relating to materials received, disposed of and recyclables exported from the facility • Contribute to the production and review of the project reports
2. Shire of Derby West Kimberley	
3. Shire of Halls Creek	
4. Shire of Wyndham East Kimberley	

List any partner organisations and their role in the project (including other funding programs, consultants, sub contractors etc), where known.

1. Kimberley Country Zone (WALGA)	Will coordinate the procurement process and manage project funds.
2.	
3.	

PART D – PROJECT MILESTONES

If required the following forms can be submitted in A3 format.

Note: This table provides a projection of the Regional Funding Program funding that will be required on completion of project milestones.

Projected Milestone Schedule – Regional Funding Program contribution

Project Name:

Waste Stream Classification and Quantification

Activity	Milestone		Anticipated Milestone Completion Date	Regional Funding Program payment on completion of milestone (Excluding GST)
Contract agreement	No. 1	Submission and approval of RIP	1/07/2014	20% being \$77,904
Development of standardised gatehouse reporting procedures	No. 2	Reports submitted to each Council.	3/12/2014	10% being \$38,952
Installation of relocatable weighbridges and training of staff	No. 3	Data being collected according to the new recording procedures at all Waste Management Facilities	1/04/2015	55% being \$214,236
Completion of Kimberley Regional Landfill Data Report.	No. 4	Report submitted to project stakeholders and Waste Authority.	31/04/2016	5% being \$19,476
		19476		
		38952		
		389520		
Final Project Evaluation Report	No. 5	Submission and approval of Final Project Evaluation Report	27/05/2016	10% being \$38,952
Total Regional Funding Program Funding (Excluding GST)				\$ 389,520

PART E - PROJECT BUDGET

If required, the following tables can be submitted in A3 format.

This table outlines the projected costs and how the project will be funded.

Projected Expenditure				
Item	Projected Expenditure			
	Regional Funding Program (Excluding GST)	RCG (in-kind)	RCG (cash)	Funds from other sources
<u>Salaries/Wages/Fees</u>				
In house labour costs	0	30,000	0	0
Consultant & Subcontractor fees	63,840	0	15,960	0
<u>Direct Project Costs</u>				
Relocatable weighbridges (4)	188800	0	47200	0
Digital Indicator with serial output (4)	3200	0	800	0
Weighbridge End Ramps (4 pair)	19200	0	4800	0
Weighbridge Deck frame with painted finish (4)	6400	0	1600	0
Weighbridge support systems (i.e. software)	0	0	20000	0
Installation of concrete hardstands	80000	0	20000	0
Signage	3,200	0	800	0
Equipment hire (list)	0	0	0	0
Expendables (list)	0	0	0	0
Freight & transport	6,400	0	1,600	0
Vehicle expenses	0	0	0	0
Insurance/s	0	0	0	0
Printing, advertising, distribution	0	0	0	0
Accounting / Legal fees	2,800	0	700	0
Administration costs (procurement)	0	10,000	0	0
Maintenance and calibration of weighbridges (for project duration only)	15,680	0	3,920	0
Sub - total	\$ 389,520	\$ 40,000	\$ 117,380	\$ 0
Total Projected Expenditure	\$ 546,900			

Regional Investment Plan Checklist	
Please complete this checklist to ensure that the project meets the required funding and assessment criteria.	✓
You have read and understand the <i>Regional Funding Program for Local Government Authorities 2011-2016: Funding Guidelines - January 2012</i> (Funding Guidelines).	✓
Your RCG has lodged a Strategic Waste Management Plan with Department of Environment and Conservation (DEC) and it has been endorsed.	
All LGAs within your RCG have completed and submitted the most recent DEC local government census of waste services and recycling.	✓
The project was identified as a regional priority within the RCG's DEC endorsed SWMP.	✓
The project will clearly identify and recognise the contribution that RFP funding makes towards improvement in waste avoidance, resource recovery or disposal.	✓
You have provided proof of delegation of decision making powers from all LGAs to the nominated lead authority of the RCG for the current RFP (Section 8.1.1 Funding Guidelines)	✓
AND The RIP has been signed by the delegated authority OR all LGA member Chief Executive Officers (CEOs).	✓
The project will make a measurable contribution towards meeting Waste Strategy targets.	✓
The project will achieve continuous improvement in waste avoidance, recovery or disposal.	✓
The project meets all applicable Project Investment Criteria, (Section 7: Funding Guidelines).	✓
The Regional Investment Plan (RIP) includes all details of project funding, including details of funding under other funding programs (including Waste Authority programs).	✓
The project includes a recipient contribution totalling 20% of the overall project cost (cash if a competitive bid funding application).	✓
The RIP is submitted within the applicable funding period (Section 1 Funding Guidelines).	✓
You have completed all applicable sections of the RIP template.	✓
You have submitted one electronic and one signed hard copy of your RIP.	

Note: This report must be signed by the CEO of the regional council, lead local government representing the RCG or all group CEOs as applicable.

Add declarations as required.

PART F - DECLARATION	
I, Chief Executive Officer of declare that the information given in this <i>Regional Investment Plan</i> and all attached documents are complete and correct to the best of my knowledge, information and belief.	
Signature of Chief Executive Officer:	(signature) (print name) (date)
Witnessed by:	(signature) (print name & occupation) (date)

Attachment 1: Milestone Reporting

Note: This form provides information on how each milestone has been met and the measurable outcome achieved.

- Complete and submit this form to DEC with a progress report; evidence of expenditure (including copies of invoices and detail of recipient matching contributions); and a tax invoice as each milestone is achieved.
- Previous milestone entries should be maintained within the form.
- Evidence to support achievement of milestones should be provided with this form.

Milestone Achievement Report: (Insert RCG name and Project Title)

Milestone		Description of how milestone was achieved	Milestone Achievement date	Measurable outcome	Regional Funding Program funding received Y/N - %
1	Submission and approval of RIP	RIP was prepared by RCG and submitted to DEC on (state date)	(insert date of contract sign off by DEC)	RIP met funding criteria and was approved by DEC	Y – 20%
	Submission of Final Project Evaluation Report and Statement of Income and Expenditure	(use Final Project Evaluation Report template)			10%

**13.3.9 Special Council Meeting Resolution No. 10287 Update –
Kununurra District High School Bus Parking**

DATE:	27 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Kununurra District High School
AUTHOR:	Kevin Hannagan, Director Infrastructure
REPORTING OFFICER:	Kevin Hannagan, Director Infrastructure
FILE NO:	GN.05.10

PURPOSE

For Council to consider an update on the progress of Council Resolution No. 10287, related to the Kununurra District High School, Bus Parking.

BACKGROUND

At a Special Meeting of Council on 19 December 2013 a three (3) part resolution regarding the new proposed school bus drop off / pick up area located at Kununurra District High School (KDHS) on Coolibah Drive was passed. Parts one (1) and two (2) of that motion have been processed by Shire Officers and a response letter from the Department of Education has been provided to Councillors (Attachment 1).

Part three (3) of that motion was:

The Chief Executive Officer to prepare and propose a policy to be brought to Council for consideration on the Shire carrying out work on behalf of a Government department on Council controlled land:

- 1. Including what projects have recently been finished or are underway;***
- 2. What liability is the Shire exposed to in undertaking these works;***
- 3. Does the Shire need development approval as normal or is it exempt if working on behalf of Government;***
- 4. Are there Budget implications for this type of work; and***
- 5. When a project of this nature (relocation of bus area onto Shire land) can potentially affect such a large sector of the community, what policies can be put in place to ensure the community has the appropriate input and is kept informed?***

Carried 4/3

Against Cr J Moulden, Cr R Dessert & Cr D Learbuch”

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

No policy implications apply in the preparation of this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this item.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 3.4: Protection and enhancement of community facilities.

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

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

Comments on progressing Part three (3) of Resolution Number 10287 are:

Shire Officers are currently researching and preparing a Policy for Private Works that will also address the Shire carrying out work on behalf of a Government Department on Council controlled land.

What projects have recently been finished or are underway

Since the KDHS project, the Shire has constructed a car park in Wyndham for the Department of Education (on their land), this project also involved the Shire extending its bitumen seal of Welch Street (2013 / 2014 budget item) at the same time. Currently the Shire has been requested to build a car park on Coolibah Drive road reserve for the new Kununurra Courthouse funded by the Department of the Attorney General.

What liability is the Shire exposed to in undertaking these works?

There are financial risks for any construction project but Shire Officers allow contingencies in their budget estimates to ensure financial risk is mitigated. The Welch Street project enabled the Shire to undertake the reseal component and save on contractor mobilisation as these costs were charged to the Department of Education. The estimate for the Courthouse car park allows for all Shire overheads and supervision costs.

Does the Shire need development approval as normal or is it exempt if working on behalf of Government?

Road related projects (such as car parks, lawns, seating etc.) within the Shire's road reserve do not require development approval. Advice has been sought from the Shire's planning section that approvals may be required if non-road assets are to be constructed.

Are there Budget implications for this type of work?

In some cases there are budget savings when works can be undertaken in conjunction with other Shire projects such as the Wyndham, Welch Street sealing project.

The main budget implication is that these types of projects are not known at the time of annual budget preparation and are thus usually included in Council's midyear budget reviews. However, it must be noted that any estimates for proposed work must include contingencies to ensure the Shire is not exposed to potential cost overruns. To date the Income from Private Work's projects has exceeded the Expenditure.

When a project of this nature (relocation of bus area onto Council land) can potentially affect such a large sector of the community, what policies can be put in place to ensure the community has the appropriate input and is kept informed?

Council has since adopted a Community Engagement Policy in 2012 that will be applied to future projects of this nature. The Policy is currently being reviewed and will be the subject of a separate report from the Community Development Directorate.

ATTACHMENTS

Attachment 1 – Response letter from Department of Education

VOTING REQUIREMENT

Simple Majority.

OFFICER'S RECOMMENDATION

That Council notes the update comments on the Special Council Meeting Resolution Number 10287 – Kununurra District High School Bus Parking.

COUNCIL DECISION

Minute No. 10426

Moved: Cr S Cooke

Seconded: Cr D Learbuch

That Council notes the update comments on the Special Council Meeting Resolution Number 10287 – Kununurra District High School Bus Parking.

Carried Unanimously 9/0



Government of **Western Australia**
Department of **Education**

- 4 FEB 2014

CR: 09.1
I-21582

Your ref :
Our ref : D14/0036678
Enquiries :

Mr Gary Gaffney
Chief Executive Officer
Shire of Wyndham/East Kimberley
PO Box 614
KUNUNURRA WA 6743

Dear Mr Gaffney

I refer to your letter dated 20 December 2013 regarding the Special Council Meeting convened on 19 December 2013 to discuss concerns regarding the new proposed school bus drop-off and pickup area located at Kununurra District High School on Coolibah Drive. I regret the delay in responding.

As you are aware, the Department of Education has recently completed a major redevelopment of the school, funded through the Commonwealth Government's East Kimberley Development Package. As part of the initial master planning for the site, traffic management including the movement of buses was reviewed.

A proposal to convert a portion of the existing parent drop off area to a bus embayment was further developed. This parking area was provided some years ago as a joint project between the Department and the Shire of Wyndham/East Kimberley. The funds were provided by the Department but the car park is located outside the school boundary on Shire managed land. The design work for the new bus embayment was undertaken by the Shire's traffic management consultant and tendered through the Shire's contract panel. The project was also managed by Shire staff.

The Department has been working closely with the Shire over a number of years to improve traffic management around Kununurra District High School. A number of staff members are parking in the parent parking area on Coolibah Drive, which the Department is aware the Shire is keen to discontinue. Once the buses are relocated from the turnaround, the access road will be closed and additional onsite staff parking will be constructed on a portion of that land. This proposal will result in more bays being available for parents. The remaining land will be available for the school to develop as additional play space, which has been reduced in other parts of the site due to the increase in new facilities.

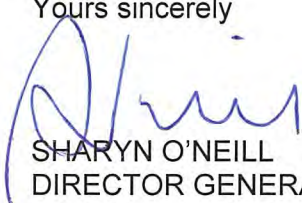
As a consequence, the Department is unable to approve the Council's request to excise the portion of land on which the current bus turnaround is located. The land is valuable, both in monetary terms but also for the future development of Kununurra District High School.

The Department shares the Council's concerns regarding the importance of student safety. The use of wombat crossings to safely move students across car parks is widely used in schools across the State. The buses will not relocate to the new embayment area until the Public Transport Authority endorses plans and specifications of the new embayment area.

The Department is planning to meet with the Public Transport Authority early in February once all relevant as constructed drawings are available.

Thank you for raising your concerns.

Yours sincerely


SHARYN O'NEILL
DIRECTOR GENERAL

151 Royal Street, East Perth Western Australia 6004

13.4 COMMUNITY DEVELOPMENT

13.4.1 Development Application for Temporary Parking at Lot 202 Peter Reid Drive, Kununurra

DATE:	27 May 2014
PROPONENT:	Brian Measey
LOCATION:	Lot 202 Peter Reid Drive, Kununurra
AUTHOR:	Elle Davidson, Planning Officer
REPORTING OFFICER:	Wayne Richards, Acting Director Community Development
FILE NO:	A2213P

PURPOSE

For Council to consider a development application for Temporary Parking at Lot 202 Peter Reid Drive, Kununurra.

BACKGROUND

An application for planning approval was lodged on 10 April 2014 by Brian Measey for the development of Temporary Parking at Lot 202 Peter Reid Drive, Kununurra.

The property is located at the Kununurra Airport and has an area of 3,909m². The land is zoned Special Site - Airport under *Town Planning Scheme No. 7 – Kununurra and Environs (TPS 7)*.

The property is currently being used for the storage of vehicles without the necessary Council consent. On 15 October 2013 Shire Officers sent a letter to the owner, Melon Farms, outlining that the storage of vehicles on the property would require a Planning Approval. Further communications summarised that Councils consent would be necessary and any parking established as part of this application could be utilised in the future development of the property.

It is important to note that a recent application was brought before Council for a Change of Use – Motor Vehicle Repairs at Lot 317 Laine Jones Drive, Kununurra, which is associated with the operations of Thrifty at the Kununurra Airport. The owners are currently using the subject site for additional parking – so regardless of the Councils decision to refuse the application for Motor Vehicle Repairs at Lot 317 Laine Jones Drive, Kununurra the extra parking spaces may be necessary.



Proposal

The applicant proposes to develop a crushed gravel hardstand area for 15 temporary parking bays to be utilised for the storage of Thrifty hire vehicles. Two crossovers are proposed, one to Peter Reid Drive and one to Cyril Kleining Drive, which are to be constructed to the satisfaction of the Shire's Infrastructure Directorate. The site is not to be accessed by the public and a 3m landscape buffer is retained for the future development of the property.

STATUTORY IMPLICATIONS

Town Planning Scheme No. 7 – Kununurra and Environs (TPS7)

The land at Lot 202 Peter Reid Drive, Kununurra is zoned Special Site - Airport under *TPS7*. The objective of the Special Site zone is to reflect those sites specifically established for a particular use. Land within the Special Site Zone may be used for the purposes specified on the Scheme Map and the schedule in Appendix No. 2 as applicable to that site and for no other purpose except for a use that Council deems is incidental to the predominant use. Under Appendix No. 2 of *TPS7*, Special Site - Airport uses are prescribed under the following provision:

Other uses may be permitted by Council provided that they are incidental to the predominant use of the land and/or deemed to be dependent on the function of the Airport.

Appendix 2 of *TPS 7* identifies the use of this Special Site as Airport, however states that other uses may be permitted by Council provided that they are incidental to the predominant use of the land and/or deemed to be dependent on the function of the Airport.

Local Laws relating to Fencing 2003

The subject site is located within a zone identified as Industrial or Commercial under the *Local Laws relating to Fencing 2003*. Under these provisions, a minimum standard of a rail-less mesh fence to a height of 1.8 metres. The local government may give notice in writing to the owner of any land upon which is erected a fence which is in the opinion of the local government unsightly or prejudicial to the amenity or value of the property in the neighbourhood under part 4.

POLICY IMPLICATIONS

No policy implications apply in the preparation of this report.

FINANCIAL IMPLICATIONS

The application fee of \$147 has been paid.

STRATEGIC IMPLICATIONS

East Kimberley Regional Airport (EKRA) Master Plan

The EKRA Master Plan identifies the subject site as part of Precinct 2: Aviation Related Commercial Precinct without Airside Access. This document states that due to the location and nature of the land in this area, it is not possible to provide airside access, however, that a variety of business types exist that have an aviation connection and will benefit from a location at the airport. These businesses will either support the aeronautical activities at the airport, support the aviation-related businesses that own, operate or deal with aircraft or gain some benefit from the proximity to the air services from the airport.

Strategic Community Plan 2012-2022

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

Objective 1.4: Business innovation, efficiency and improved service.

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

COMMUNITY CONSULTATION

No community consultation was required for this application.

COMMENT

The application for temporary parking has been received due to Shire Officers following up the unapproved use of Lot 202 Peter Reid Drive, Kununurra for vehicle storage. The use of this site for car parking is considered development and requires Council approval to ensure compliance with the intent of the Special Site – Airport.

Shire Officers have recently received an application for a Change of Use – Motor Vehicle repairs, which was refused by Council at the April 2014 Ordinary Council Meeting on the basis that the proposal does not comply with the intent of the Special Site - Airport.

The existing Car Rental Depot at Lot 317 Laine Jones Drive, Kununurra and Lot 202 Peter Reid Drive, Kununurra can be directly linked and the current application will provide additional area to store cars that are not currently hired out or awaiting service, maintenance or cleaning.

The applicant proposes to create a gravel hardstand area to cater for the parking of 15 vehicles with 5 spaces being stacked. As the parking will not be accessed by the public, the Infrastructure Department has deemed this arrangement acceptable. Parking spaces are required to be clearly marked and a 3m landscaping buffer is to be retained for the future development of the site.

It is acknowledged that a number of motor vehicle hire services operate from the airport and are generally considered incidental to and reliant upon the functions of the Kununurra Airport precinct.

Due to the lack of adjoining property fences at this site, it is concluded that the fencing becomes more apparent but does not detract from the amenity of the area. Although fencing in the surrounding locality appears to be mesh link with barbed-wire, the existing fencing at this site does not cause any amenity concerns.

In formalising the current vehicle storage at Lot 202 Peter Reid Drive, Kununurra the use will be required to comply with development standards expected for car parking.

ATTACHMENTS

Attachment 1 – Proposed Plan and Submission

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council approves the planning application for Temporary Vehicle Parking at Lot 202 Peter Reid Drive, Kununurra, subject to the following conditions:

- 1) Development shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government;
- 2) The crossovers on Peter Reid Drive and Cyril Kleining Drive are to be constructed in accordance with Shire of Wyndham East Kimberley specifications.

COUNCIL DECISION

Minute No. 10427

Moved: Cr B Robinson

Seconded: Cr D Spackman

That Council approves the planning application for Temporary Vehicle Parking at Lot 202 Peter Reid Drive, Kununurra, subject to the following conditions:

- 1) Development shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government;**
- 2) The crossovers on Peter Reid Drive and Cyril Kleining Drive are to be constructed in accordance with Shire of Wyndham East Kimberley specifications.**

Carried Unanimously 9/0



Elle Davidson

From: Pam Martin <dlink@bigpond.net.au>
Sent: Thursday, 10 April 2014 10:09 AM
To: Elle Davidson
Cc: Shobha Roach/ Brian Measey
Subject: RE: 202 PETER REID DRIVE

Thanks Elle,

It is proposed that Lot 202 Peter Reid Drive Kununurra be used as a temporary car parking area for the parking of Thrifty vehicle until the owners decide how to develop the site to its full potential. The site is not to be accessed by the public.

Pam Martin
DraftLINK
27/16 Charlton Court, Woolner
Ph 08 8981 6466
Mob 0413 833 843
Email:dlink@bigpond.net.au

From: Elle Davidson [<mailto:Elle.Davidson@swek.wa.gov.au>]
Sent: Thursday, 10 April 2014 11:31 AM
To: Pam Martin; Kara Takarangi-Sethi
Subject: RE: 202 PETER REID DRIVE

Good morning Pam,

Thank you for sending through your application form and proposed plan. I have included Kara Takarangi-Sethi in this response, who will contact you regarding the payment of fees.

To assist in the assessment of your application, please provide a brief outline of the proposed development i.e. how the site will be used and confirm that only Thrifty vehicles will access the site.

Should you require any further assistance, please feel free to contact me.

Regards

Elle Davidson
Planning Officer

SHIRE of WYNDHAM | EAST KIMBERLEY

20 Coolibah Street, PO Box 614 Kununurra WA 6743 | T: (08) 9168 4100 | F: (08) 9168 1798 | www.swek.wa.gov.au

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13.4.2 Kununurra Water Ski Club Lease

DATE:	27 May 2014
PROPONENT:	Kununurra Water Ski Club
LOCATION:	Portions of Reserve 29297 and Reserve 41812, Lake Kununurra Foreshore, Kununurra
AUTHOR:	Wayne Richards, A/Director Community Development
REPORTING OFFICER:	Wayne Richards, A/Director Community Development
FILE NO:	CP.07.15

PURPOSE

For Council to consider the Strategic Business Plan submitted by the Kununurra Water Ski Club, and their request for a 21 year lease and expanded lease area.

BACKGROUND

The Kununurra Water Ski Club has held a lease over:

King Location 714 – now Lot 503 on Deposited Plan 66529

Portion of King Location 667 – now Lot 502 on Deposited Plan 66529

The lease was approved 22 March 1993 for a period of 21 years, expiring 22 March 2014. Currently the Kununurra Water Ski Club is operating as a tenant at will.

At the 22 November 2011 Ordinary Council Meeting it was resolved to commence negotiations with the Kununurra Water Ski Club regarding their lease and that officers write to the Club requesting a long term business plan be supplied in order to assist Council to decide the term of the lease to be offered.

Minute No. 9626

Moved: Cr K Torres

Seconded: Cr D Ausburn

That Council requests the Chief Executive Officer to enter into negotiations with the following clubs with the view to determining their ongoing requirements in relation to their respective lease areas:

- 1. Kununurra Race Club over Reserve 30290***
- 2. Lake Kununurra Golf Club Inc over Reserve 29167 and portion of Reserve 41812.***
- 3. Wyndham Turf Club over Reserve 24857, Reserve 32816 and Reserve 36818***
- 4. Kununurra Speedway Club over Reserve 41793;***
- 5. Kununurra Water Ski Club over portion of Reserve 29297 and portion of Reserve 41812.***

That Officers write to each club to request that a long term business plan be supplied, in order to assist Council to decide the term of lease to be offered.

That Officer's write to the Minister for Land to seek in principle approval to enter into a lease over the abovementioned reserves with the relevant community groups for a minimum term of 10 years.

Carried Unanimously 8/0

This letter was sent on 2 December 2011 commencing discussions about this lease renewal and the requirement for a Strategic Business Plan to support this process. On 2 June 2013 the Shire received an initial version of this long term business plan, as well as a letter requesting a lease period of 21 years and an extension of the lease site as per the maps provided at Attachment 1. Discussions with the Ski Club have continued with a final version of the Kununurra Water Ski Club Strategic Plan received on 9 April 2014, provided as Attachment 2.

The development of a long term business plan is a key aspect in the setting of strategic direction and objectives for a group or activity and the associated planning, timeframes and resources required to achieve the strategic goals as well as assisting the sustainability and development of the Club.

A business plan in relation to lease proposals should, as a minimum, outline:

- long term plans or strategic direction over the next 10 years or more;
- detail with respect to infrastructure (buildings and associated works) needs;
- long term objectives with regard to current and potential future land use; and
- long term financial objectives – to promote financial sustainability.

Future Planning Documentation

Future planning documents, the Lake Kununurra Foreshore and Aquatic Use Plan and Sports Precinct Masterplan, have both publically consulted on, and considered the use of the Ski Club area however there are no items within either of these documents that refer to the duration of the lease or expansion of the lease site.

References to the Kununurra Water Ski Club in the Lake Kununurra Foreshore and Aquatic Use Plan are:

- P2-11 Require the Kununurra Water Ski Club to develop and implement a vegetation management plan for removal of weeds and planting of regionally native plant species on their lease.

In addition, recommendations relevant to this item include:

- P2-1 Ensure minimal clearing of land based native vegetation
- P2-2 Require lease holders to remove all weed and pest species, including Neem, Leucaena and Calotropis as a condition of their leases.

This plan also recommends the investigation of stage 2 of the Commercial Boating Facility however does not identify the Ski Club site as a specific location for this.

The Club does address these items within their Strategic plan however provided a statement that *“The Kununurra Water Ski Club takes pride in its facilities and is constantly maintaining its grounds for member and public use. The club currently maintains the lease area whilst protecting and native trees for both the use of shade and aesthetics of the club grounds. It has no intention of clearing any native vegetation”*, and *“the club constantly maintains its grounds and removes all pest species from its leased area”*. Regardless, these requirements would be included in any lease documentation.

The single reference relating to the Kununurra Water Ski Club lease area within Council’s response to the Kununurra Sports Precinct Masterplan at the 16 August 2011 Ordinary Council Meeting was to endorse the action:

- 3.2 Implement recommendations in ‘Foreshore Management Plan Review-Aquatic Use Plan’.

STATUTORY IMPLICATIONS

This item relates to Town Planning Scheme No. 7 – Kununurra and Environs, the Land Administration Act, Local Government Act s3.58 and Local Government (Functions & General) Regulations 1992 s30(2)(b).

Town Planning Scheme No. 7 – Kununurra and Environs

Reserve 41812 – Special Foreshore Scheme Reserve
Reserve 29297 – Parks and Recreation Scheme Reserve

The objectives of these reserves are:

Parks and Recreation – to identify and protect land utilised or intending to be utilised for local recreational needs.

Special Foreshore - to identify and protect those foreshore areas that have a special conservation values particularly in regard to flora and fauna values and ensuring that areas of significance are ultimately identified and recorded through appropriate studies.

Clause 2.2.1 of TPS states that where an application for Planning Approval is made with respect to land within a Scheme Reserve, the Council shall have regard to the ultimate purposes intended for the Reserve.

Land Administration Act

Reserve 41812 – reserved for the purpose of ‘Foreshore and Recreation’
Reserve 29297 – reserved for the purpose of ‘Recreation’

Shire holds management order for both reserves with power to lease for a maximum term of 21 years, subject to consent of the Minister for Lands.

Similarly to the Commercial Boating Facility foreshore leases, the Department of Lands has advised that the foreshore area (minimum 10m width) should only be licenced and not leased which may require resurveying.

Local Government Act s3.58

- “3.58. (1)** *In this section -*
“dispose” *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*
“property” *includes the whole or any part of the interest of a local government in property, but does not include money.*
- (2)** *Except as stated in this section, a local government can only dispose of property to -*
- (a)** *the highest bidder at public auction; or*
 - (b)** *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3)** *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property -*
- (a)** *it gives Statewide public notice of the proposed disposition -*
 - (i)** *describing the property concerned;*
 - (ii)** *giving details of the proposed disposition; and*

- (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
 - and
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3) (a) (ii) include -*
 - (a) *the names of all other parties concerned;*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*
- (5) *This section does not apply to -*
 - (a) *a disposition of land under section 29 or 29B of the Public Works Act 1902;*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section."*

Local Government (Functions & General) Regulations 1996 s30(2)(b)

- “(2) *A disposition of land is an exempt disposition if -*
 - (b) *the land is disposed of to a body, whether incorporated or not -*
 - (i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;”.*

POLICY IMPLICATIONS

This item relates to Policy CP/PMG-3780 Leasing of Council Managed Reserve Land. In particular the main objectives of this policy that apply to this item are:

- to provide clarity and consistency in leasing arrangements so that groups are treated equally, and both the lessee and the Shire understand its responsibilities in maintaining the lease area in a fair and sustainable manner;
- Promote collocation and multipurpose development, where practicable, and strategic development of community facilities based on future requirements of the land and community needs;
- to assist community groups in improving facilities and increasing capacity within the Shire that results in community strengthening and helps to build vibrant, inclusive and healthy communities.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this item at this time. Future considerations regarding the lease fee will need to be addressed as part of the final draft lease agreement. The current fee paid by the Kununurra Water Ski Club is \$110.00 p.a. This will be reviewed through the lease negotiation process.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 3.5: An active outdoor lifestyle is encouraged and promoted.

Strategy 3.5.2: Encourage cooperation between sporting groups and assist them in building capacity.

Strategy 3.5.3: Increased access to the lake, gulf and rivers, including boat ramps, according to demand usage and safety considerations.

COMMUNITY CONSULTATION

In accordance with *Regulation 30 (2) (b)* of the *Local Government (Functions and General) Regulations 1996* this disposition of land is exempt from the requirements of *Section 3.58 of the Local Government Act* and therefore a public notice is not required.

COMMENT

As per the 2011 request from Council, the Kununurra Water Ski Club have supplied their Strategic plan detailing their long term use of the site over the next 21 years showing foresight and planning for the future. Accompanying this business plan is two specific requests:

1. to increase the duration of the lease offered from 10 to 21 years;
2. to increase the area of land leased as per the map provided in the attached Strategic Plan.

Expansion

It is noted that the lease plan from the 1993 lease document, shown at Attachment 3, shows that the original lease area is larger than the Ski Club realises, most likely due to the fact that the site is not fenced apart from the vehicular gate across the access road. An aerial photograph is also provided at Attachment 4 which approximates the 1993 lease area over aerial photography, for comparison. Therefore the request to increase the size of the leased area does not change the site leased significantly. Some amendments have been made to the original lease area however (Attachment 5), capturing the 1993 lease site, and area requested by the Kununurra Water Ski Club, with a minimum 10 metre foreshore buffer for pedestrian access as per the Lake Kununurra Foreshore and Aquatic Use Plan.

The reasoning given for the expansion of the lease site was to incorporate an area that is currently maintained by the Club and to allow use of "Cumbungi Inlet" for swimming, mooring and cable ski. In addition, the construction of caretaker's quarters is proposed to allow a significantly higher level of upkeep for the site. Should the lease expansion be approved, the Club would still require approval for any development, i.e. approval of an expanded lease

site would not constitute approval of these projects. Should Council be willing to consider this request, the site will need to be surveyed.

Duration

The purpose of the increase in duration is to increase security of tenure over the site. Proactive Clubs invest resources and volunteer make improvements such as the construction of new facilities and land improvements. These contributions, particularly volunteer contributions are less likely if the future use of the site is not secure. This is evident in many funding bodies requiring evidence of a lease and security of tenure as part of the funding process.

This aside, Council Policy CP/PMG-3780 Leasing of Council Managed Reserve Land indicates a preferred lease period of 5 to 10 years. It also indicates that from a Shire perspective, a license is preferable to a lease as it is non-exclusive and can be cancelled without prior notice on provision of suitable grounds to do so. This provides flexibility with land use, for example, there has been some discussion about the possibility of the site being utilised in the future within the Commercial boat harbour stage 2. A long term lease may impact on this project meaning that utilising this site would require negotiation with the lease holders and possibly relocation at no cost to the club.

It is for Council to decide if this is sufficient information should be considered to assist in their determination of an appropriate lease term. In particular the following points should be taken into consideration:

- A lease greater than 10 years may complicate any changes to land use in the area.
- The Kununurra Water Ski Club has provided all of the information that has been requested by the 2011 Council.
- Future planning documents including the Lake Kununurra Foreshore and Aquatic Use Plan do not identify any barriers to the extension to the lease period or lease site.
- There is precedent with Council resolving to offer the Kununurra Agricultural Society (OCM 22 January 2013) and Kununurra Speedway Club (OCM 27 August 2013) both a 21 year lease.

It is noted that the 1993 includes a clause (3.33) that states the following:

Public Access to Foreshore

To forthwith comply with the directions of the Lessor for ensuring free and unimpeded public access to any part of the demised premises which in the opinion of the Lessor forms part of the foreshore of Lake Kununurra.

The intent of this clause is to ensure that the general public has unrestricted use of the foreshore, which is the similar intent of the Department of Lands by only allowing a minimum 10 metre wide strip along the waterway to be licenced as opposed to leased.

ATTACHMENTS

- Attachment 1 - Request for Lease Area and Duration Extension
- Attachment 2 - Kununurra Water Ski Club Strategic Business Plan
- Attachment 3 - 1993 Lease Plan
- Attachment 4 - Approximate 1993 Lease Area
- Attachment 5 - Recommended Lease and Licence Areas

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1) Offers the Kununurra Water Ski Club a 21 year lease over Lot 503 and portion of Lot 502 on Deposited Plan 66529, shaded red in the Recommended Lease and Licence Areas document, subject to the following:
The lessee will:
 - develop and implement a vegetation management plan for removal of weeds and planting of regionally native plant species on their lease;
 - ensure minimal clearing of land based native vegetation;
 - remove all weed and pest species, including Neem, Leucaena and Calotropis;
 - comply with the directions of the Shire for ensuring free and unimpeded public access to any part of the demised premises which in the opinion of the Shire forms part of the foreshore of Lake Kununurra.
- 2) Offers the Kununurra Water Ski Club a licence for the use of the area (portion of Lot 502 on Deposited Plan 66529) shaded white in the Recommended Lease and Licence Areas document.

MOTION

Cr G King proposed an amendment to the last bullet point in item 1) of Officer's Recommendation by adding the word 'pedestrian'.

COUNCIL DECISION

Minute No. 10428

Moved: Cr G King

Seconded: Cr D Spackman

That Council:

- 1) Offers the Kununurra Water Ski Club a 21 year lease over Lot 503 and portion of Lot 502 on Deposited Plan 66529, shaded red in the Recommended Lease and Licence Areas document, subject to the following:
The lessee will:
 - develop and implement a vegetation management plan for removal of weeds and planting of regionally native plant species on their lease;
 - ensure minimal clearing of land based native vegetation;
 - remove all weed and pest species, including Neem, Leucaena and Calotropis;
 - comply with the directions of the Shire for ensuring free and unimpeded public pedestrian access to any part of the demised premises which in the opinion of the Shire forms part of the foreshore of Lake Kununurra.
- 2) Offers the Kununurra Water Ski Club a licence for the use of the area (portion of Lot 502 on Deposited Plan 66529) shaded white in the Recommended Lease and Licence Areas document.

Carried Unanimously 9/0



PO Box 466
Kununurra WA 6743
PH: 0404 695 599
ABN: 14 663 371 410



Kununurra Water Ski Club
PO Box 466
Kununurra WA 6743

2 June 2013

Mr. Nick Kearns
Director of Development Services
Shire of Wyndham East Kimberley
PO BOX 614
Kununurra WA 6743

Attention: Nick Kearns

Dear Nick,

LEASE OVER PART RESERVE 29297 & 41812 – KUNUNURRA WATER SKI CLUB

On 10th November 1992 the Shire of Wyndham East Kimberley and the Kununurra Water Ski Club entered into a lease agreement that was to span 21 years.

The Kununurra Water Ski Club is situated at Lot 29297 Millington Road Kununurra (Ski Beach). The land under the current lease is described below;

- Portion of Reserve No 29297 King Location 714
- Portion of Reserve No 41812 King Location 667

In response to the letter received by the Kununurra Water Ski Club (KWSC) from the Shire of Wyndham, dated 2 December 2011 the KWSC requests a long term lease renewal and an extension of the current lease boundary.

Enclosed is the KWSC strategic business plan that will play an integral role in managing the club in achieving its goals over the next 20 years. The committee will use this plan extensively, and when necessary, it will be modified to reflect the ongoing development and needs of the KWSC. This document outlines the clubs vision, which is used as the clubs guiding philosophy for its annual goals and aims as well as longer-term development projects.

Also enclosed is a graphic representation of the current land that the KWSC utilises & maintains. The club would like to be recognised for the work that has been done by KWSC volunteers to maintain the greater area outside of the lease, by extending the lease to encompass all of the maintained area.

The current club committee believes that it is in the clubs best interest to secure the current lease for an extended period. The clubs strategic business plan outlines the activities that require long term investment of both volunteer time and funds both raised by the club and



PO Box 466
Kununurra WA 6743
PH: 0404 695 599
ABN: 14 663 371 410



granted by external organisations. Securing the club lease for 20 years would ensure that the countless hours of work and effort invested by past and current members is rewarded through the continued enjoyment that the club brings to its current and future members.

The club's current location is ideal for its purpose for many reasons including those listed below;

- Located down river from the town boat ramp and Lilly pond lagoon inlet out of the way of the heavier traffic flow that heads up river from Lilly pond lagoon.
- Being situated on one of the widest parts of the river, in a relatively low traffic area, the risk posed to skiers in the water from other watercraft users is low.
- Situated adjacent to generally calm water that is clear of underwater hazards.
- Purpose built facilities such as shade structures, storage facilities, fences, gates, tracks, lighting, boat ramp, modular BBQ's, toilets and reticulated lawns.
- Developed beach for safe skier take off and drop zone.
- Within close proximity of the town allowing convenient access for boats and vehicles.

Please consider the above and the enclosed plan when determining the future the lease area and duration of the future Kununurra Water Ski Club lease.

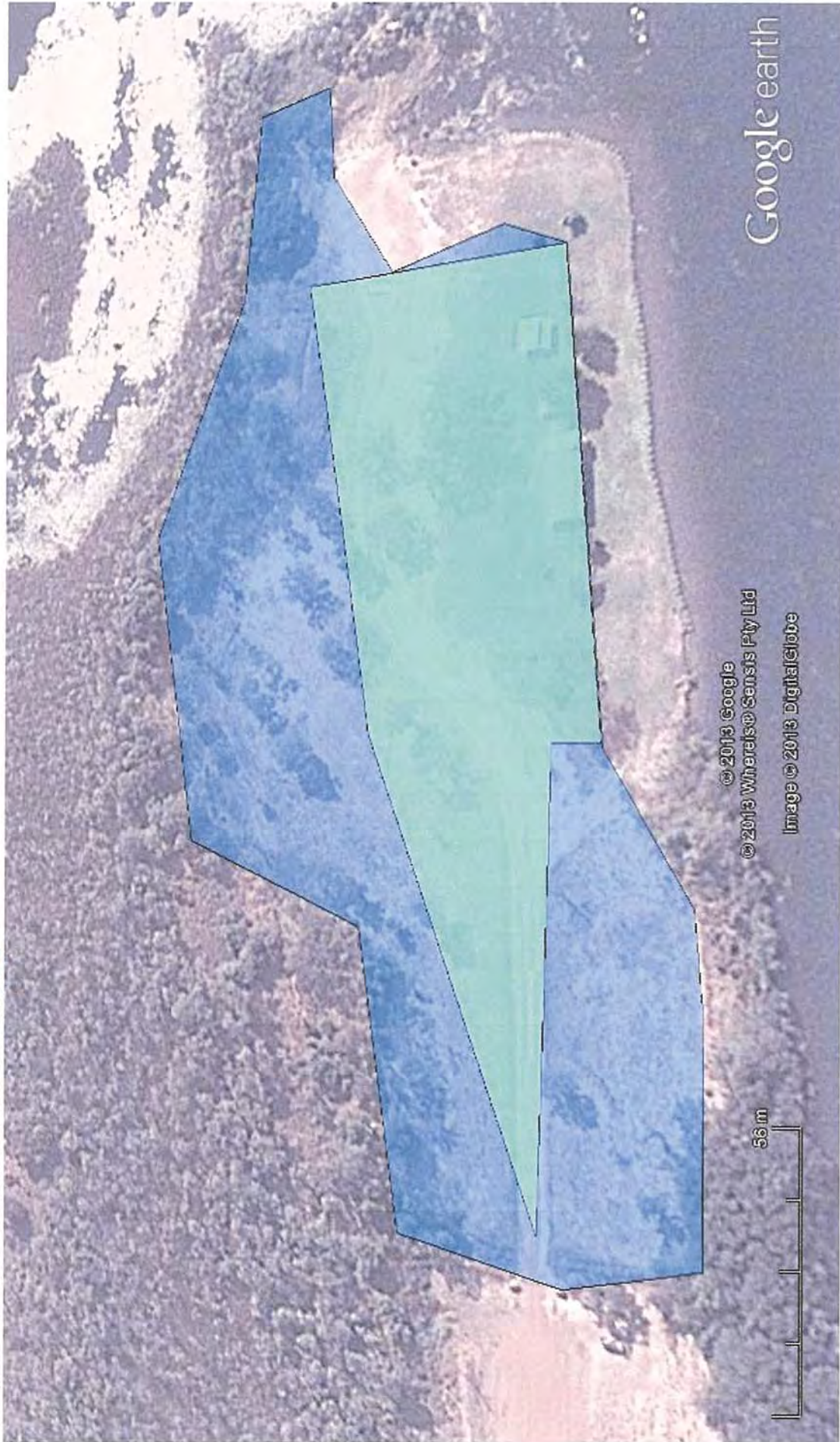
Sincerely,

Luke Colliver
Kununurra Water Ski Club President

Encl.: 1 Requested Extension of the Kununurra Water Ski Club Lease Area
2 Kununurra Water Ski Club Strategic Business Plan

REQUESTED EXTENSION OF THE KUNUNURRA WATER SKI CLUB LEASE AREA

Current lease area shaded in **Green**
Requested lease extension shaded in **Blue**





Strategic business plan

April 2014- April 2035



Signature page

The Strategic business plan has been developed, agreed to and signed off by the following stakeholders of the Kununurra Water Ski Club:

The Board	Portfolio	Signature
Mark Coventry	President	
David Contencin	Vice President	
Casey Angwin	Secretary	
Debbie Freer	Treasurer	
Ashley Baldwin	Club Co- Captain	
Kindi Connell	Club Co-Captain	

Date: _____



A slalom skier rounds out the turn to prepare for the next cut across the wake

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A wake boarder takes to the air

Club Contacts

Postal Address: Po Box 466, Kununurra WA 6743
Secretary's Telephone: 0457 257 583

Role	Name	Telephone
President	Mark Coventry	0407 728 486
Vice President	David Contencin	0419 557 477
Secretary	Casey Angwin	0428 997 972



Kids enjoying a tug of war at one of the annual Dam 2 Dam events

Executive summary

The Kununurra Water Ski Club (KWSC) strategic business plan will play an integral role in managing the Kununurra Water Ski Club in achieving its goals over the next 20 years. This plan will be used extensively by the committee, and when necessary, it will be modified to reflect the ongoing development and needs of the Kununurra Water Ski Club.

This document outlines the clubs vision, which is used as the clubs guiding philosophy for its annual goals and aims as well as longer term development projects.

The club has a number of regular aims and goals including continuing to run the Annual Dam 2 Dam event, running an annual coaching clinic and also to run a competition ski and wakeboard season. The club also aims to keep the grounds, buildings and ski equipment maintained to a high standard.

The club has a number of longer term projects including a refurbishment of the toilet block, the addition of a 2nd BBQ shelter, upgrade of the club house, building caretakers quarters, setting up a winch for towing wake boarders from the land and installing a permanent slalom course.

The club is in a sound financial position operating with a savings account of \$14,122.51 which follows on from a positive balance sheet in 2011/2012.



Children enjoying some 'two up' knee boarding

Organisation history

The Kununurra Water Ski Club began in November 1971.

The Ski Club is located on portion of Reserve 29297 (Lot 503 on Deposited Plan 66529) and portion of reserve 41812 (part lot 502 on Deposited Plan 66529), Millington Road Kununurra (Ski Beach).

On 10th November 1992 the Shire of Wyndham East Kimberley and the Kununurra Water Ski club entered into a lease agreement which is to span 21 years. The town of Kununurra is undergoing a period of significant investment and planning and the Ski Club is seeking to secure its future by renewing its lease.

Over the years the Ski Club has welcomed all community members who have an interest in the sport. The club has held club open days, competitions and has also hosted coaching clinics all aiming to improve the skill level of water-skiers in the community. Water skiing and wakeboarding is becoming increasingly popular as a recreational sport with a noticeable increase in ski boats and skiers using Kununurra waterways and the ski clubs facilities.

The ski club grounds are used by many people throughout Kununurra and surrounding areas, members from surrounding stations and local businesses use the grounds for Christmas and work functions. The public and members utilise the facilities for birthdays, weddings, and social days etc. The community benefits from the ski club area as it provides a functional safe area on the banks of the town's greatest asset, lake Kununurra.

The club also organises the annual Dam to Dam, an event which has become a Kununurra institution. The feature event of Dam to Dam is a dinghy race for 15, 20 and 25 horsepower dinghy boats. The boats are handicapped to ensure fairness across the range of competing horsepower. The race starts at Lake Argyle dam wall and concludes at the Water Ski Club grounds just short of the diversion dam wall in Kununurra. The event also sees a variety of other events including short course dinghy races, a river rally which involves solving puzzles and navigating the river, skiing demonstrations and children's games on the beach. Scrutineering of the competing boats is held at the ski beach the afternoon before the event before some evening entertainment. The Dam to Dam is always an entertaining and festive day, and has something that every member of the family can participate in

The KWSC grounds are used by members and the general public as a controlled water ski zone which offers safe river access, designated skier drop off points, boat mooring bollards/anchors and comfortable grassy banks. The KWSC currently has 170 active social members made up of single and family memberships.

The KWSC is a not for profit organisation with all funds used to maintain the current grounds, utility costs and provide security measures to keep the grounds in a neat and tidy state.

Vision of the organisation

The vision of the KWSC can be summed up by our mission statement, which outlines what the club aims to achieve. Our corporate vision outlines what the club is aiming to do in support of its mission.

Mission statement

To encourage the participation and skill development of the community in aquatic tow sports. The club shall use its facilities in support of the above and also offering the venue to the wider community.

Corporate vision

To build the membership base and financial security of the club so its facilities can be improved whilst coaching and social activities are supported to the benefit of all members and the community.



Dam 2 Dam competitor with filming helicopter in chase

Critical success factors and issues facing the organisation

The Kununurra water ski club is facing some issues that are making it difficult to achieve the clubs goals in the short term

Issues facing the Kununurra Water Ski Club include:

- Lack of volunteers with enough time to apply for funding
- Maintaining the condition of the ski club grounds
- Policing the use of the ski club lease and ski zones
- Lack of active volunteers for general operations
- Promotion of club events
- Boat based skiing and wakeboarding
- Damage / loss of club equipment

Critical success factors for the Kununurra Water Ski Club include:

- Sustained levels or growth in club membership
- Increased participation of club members in the committee
- Current level of committee support continues
- Ski / Wake Competition interest growing

Current & Proposed Solutions to Issues:

- Large committee elected in 2014
- Current committee elected to take more professional approach to meetings, allowing time for more discussions around funding opportunities
- Competition season building interest in Aquatic Tow Sports, aiming to boost club facility use and beach based skiing.
- Actively using social media for club promotion
- Received a lot of support from local businesses during recent Lake Lowering allowing some much needed maintenance to occur.
- Winch Wakeboarding adding another dimension to wakeboarding and a beach based sport, (no boat required).
- 2nd BBQ & Shelter planned to encourage facility use and membership.
- Stricter use guidelines around club equipment to prevent damage and loss.
- The club has formed a Dam 2 Dam forum in order to take some pressure of committee and focus on water sports.

List of annual goals and objectives

The clubs annual key performance objectives are outlined in the table below. These objectives form the key activities that the committee should achieve on an regular basis.

KPA	Focus area	Goal or objective
Administration	Office administration	Produce agendas and minutes of meetings
Marketing	Sponsorship	Have a sponsored upgrade of facilities
	Fundraising	Continue to run the annual Dam 2 Dam event Increase number of hires while reducing the number of 'bad or unprofitable' hires
	Merchandise	Sales of club shirts
	Promotions	Produce membership flyer to be distributed
	Communications	Use social media for all club communications
Participation and athlete development	Events	Organise monthly club competitions
	Participation development	Increase membership by 10%
	Coaching	Run at least one external coaching session per year Utilise local coaches in the area
	Competition	Nominated competition season
Finance	Financial reporting	Produce annual balance sheet and profit and loss statements
	Regular reporting	Produce and record the clubs current savings balance at each fortnightly meeting

Larger events and infrastructure plans

Apart from the clubs annual goals and objectives the club also has a series of longer term projects that it hopes to realise over the coming 20 years. Because the club does not normally operate with a large annual profit the club any larger projects that the club wishes to proceed with rely heavily on donated materials and labour. For this reason projects do not typically cost the club in real terms, however the estimated value of the project or the turnover can be considerable.

To fund and deploy infrastructure projects or events the club will typically use the following process:

- Project / Event Identification
 - Club or committee member identifies a want or need.
- Solution Definition and Cost
 - Committee member determines the following:
 - What the solution looks like
 - What resources and labour are required
 - How much of the resources and labour can be donated
 - What is the balance cost to the club
 - What external funding / grants are available
 - What other clubs may benefit from project
- Project Approval
 - All projects are discussed at a committee meeting and approval further progress is voted on. The decision then recorded in the meeting minutes.
 - Relevant Permits and approvals are sought to ensure compliance and notification.
- Project Implementation
 - Committee member charged with the project organises resources and plans working bees
 - Monitor and abide by appropriate approvals and permits
 - Resources and labour mobilised to site

CURRENT & PLANNED PROJECTS, EVENTS

KPA	GOAL	OBJECTIVE	STRATEGY	DATE	APPROVALS / PERMITS	ESTIMATED COST (ESTIMATED VALUE/ TURNOVER)	PROGRESS REPORT
Coaching	Improve club members skill levels in wakeboarding and skiing	Host a ski or wake board coach every year	Using existing coaching contacts organise a fee	To occur annually	Nil	\$300.00 Profit (\$4,000.00 Turnover)	Booked for the 9 th , 10 th and 11 th of August (Completed) Booked for (19-21 st April 2014)
Club and Competition days	Arrange monthly competition	Improve interest in competitive wakeboarding and skiing to increase skill levels	Implement a competition season with monthly events	To occur annually	Nil	\$100.00 Profit (\$400.00 Turnover)	2013 season started on 21 st April 2014 Season set to start in April
Marketing	Fundraising	Continue the annual dam to dam events	Utilise donated prizes and other sponsorship to cover costs and profit from the bar and champagne cruise takings	September Every year	Nil	3,000 Profit (\$16,500 Turnover)	
Paint (Render Toilets)	Improve the condition of ski club infrastructure	Improve the condition of the toilet block	Utilise member labour and donated materials	2015	Nil	\$200 (\$2,500 Value)	No Progress
2 nd BBQ shelter	Improve catering facilities at the ski beach	Install a second BBQ shelter	Utilise existing design, get the materials/labour and equipment donated by local business	To be completed by the end of 2014	SWEK Building Permit	\$5,000 Cost (\$30,000 Value)	Draft Shire Annual grant document in progress. Shire building approval, requires updating. Construction quote obtained. (see appendix)
Removable Wakeboard sliders	Improve variety of water sports	To have a removable wakeboard slider for competition days and Winch sessions	Get local businesses to donate materials and labour	April 2014 for Wake Coaching	Notify Dept Transport	\$200.00 (3,000 Value)	Initial enquiries to local businesses have been made.

Permanent slalom course	To improve competition skiing skill levels	Install a permanent slalom course in lake Kununurra	Club funded, installed by members	To be completed by the end of 2015	Dept Water: Bed & Banks Permit Approval from Dept Transport. Water Corp Approval	\$2,000.00	Permit to interfere with Bed And Banks Obtained. (Dept Water) Waiting on Lease renewal for permission from Water Corporation. DPI Notified, require approval from local stakeholders
New weed barrier	Reduce maintenance requirements of the boat ramp	Install a better weed barrier	Get local businesses to donate materials and labour	To be completed by the end of 2015	Nil	\$0 Cost Donated materials, labour and equipment	No Progress
New Boat Ramp & Wash down pad	Provide members with easy use boat ramp and wash down facilities	Install new boat ramp	Use local businesses, apply for funding and install when Lake is lowered for maintenance.	2018	Dept Water: Bed & Banks Permit SWEK Approval Dept Transport Approval	No Estimates	Location identified
Wake cable park Phase B – Go Ride Cable Park System	Grow aspects of the sport of wakeboarding	To install a large scale automated winch park	Sponsorship and large scale community business support required to install	Cable Park operational in 2020	Dept Water: Bed & Banks Permit SWEK Approval Dept Transport Approval Water Corp Approval	Cost: TBD (\$50,000 Value)	Mobile Wake Winch Phase A is a predecessor to this project and will develop support for this much larger project. Initial Quote estimates obtained (See Appendix)
Sealed access road	To encourage use of the ski club boat ramp and encourage more members	Seal the access road so that it is dust free and provide all weather access	Make a case to the shire to reduce pressure on public boat ramps	Investigated in 2013	Dept Transport SWEK Stakeholder consultation	No Estimates	No Progress
Upgrade club house	Improve the condition of ski club infrastructure	Improve the flexibility of the clubhouse through an upgrade	Get local businesses to donate materials and labour	To be completed by 2025	SWEK Building Permit	No Estimates	No Progress
Build Care takers quarters	Locate donga type accommodation on the ski club lease	Assist with maintenance & security of club	Seek portable accommodation that can be donated to the ski club	To be completed by 2020	SWEK Building Permit	No Estimates	No Progress

Operate small kitchen	Provide takeaway foods on weekends to the public.	Provide alternative income to the club. Adding to facility hire attraction.	Purpose built kitchen on bottom level of new club house.	2030	SWEK Approvals	No Estimates	No progress
COMPLETED PROJECTS SINCE START OF STRATEGIC PLAN DOCUMENT							
Wake Board Coaching Clinic	Improve club members skill levels in wakeboarding and skiing. 30 Participants (All places filled) during 3 days of coaching on the 9, 10 & 11 th August 2013.						
Improve lighting	To improve the coverage and efficiency of lighting around the grounds for night functions	Install new/additional lighting at the ski club grounds	Get the lights/labour and equipment donated by local business	Before the end of 2013	Nil	\$200.00 Cost (\$3,000.00 Value)	Blackwoods to sponsor lights, Planning installation and sponsorship sign Lights installed and operating Upgraded switch board and external GPO's Installed
Repair beach front	To reduce ongoing maintenance required to the ski beach to prevent erosion	Install and improved erosion resistant technology	Get local businesses to donate materials and labour	To be completed by the end of 2014	Dept Water: Bed & Banks Permit	\$0 Cost Donated materials, labour and equipment	Occurring during river drop, 17 th – 31 st March 2014. Material Purchased from JSW, All machinery donated from local contractors Permit to interfere with Bed and Banks obtained from Dept Water.
Mobile Wake Winch\ (Phase A)	Grow aspects of the sport of wakeboarding. Offer alternative to boat based Wakeboarding.	To operate as small scale mobile winch	Member funded. Used by Members.	Winch operational in 2013	Nil	\$2000	Winch is complete. Tested and ready for events. Bed and banks permit obtained.

Current & Proposed Lease Area

SWEK has been undertaking significant planning process to ensure the best possible outcome for its town planning future. The KWSC has been involved in meeting with consultants since 2011, including the SPORTS PRECINCT MASTER PLAN, LAKE KUNUNURRA FORSHORE PLAN, and the recent GHD TOWN PLANNING consultation. Across all plans the ski club has remained consistent as a healthy club that provides a safe venue for its members and the public. We have not seen any indication that the current area is earmarked for alternative development.

Therefore the club wishes to be recognised for the work that it puts into the current and surrounding lease area.

The club has outlined the area that it currently maintains and details below why this area should be recognised as part of the ski club lease. The club has chosen to do this whilst submitting for their lease renewal in order to, both, extend the lease period and area at the same time.

This is without knowing any other limitations or restrictions to the surrounding land.

The club is requesting extending the current lease area to accommodate current ski club events and future plans.

The requested area will be used in the following ways and for the following reasons:

Parking space:

As the ski club is located away from other major roads and venues. Visitors to ski club events generally drive private motor vehicles. Additional space is required for events such as the Annual Dam 2 Dam, competition days, open days and large private functions for safe car parking areas. Allowing safe vehicle / pedestrian interaction.

Care Takers quarters:

Ongoing grounds maintenance expenses all payed for by the club, limit the amount of money that can be put back into the development of the ski club facilities. Vandalism and constant monitoring of the beach /ski drop / swimming area ensuring a safe place for members use also takes time and money.

By building a caretakers quarters at the ski club lease, the club will be able to enter into a contract with personnel to perform these maintenance duties in kind for rent. The caretaker will provide security for the club, ensure grounds are kept to standards for venue hire and members use.

Vandalism will be reduces by having a constant presence at the club and the workload can be reduced on volunteers allowing time to be spent of developing water sports in the community.

Appropriate approvals and lease amendments would be required before this project would take place.

Cable Skiing:

With Wakeboarding growing increasingly popular not only in Kununurra but across the globe, the ski club has a long term plan to pursue a cable ski park in Cabunji inlet adjacent

to the ski club lease. This allows Water sports to be performed regardless of the weather conditions and the availability of boats and personnel.

There are many systems available and is now relatively cheap to install. Some systems can also be removed when not in use.

The club believes that it will be a great attraction to the town and has been proven in many places in Australia including Berri Springs in Darwin.

The club understands that the lease renewal does not have any affect on approvals towards the use of Cabunji inlet, however securing the land would be a stepping stone towards this long term goal.

To gather interest in this style of boarding, club members have built a mobile small-scale winch that is used for single pull winch runs. Being mobile this new sport can be performed anywhere. The clubs aims to perform night events in front of the ski beach when no boats are in use.

This type of Wake boarding has added a new dimension to the sport and is also very popular around the globe, it also gives people without a boat a chance to get involved in the sport.

Boat Mooring:

The club also holds two day events and often needs to have boats moored overnight. By securing access to the land adjacent to Cabunji inlet this is also a possibility. This provides a safe location away from traffic, waves and weather.

Picnic Areas / Overflow camping:

There are also further ideas around shaded picnic locations in the area behind the current ski club lease, already maintained by the ski club. These would be opened up and developed for the public both local and travelling providing further access to the town's greatest asset, Lake Kununurra.

In the peak tourist season the Ski club also wishes to make part of there leased area available to caravan / campers. Assisting the towns accommodation shortage and helping reducing free camping around town. This would also assist the Agricultural society during there yearly show.

The following diagram shows how the KWSC would intend to use its leased area and the adjacent waterways if the lease area was to be extended. (Current lease area in grey, extended area shown in blue)



Management structure

The Kununurra Water Ski Club is incorporated; it has its own constitution and consists of a committee who meet fortnightly.

The committee positions and key responsibilities include:

- **President**
 - o Be well informed of all organisation activities
 - o Be aware of the future directions and plans for members
 - o Have a good working knowledge of the constitution, rules and the duties of all office bearers and sub-committees
 - o Manage meetings and external communications
 - o Ensure that planning and budgeting is carried out in accordance with the wishes of members
- **Vice President**
 - o Support the president in all of that persons duties
 - o Stands in for the president when the president is not available
- **Secretary**
 - o Maintains agendas and meeting minutes for all meetings
 - o Reads and responds to all correspondence
 - o Writes the clubs annual reports
 - o Maintains records of members, sponsors
- **Treasurer**
 - o Ensure that accounts and records exist regarding the clubs financial transactions
 - o Co-ordinate, prepare and monitor the budget.
- **Captain**
 - o Organise and run the competition ski season and other events
 - o Maintain the clubs ski equipment
 - o Lead projects that build skiing and wakeboarding facilities
- **Hire co-ordinator**
 - o Takes hire bookings and payments
 - o Organises keys and cleaning
 - o Conducts post hire inspections
- **Membership officer**
 - o Organises membership payment and keys
 - o Maintains accounts and list of current members
- **General committee members**
 - o Attend committee meetings
 - o Attend club events
 - o Assist with the general running of the club including;
 - Events, Maintenance & Projects
- **Club Members**
 - o Attend club events
 - o Attend annual general meeting
 - o Assist with working bees

Financial assessment

The Kununurra Water Ski Club has been financially stable in recent times with no great fluctuations in the clubs savings. The club has been capable of balancing its costs and income to remain cash neutral.

Generally the income from the Dam to Dam, Memberships and Venue hires are the main source of income for the club. In the past ground maintenance and in particular the mowing or the ski club has been a major expense for the club. The club is fortunate that we currently have some committee members who are regularly donating their labour to mow the grounds. With the current arrangement the club is in a good position to start to save money to help put towards some larger infrastructure projects around the ski club.

The club has a large membership base with 61 family memberships and 8 single memberships adds up to include of 110 individual club members.

At the 2014 AGM on the 9th March the club had a savings account balance of \$14,286.13 with no outstanding debt.

The balance sheets for the last financial year and this financial year to date can be found on the following pages;



Ski beach packed with boats and people during a Dam 2 Dam event

2011 and 2012 financial year

Ordinary Income/Expenses	
Income	
Beach Hire	4,210.00
Dam 2 Dam	28,031.40
Donations	600.00
Lost Key	190.00
Memberships	5,140.00
Total Income	37,171.40
Expenses	
Advertising	164.25
Building Materials & Equipment	
<i>Maintenance</i>	1,302.63
Total building Materials and Equipment	1,302.63
Club Equipment	3,225.40
Dam 2 Dam	
<i>Advertising</i>	777.35
<i>Event Fees</i>	349.00
<i>Float</i>	2,510.00
<i>Food & Beverage</i>	4,939.42
<i>Promotion</i>	5,125.00
<i>Services</i>	7,915.98
<i>Stationary</i>	241.30
Total Dam 2 Dam	24,858.05
Food for volunteers	24.38
Grounds Maintenance	
<i>Cleaning</i>	2,782.58
<i>Mowing</i>	3,470.00
<i>Other Maintenance</i>	35.00
Total Grounds Maintenance	6,287.58
Insurance	5,007.00
Post & Delivery	37.50
Security	
<i>Key & Padlock</i>	264.00
Total Security	264.00
Ski Club Annual Lease Fee	110.00
Stationary	58.63
Utilities	
<i>Electricity</i>	558.59
Total Utilities	558.59
Total Expense	38,898.01
Net Ordinary Income	-726.61
Other Income/Expense	
Other Income	
Interest Income	0.06
Total Other Income	0.06
Net Other Income	0.06

Net Income	-726.55

2012 and 2013 Current financial year to date

Ordinary Income/Expenses	
Income	
Beach Hire	1,890.00
Dam 2 Dam	
Bar	6,993.90
Champagne Cruise	3,840.00
Dinghy Dash	900.00
Donations	324.50
Float	360.45
Food	1,505.40
Gate Takings	1,422.00
Raffle	466.70
River Rally	475.00
Total Dam 2 Dam	16,287.95
Donations	1,000.00
Memberships	1,160.00
Merchandise	1,681.95
Total Income	22,019.90
Expenses	
Building Materials & Equipment	
Maintenance	146.51
Total Building Materials & Equipment	146.51
Dam 2 Dam	
Advertising	2,235.28
Champagne Cruise Expenses	686.66
Donations	1,200.00
Event Fees	1,609.00
Float	1,850.00
Food & Beverage	3,199.85
Promotion	1,820.00
Services	885.50
Total Dam 2 Dam	13,486.29
Grounds Maintenance	
Cleaning	880.00
Grounds Maintenance – Other	105.60
Total Grounds Maintenance	985.60
Insurance	1,210.00
Security	
Key & Padlock	475.00
Total Security	475.00
Ski Club Annual Lease Fee	110.00
Utilities	
Electricity	226.06
Water	234.00

Total Utilities	460.06
Total Expense	
Net Ordinary Income	16,873.46
Other Income/Expense	5,146.44
Other Income	
Interest Income	0.06
Total Other Income	0.06
Total Other Income	
Other Expenses	48.48
Total Other Expenses	48.48
Net Other Income	-48.42
Net Income	5,098.02

Appendix 1 – BBQ Shelter Quote

Red Rust Contracting Pty Ltd
ABN: 58 140 720 494
PO Box 2292 KUNUNURRA WA 6743
Mob: 0417 953 033 (Russell) 0407 989 376 (Steven)
Email: redrustcontracting@gmail.com

QUOTE

DATE: 7/6/13 QUOTE NO:
TO: FROM: Red Rust Contracting
COMPANY: KNX Water Ski Club
FAX: EMAIL:
RE: Supply and Install BBQ Tropical Roof Pergola

• Supply all materials for Tropical Roof	\$9,030
• Erect Tropical Roof, including; concrete for footings and machine hire.	\$9,170
• Supply, form and finish concrete slab @100mm thick, 25mpa.	\$3,820
	\$22,020

Price excludes GST

Appendix 2 – Go-Ride System Quote

Hi Luke,

As requested,

GoRide 7.0 meter two tower system with non counter weight operation, 7.5kw commercial motor drive and digital operating system \$ 29,995.00.

GoRide 7.0 meter two tower system with counterweight system, 7.5kw commercial motor drive and digital operating system \$ 39,995.00

These prices also include 6x19, 10mm running cable, for a 200 meter run, as well as all anchor ropes and attachments. Price for installation varies on site location, so as you become clearer on position I can give you a more accurate price. We would like to think it would be no more than \$ 1950.00.

Other options available are the 5.5 kw motor, used for installations less than 110 metres, mainly for shorter installations as lighter loads the power is not needed. For your project I would suggest the 7.5kw motor as this gives you any amount of power required for wake boarding or wake skating.

If you plan on barefooting or waterskiing. I would suggest the larger 10kw motor as we change the gear box to a taller gearing system to accommodate a lot faster settings. There is also another brake fitted to this system to increase the stopping power. This option is another US\$2500.00 dollars but as I said is not required if you are wake boarding. Also if you plan to waterski or barefoot a longer cable is an advantage.

For a permanent setting which most of our systems have been you will require about 8 cubic metres of concrete.

This provides a very secure base for your system. I am able to forward the footing drawings for your perusal at any time.

We are about to start a production run of our next run of machines from Taiwan. If you were looking to install a system in the near future, now would be the optimum time to place your order and have a system installed within the next 10 weeks.

Alternatively, at this point I have two systems here that have been made in Australia, these units if available when you are ready to order will carry a reduction of 25% off the purchase price.

We are now finding ourselves being asked more and more to produce a full size cable way systems, we have committed to aim at releasing this product in our range toward the earlier part of next year.

Thanks for your continued support Luke, Unfortunately my time has been very stretched with our relocating of manufacture to Taiwan and I thank you for your understanding.

I hope this provides the information you are looking for.

When you have a closer date for installation I will forward a quote valid for 30 days to you for your approval.

Please have no hesitation in contacting me any time with questions or queries.

Best regards,

--

Steven Dipple

GoRide Director

CWA Chairman

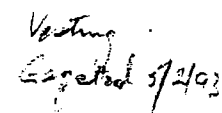
Cable Wakeboarding AAO Chairman

Mobile: +61 419 657 533

Email: Steve@gorideaustralia.com

Skype: steve.dipple1 (Sunshine Coast)

714 + 617



This ptn.
now loc 734
- See 699/982
P 5 127 & 128
12/2/91



NOT TO SCALE

LAND DISTRICT KING		LOCATION 714 & PART LOCATION 667		FILE No. 699/982
SURVEYOR'S CERTIFICATE I hereby certify that this survey was performed by me personally or under my personal supervision, that this is a correct description, that this is a correct plan, and that this is a correct map of the land described in the accompanying map.		All work completed on or about _____ of _____ Surveyor _____ Field Book No. _____ Page _____ Date _____	Cont. No. & Description _____ Contained with P.L. _____ Contained _____ In order for certification _____ In New Plan _____ Date _____	SCALE _____ ALL measurements in acres PLAN CERTIFIED CORRECT Date _____ Registered in Public Plan _____ Registered _____ In New Plan _____ DEPT. OF LAND ADMINISTRATION PLAN 17485



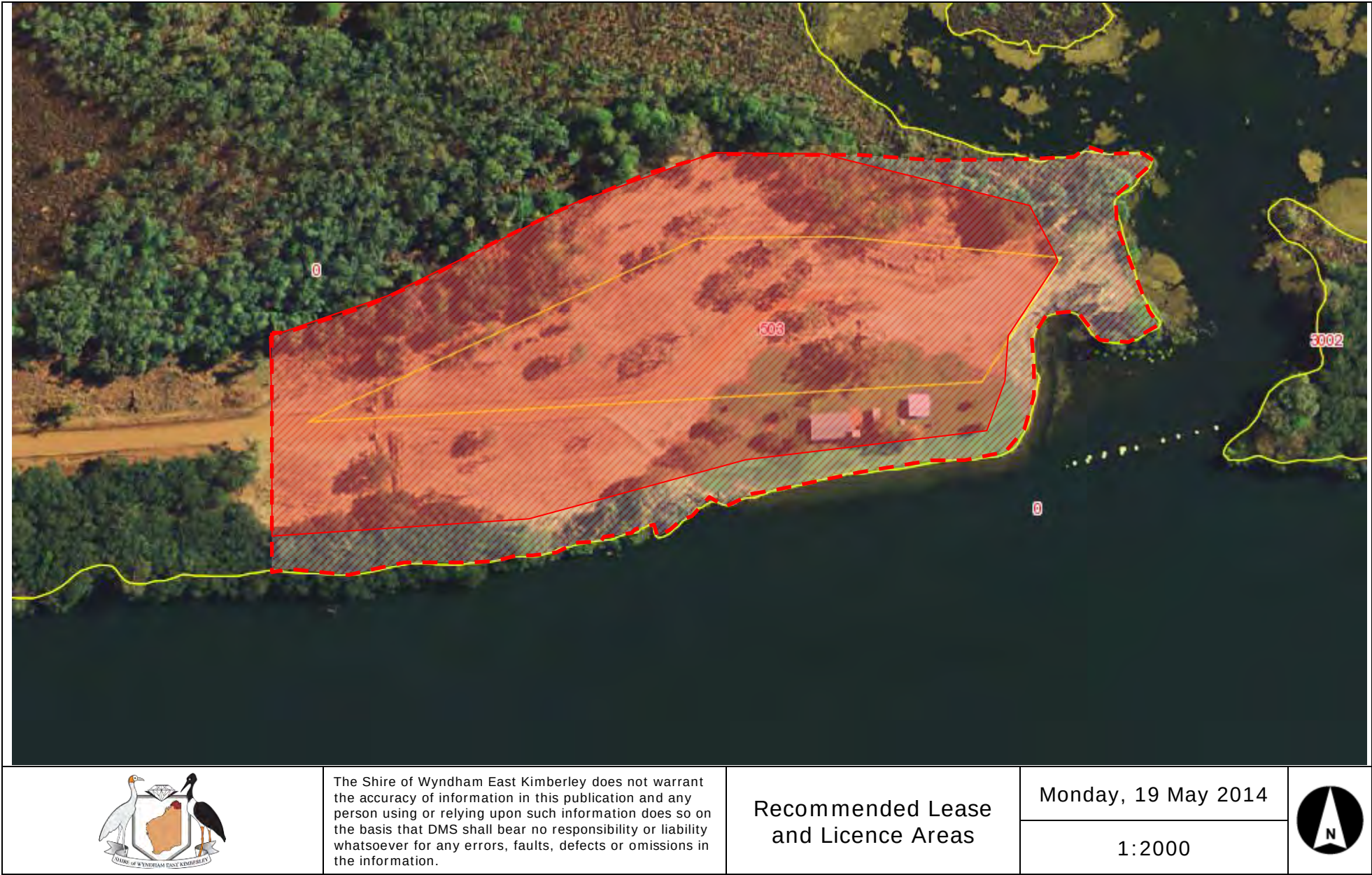
The Shire of Wyndham East Kimberley does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that DMS shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.

Approx 1993 Lease Area

Monday, 19 May 2014

1:2000





13.5 CHIEF EXECUTIVE OFFICER

13.5.1 Board Nominations for Kimberley Development Commission

DATE:	27 May 2014
PROPONENT:	Kimberley Development Commission
LOCATION:	N/A
AUTHOR:	Monika Tonkin, Executive Assistant
REPORTING OFFICER:	Gary Gaffney, Chief Executive Officer
FILE NO:	N/A

PURPOSE

For the Council to nominate two (2) Councillors, who are willing and able to be candidates for the Board of the Kimberley Development Commission.

BACKGROUND

The Kimberley Development Commission (KDC) is a statutory authority of the government of Western Australia. Its role is to promote the economic and social development of the Kimberley region. The statutory objectives of the KDC are to:

- Maximise job creation and improve career opportunities;
- Develop and broaden the economic base of the region;
- Identify infrastructure services to promote economic and social development;
- Provide information and advice to promote business development;
- Seek to ensure that the general standard of government services and access to those services in the region is comparable to that which applies in the metropolitan area; and
- Generally take steps to encourage, promote, facilitate and monitor the economic development of the region.

The KDC Board is a Governing Board. It is there to guide and direct the organisation. It sets performance goals, ensures corporate compliance and management accountability, endorses strategic plans and approves operating budgets. The Board's role is to ensure that the organisation has the resources necessary to achieve goals, monitor progress and report on outcomes. The Board does not manage the Commission; this is the role of Management.

The KDC Board is comprised of:

- 3 members representing the regional community;
- 3 members representing Local Government;
- 3 members appointed at the Minister's discretion;
- Chief Executive.

The Board is appointed by and is responsible to the Hon Terry Redman MLA, Minister for Regional Development.

Council has received notification from the KDC that they are seeking nominations for the three (3) Local Government positions on its Board. The four Kimberley Local Governments are each invited to nominate two (2) Councillors.

Nominees are required to complete the nomination form and submit, along with current curriculum vitae to Hon Terry Redman MLA, Minister for Regional Development by Friday 27 June 2014.

Board meetings are currently held bi-monthly with meeting locations determined by the Board. Each meeting is held in a different town across the region.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.3: Advocacy of East Kimberley issues and opportunities at regional, state and national levels

Strategy 1.3.1: Actively provide input to decision making at the Regional, State and Federal levels on behalf of the community

COMMUNITY CONSULTATION

No community consultation is required to nominate Councillors to the Board

COMMENT

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

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

ATTACHMENTS

Attachment 1 – Kimberley Development Commission Board Nominations Letter

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That any Councillor willing and able to nominate for the Kimberley Development Commission Board, make this known. That Council moves to accept those who nominated (if 2 or less) or that Council goes to a vote via secret ballot to select 2 nominees (if more than 2).

Cr D Spackman nominates Cr K Wright and nomination accepted.

Cr G Taylor nominates Cr J Moulden and nomination accepted.

Cr K Wright nominates Cr D Spackman and nomination accepted.

Cr S Cooke nominates Cr G Taylor and nomination accepted.

Ballot papers were distributed by the Chief Executive Officer.

Votes received

Cr D Spackman 3

Cr K Wright 3

Cr J Moulden 6

Cr G Taylor 6

COUNCIL DECISION

Minute No. 10429

Moved: Cr K Wright

Seconded: Cr D Spackman

That Council moves to nominate Cr J Moulden and Cr G Taylor to be candidates for the Board of the Kimberley Development Commission Board.

Carried Unanimously 9/0

16 MAY 2014



Ebony Street (PO Box 620)
Kununurra, Western Australia 6743
Telephone: (08) 9168 1044
Facsimile: (08) 9168 1473

Cr J Moulden, President
Mr G Gaffney, Chief Executive Officer
Shire of Wyndham East Kimberley
PO Box 614
KUNUNURRA WA 6743

Dear Cr Moulden and Mr Gaffney

KIMBERLEY DEVELOPMENT COMMISSION BOARD NOMINATIONS

I wish to advise that the Kimberley Development Commission is seeking nominations for three (3) Local Government representative vacancies on its Board.

In accordance with the *Regional Development Commission's Act 1993*, nominees for the vacancy must be members of the Council of a Local Government in the region and are to be nominated by Local Governments in the region.

The four Kimberley Local Governments are each invited to nominate two Councilors, who are willing and able to be candidates, for appointment.

I enclose a copy of our nomination form and accompanying notes. Nominations including the nominee's details are to be submitted either by post or e-mail to Liz Kirkby (liz.kirkby@kdc.wa.gov.au) at this office, no later than 5pm Friday 27 June 2014.

Should you require further information please contact me at the Commission on (08) 91482100.

Yours sincerely

A handwritten signature in black ink, appearing to read "Jeff Gooding".

Jeff Gooding
Chief Executive

9 June 2014



KIMBERLEY DEVELOPMENT COMMISSION
NOMINATION FOR APPOINTMENT TO THE BOARD OF THE COMMISSION
(LOCAL GOVERNMENT)

SECTION 1 PERSONAL DETAILS

Nominee:			
Residential Address			
			
Postal Address			
Telephone No	Home	Work	
Facsimile	Home	Work	
Date of Birth			
Occupation			

SECTION 2 NOMINATING LOCAL GOVERNMENT

Nominated by	
Local Government	
Address	
	
Signature of Nominator:	
Signature of Nominee:	

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SECTION 4 STATEMENT OF HOW YOU COULD CONTRIBUTE TO THE DEVELOPMENT OF THE KIMBERLEY REGION THROUGH APPOINTMENT TO THE BOARD

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SECTION 5 STATEMENT OF WHAT YOU CONSIDER TO BE THE KEY ISSUES IMPACTING ON SUSTAINABLE DEVELOPMENT IN REGIONAL WA

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

(Additional documentation may be attached)

NOMINATIONS MUST BE ACCOMPANIED BY A COPY OF THE NOMINEE'S CURRENT CURRICULUM VITAE

Nominations with attached Curriculum Vitae should be forwarded to:

Hon Terry Redman MLA
Minister for Regional Development
c/- The Kimberley Development Commission
PO Box 620
KUNUNURRA WA 6743

Closing Date: 5pm Friday 27 June 2014

KIMBERLEY DEVELOPMENT COMMISSION

NOTES FOR NOMINEES TO THE BOARD

There are six broad types of Western Australian Government Boards and Committees:

- Trading
- Governing
- Policy / Review / Specialist
- Regulatory / Registration / Appeal
- Trustees
- Advisory

The Kimberley Development Commission Board is a Governing Board. That is, it is there to guide and direct the organization. It sets performance goals, ensures corporate compliance and management accountability, endorses strategic plans and approves operating budgets. The Board's role is to ensure that the organization has the resources necessary to achieve goals, monitor progress and report on outcomes. The Board does not manage the Commission. This is the role of Management and any request for staff involvement in Board or Board Sub-Committee affairs must be directed through the Chief Executive.

Board Members - Local Government Representatives

All Members of the Kimberley Development Commission's Board are appointed by the Minister for Regional Development in accordance with the *Regional Development Commissions Act 1993* for terms of between 1 and 3 years.

Local Government representatives become ineligible to remain on the Board if no longer a Member of Local Government.

Board Meetings

Currently, Board meetings are held bi-monthly with meeting locations being determined by the Board. Each meeting is held in a different town across the region.

Members may be required to commit up to two (2) days to a Board meeting to allow time for travel, tours and meetings.

Members Skills and Attributes

For effective performance, individual members and the Board as a group, need to have a broad range of skills and personal attributes.

Some of the personal attributes, which are valued in Board members, include; flexibility, creativity, loyalty, integrity, enthusiasm, initiative, cooperation, customer awareness and community profile.

This is a list of skills and attributes that make for effective Board Performance:

- Accountability
Understanding accountability requirements and upholding ethical standards.
- Strategic Thinking
Contributing to strategic planning and goal setting. Fostering a customer focus ethos.
- Monitoring
Analysing, assessing and reviewing corporate performance.
- Policy development
Establishing and reviewing policy objectives, corporate standards and resource priorities.
- Decision-making
Adopting ethical decision-making processes.
- Networking
Accessing networks and promoting the Board.
- Advising
Providing information and advice, making suggestions and recommendations.
- Teamwork
Working cooperatively with members and employees to achieve agreed goals.

No one Member needs to exhibit all these skills and attributes.

Nomination forms are to be completed in full and forwarded together with the nominees current Curriculum Vitae to:

Hon Terry Redman MLA
Minister for Regional Development
c/- The Kimberley Development Commission
PO Box 620
KUNUNURRA WA 6743

Nominations may also be forwarded by e-mail via liz.kirkby@kdc.wa.gov.au

Local Government Nominations close: 5pm Friday 27 June 2014

Should you require further information please contact Liz Kirkby on (08) 91482100 or e-mail liz.kirkby@kdc.wa.gov.au

13.5.2 Shire of Wyndham East Kimberley Action and Task Report Corporate Business Plan 2012-2016

DATE:	27 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Katya Tripp, Strategic Planner
REPORTING OFFICER:	Gary Gaffney, Chief Executive Officer
FILE NO:	CM.10.3

PURPOSE

For the Council to receive the Quarterly Action and Task report Corporate Business Plan 2012-2016.

BACKGROUND

The Corporate Business Plan 2012-2016 was adopted by Council at the September OCM and in January Councillors were provided with an Action and Task Progress Report from the Interplan database to show the progress of items contained in the Corporate Business Plan.

The report is produced on a Quarterly basis in December, March, July and September and covers all areas of the organisation.

STATUTORY IMPLICATIONS

Council must comply with the statutory requirements of the Integrated Planning and Reporting Framework.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.4: Business innovation, efficiency and improved service

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

COMMUNITY CONSULTATION

No community consultation is required for the Action & Task Report Corporate Business Plan 2012 – 2016.

COMMENT

This is the third report generated from the Interplan system. Due to a software issue the content was unable to be sorted by Directorate as per the previous Quarterly reports. The content for this Quarterly report is sorted by Strategic Goal.

ATTACHMENTS

Attachment 1 – Action and Task Report January - March 2014 Corporate Business Plan 2012 - 2016

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the January – March 2014 Quarterly Action and Task report Corporate Business Plan 2012-2016.

COUNCIL DECISION

Minute No. 10430

Moved: Cr S Cooke

Seconded: Cr B Robinson

That Council receives the January – March 2014 Quarterly Action and Task report Corporate Business Plan 2012-2016.

Carried Unanimously 9/0

Action and Task Progress Report

Shire of Wyndham East Kimberley

January – March 2014



Print Date: 20-May-2014

ACTION PLANS



At least 90% of action target achieved



Between 70% and 90% of action target achieved



Less than 70% of action target achieved



No target set

* Dates have been revised from the Original dates

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

1.1 Strong community engagement

1.1.2 Improve planning processes to ensure broader engagement and identification of relevant issues from all parties.

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.1.2.1 Develop and implement a strategy to improve internal collaboration on projects	Katya Tripp - Strategic Planning Officer	Not Started	01-Jan-2014	30-Jun-2014	0.00%	-	
ACTION PROGRESS COMMENTS: This project is not due to start until January 2014. This project will be reassigned to the new position in Corporate Services. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.1.2.2 Continually update staff skills and qualifications in community engagement	Louise Gee - Director, Community Development	Ongoing	01-Jul-2013	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Sharmayne trained in IAP2 and Wayne Richards skills updated. Last Updated: 03-Apr-2014							

1.2 Alignment of regional and local priorities with other agencies and community groups

1.2.1 Work collaboratively with agencies for forward planning and to expand opportunities and to reduce wastage and duplication

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.2.1.2 Liaise with government departments and other stakeholders on key community issues including participation in WiP	Wayne Richards - Manager, Community & Youth	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: The Shire takes a lead role in a multitude of meetings and forums on key community issues. Shire support consists of venue provision, administration support, coordination and chairing of meetings. August meeting attendance: - WiP Youth at Risk (MCY) - WiP Education (MCY) - WiP Communities for Children (MCY) - WiP Coordination (coordinate and provide administration support (MCY) - Healing Foundation Presentation (MCY) - Wyndham Interagency Network Group (MCY Chair) - Kununurra Youth Network Group (Knx Youth Officer) - EK Volatile Substance Misuse Working Group (MCY) September Meeting Attendance -WAPOL Crime prevention and Community Engagement Unit - Clontarf in the Community Presentation - EK Volatile Substance Misuse Working Group (MCY) - Kununurra Youth Network Group (MCY Chair) - Wyndham Interagency Network Group (MCY Chair) - Lotterywest (MCY) - Communities for Children (MCY)							

- WiP Homelessness
- WiP Alcohol Management
- WiP Coordination Group (DCD Chair and provide Administrative Support)
- EK Children's Services Network

October

- Cancel Council WA - Relay for Life
- Wyndham Interagency Network Group (WAM chair)
- WiP Coordination Group Review Working Party (MCY chair)
- WiP Youth at Risk
- WiP Education
- WiP Coordination Group (DCD chair)
- Kununurra Youth Network Group (MCY chair)
- Centacare re Return to Country Project

November

- EK Children's Services Network
- Wyndham Interagency Network Group (MCY chair)
- WiP Alcohol Management
- WiP Coordination Group (DCD chair)
- Population Health re drug use response
- Volatile Substance Misuse Working Group
- WAPOL PCYC presentation

December

- Alcohol Accord
- Kununurra Youth Services Network (MCY Chair)
- Communities for Children
- WiP Education
- WiP Youth at Risk
- WiP Coordination (MCY Chair)
- Homelessness Working Group

January

Nil

February

- Alcohol Accord

March

- WiP Homelessness
- WiP Alcohol Management
- Municipal and Essential Services
- WiP Coordination (MCY Chair)
- Wyndham Interagency Network Group (WAM Chair)

- WiP Suicide and Mental Health
- WiP Education Training and Employment (MCY Chair)
- WiP Youth at Risk
- WiP Coordination (MCY Chair)

The Shire has led a review of the "Working in Partnership" commencing in October 2013, and currently being rolled out. This review will lead to clearer communication pathways, reviewed Terms of Reference and increased involvement from relevant stakeholders.

Last Updated: 03-Apr-2014

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.2.1.3 Plan and deliver programs to strengthen community capacity and engagement	Wayne Richards - Manager, Community & Youth	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: The Shire delivers a range of programs and initiatives aimed at supporting the community. Such programs seek to facilitate individuals, organisations and clubs, to engage with and have a positive impact on the community. - Club Development Project - KidSport Program, the Shire of Wyndham East Kimberley has been a leader in utilization of this program across the Kimberley - Annual Grants program: Round 1 endorsed at 27 August OCM, round 2 endorsed at 29 October OCM. - eWatch: Met with WAPOL Crime Prevention and will seek endorsement to participate in this program. - Baby Trees Program: Planting held at Australia Day Breakfast 26 January. - Volunteer of the Year award presented at Australia Day Breakfast 26 January.							
Last Updated: 03-Apr-2014							

1.2.2 Continue to actively participate in the Kimberley Zone and RCG on regional projects such as waste management and affordable housing

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.2.2.1 Continue to actively participate in the Kimberley Zone and Kimberley Regional Group on regional projects	Gary Gaffney - Chief Executive Officer	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Have continued to participate in Zone activities. Key projects are Waste, Housing, integrated Planning and Regional Blueprint. 2014 program has been presented to Council for approval.							
Last Updated: 03-Apr-2014							

1.2.3 Promote the colocation of community facilities and sharing of resources among community groups

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.2.3.1 Review Shire facilities to identify colocation opportunities in consultation with community groups	Louise Gee - Director, Community Development	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: This will be a standard inclusion for considerations with respect to new or upgraded Shire facilities including the Kununurra Youth Centre, proposed new leisure centre, and in light of the future redevelopment at 115 Coolibah Drive Kununurra. Last Updated: 03-Apr-2014							

1.3 Advocacy of East Kimberley issues and opportunities at regional, state and national levels

1.3.1 Actively provide input to decision making at the Regional, State and Federal levels on behalf of the community

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.3.1.1 Seek opportunities to have Councillor representation on Relevant Boards and Organisations	Gary Gaffney - Chief Executive Officer	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Relevant positions are brought to the Councilors attention. Last Updated: 03-Apr-2014							

1.3.2 Actively participate in the review and implementation of municipal services to remote and Aboriginal communities

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.3.2.1 Liaise with State and Federal government agencies on municipal services in Aboriginal communities	Janet Takarangi - Economic Development and Remote Service Delivery Officer	In Progress	01-Jul-2012	30-Jun-2016	30.00%	-	
ACTION PROGRESS COMMENTS: In touch on regular basis with Department of Local Government and Communities. Papers going to Cabinet in April for both Town Reserves and remote communities. DLGC are still interested in working with us to update the state of the assets in Kalumburu. Last Updated: 03-Apr-2014							

1.4 Business innovation, efficiency and improved services

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

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.1.1 Develop and implement a service performance management framework linked to Integrated Planning	Katya Tripp - Strategic Planning Officer	Not Started	01-Jan-2014	01-Jan-2015	0.00%	-	
ACTION PROGRESS COMMENTS: This project is not due to start until January 2014. This project will be reassigned to the new position in Corporate Services. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.1.2 Implementation, reporting and review of the DLG Integrated Planning Framework	Katya Tripp - Strategic Planning Officer	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: The Strategic Community Plan and Asset Management Plan have been finalised and endorsed by Council. The Corporate Business Plan, workforce plan and long term financial plan are all in a draft format. Corporate Business plan is going to September Council OCM for endorsement. Corporate Business Plan endorsed at September OCM Final draft of workforce plan forwarded to Rebecca Richards for finalisation. All reporting officers and support staff trained in Interplan - updating progress against actions, start and end dates, and setting targets. First quarterly report presented to Council in November. Integration with synergy soft still not complete so budget details are not accurate. Reporting to Council on quarterly basis will still continue even without accurate budget figures. Review of Community Plan and the Corporate Business Plan required to inform next budget. Proposal for review of Community Plan taken to Council in March and April. Rebecca Richards managing the acquittal for funding received for Workforce plan. Last Updated: 15-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.1.3 Manage records to ensure compliance with legislation and the needs of the organisation	Natalie.Octoman - Director Corporate Services	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: The Customer Services and Records Management team have been realigned as part of the Corporate Services Directorate Structure Review. One of the Customer Services roles was re-defined into a Team Leader position to provide leadership and guidance to the team and the organisation. Recruitment is underway. Upon commencement the Team Leader will develop a Business Plan and Training Plan for the team that will highlight both strategic and operational priorities. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.1.4 Provide financial functions that comply with legislative requirements	Felicity Heading - Senior Finance Officer, Rates & Reconciliation	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Financial Functions ongoing in accordance with: Local Government Act 1995 Local Government (Financial Management) Regulations 1995 New "Pricing Principles and Pricing Basis Policy for Fees and Charges" adopted by Council 28 January 2014. Council Policies adopted 25 March 2014: * Rate Exemptions for Charitable Organisations Policy (Non Rateable Land) * Rates Concession Policy (Rateable Land) * Notice of Discontinuance (Rates and Debtors) Policy * Investment Policy Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.1.5 Manage and administer the Shire's insurance risks	Felicity Heading - Senior Finance Officer, Rates & Reconciliation	Ongoing	01-Jul-2013	30-Jun-2014	-	-	
ACTION PROGRESS COMMENTS: Management and administration of Shire's Insurance risks is ongoing including: Revaluation of all assets for insurance purposes every 3 years. Annual review of all insurance risks - March. Update of all policy schedules prior to renewal - June. Management of Insurance claims - ongoing as required. Last Updated: 03-Apr-2014							

1.4.2 Improve the efficiency and productivity of Shire services

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.2.1 Undertake organisational review and restructuring to reflect changing needs	Gary Gaffney - Chief Executive Officer	In Progress	01-Sep-2013	30-Jun-2016	90.00%	-	
ACTION PROGRESS COMMENTS: Review of Corporate Services structure currently being completed. Changes in structure to reflect budget to be completed by November. Corporate Service Structure review completed and presently being workshopped with the Corporate Services team. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.2.2 Lead and manage the organisation	Gary Gaffney - Chief Executive Officer	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Organisation review is presently underway. All Director reviews completed. Review of Local Laws underway. Enterprise Bargaining completed and sent to Fairwork Australia. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.2.3 Manage and administer funds and cash (Operating)	Felicity Heading - Senior Finance Officer, Rates & Reconciliation	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.2.4 Manage and administer funds and cash (Capital)	Felicity Heading - Senior Finance Officer, Rates & Reconciliation	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
Last Updated: 03-Apr-2014							

1.4.3 Maintain Council's long term financial viability

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.3.1 Develop and implement a Long Term Financial Plan	Felicity Heading - Senior Finance Officer, Rates & Reconciliation	In Progress	01-Jul-2012	30-Jun-2014	10.00%	-	
ACTION PROGRESS COMMENTS: Council adopted draft LTFP 18 June 2013. LTFP currently under review as part of the Annual Budget Process for 2014/15. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.3.2 Manage and administer asset sales and depreciation	Felicity Heading - Senior Finance Officer, Rates & Reconciliation	Ongoing	01-Jul-2013	30-Jun-2014	-	-	
ACTION PROGRESS COMMENTS: Management and Administration of Asset sales and depreciation undertaken in accordance with Local Government (Financial Management) Regulations 1996 and adopted council policies CP-FIN 3205 Non Current Assets and CP-FIN 3206 Asset Management. Asset Register managed through Synergy Asset module. Asset purchases and sales for year determined in Annual budget. Depreciation run monthly. Revaluation of all assets for Fair Value accounting in accordance with legislative changes under Local Government (Financial Regulations) undertaken August 2013. Plant and Equipment revaluation effective 30 June 2013. Land and Buildings revaluation to take effect at 30 June 2014. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.3.3 Establish a grants management process and central grants register for the organisation	Felicity Heading - Senior Finance Officer, Rates & Reconciliation	Not Started	01-Jan-2014	30-Jun-2014	0.00%	-	
ACTION PROGRESS COMMENTS: This project is on hold until Director of Corporate Services appointed Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.3.4 Implement the Budget Management Centre system	Felicity Heading - Senior Finance Officer, Rates & Reconciliation	Deferred	01-Jul-2012	30-Jun-2014	10.00%	-	
ACTION PROGRESS COMMENTS: Project will be re-considered in 2014/15 when additional resources are in place. Last Updated: 03-Apr-2014							

1.4.4 Deliver cost effective and efficient corporate services

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.4.1 Provide customer services	Natalie.Octoman - Director Corporate Services	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: The Customer Services and Records Management team have been realigned as part of the Corporate Services Directorate Structure Review. One of the Customer Services roles was re-defined into a Team Leader position to provide leadership and guidance to the team and the organisation. Recruitment is underway. Upon commencement the Team Leader will develop a Business Plan and Training Plan for the team that will highlight both strategic and operational priorities, including the development of a Customer Services Strategy and a Customer Services Charter. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.4.2 Manage and review strategic and operational risks	Gary Gaffney - Chief Executive Officer	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Strategic risk management presented at last Audit meeting. Review of Risk Management Report for February Risk Management meeting. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.4.3 Manage the Wyndham Shire office, staff and facilities to improve service delivery (Operating)	Rob Drew - Wyndham Area Manager	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: The liaison with all staff in Wyndham is ongoing. Although not necessarily directly responsible for all staff in Wyndham I work closely with all appropriate managers in Kununurra to ensure facilities are maintained within budget constraints and staff needs are met. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.4.4 Manage the Wyndham Shire office, staff and facilities to improve service delivery (Capital)	Rob Drew - Wyndham Area Manager	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: The CRC Coordinator is now employed and has undertaken training with the Department of Transport, Kununurra Library, Kununurra CRC and SWEK Induction at the Kununurra Administration Office. The upgrade works for the collocation of the CRC within the Wyndham Administration Building has now reached 95% completion. Very minor works are now to be completed. Bankwest bank agency area has also been upgraded to offer more efficiencies and a safer work environment for staff. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.4.5 Work collaboratively with external service providers and key stakeholders in Wyndham	Rob Drew - Wyndham Area Manager	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Wyndham Interagency Network Group meets on a monthly basis with representatives of all Wyndham service providers invited to attend, Local Emergency Management Committee meets quarterly with all appropriate emergency service providers in attendance, I am currently the President of Wyndham St John Ambulance with a cross section of local residents as committee members. The Roadwise Committee meets bi monthly alternating the meetings between Wyndham and Kununurra. I participate in regular update meetings with both the Police IOC and the CEO of Ngnowar Aerwah. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.4.6 Provide Council administration	Gary Gaffney - Chief Executive Officer	In Progress	01-Jul-2013	30-Jun-2016	50.00%	-	
ACTION PROGRESS COMMENTS: All Council agenda's have been distributed within the statutory framework. All IPF have been completed within the State Governments requirements. Continued to deliver all corporate requirements for Council. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.4.7 Provide governance administration and support services	Gary Gaffney - Chief Executive Officer	Ongoing	01-Jul-2013	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: All support service are being provided to the level required and achieving the performance requirements. Review of Internal and Council policies to be undertaken in 2014 Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.4.8 Implement the recommendations of the Financial Services Review	Felicity Heading - Senior Finance Officer, Rates & Reconciliation	In Progress	01-Jul-2013	30-Jun-2014	50.00%	-	
ACTION PROGRESS COMMENTS: * Corporate Services Directorate Structure has been reviewed, positions realigned, and roles clearly defined. * The Council's auditors have been engaged to undertake detailed process mapping that will result in a Process Improvement Plan to strengthen internal controls and improve efficiency. This will be undertaken in April 2014. * Budget processes have been modified whereby quarterly budget reviews are now undertaken with staff across the organisation. All staff are involved in developing the 2014/15 Annual Budget that will link to all plans within the IPRF. * The Terms of Reference for the Audit (Risk and Finance) Committee have been reviewed to strengthen the strategic focus of the Committee. The Council have adopted the Terms of Reference along with new policies regarding pricing principles for fees and charges, rating and investments, that will improve compliance and the strategic direction of the Shire. * ICT Strategic Plan is currently being reviewed and aligned to the IPRF. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.4.9 Lead, manage and administer the Corporate Services Directorate	Felicity Heading - Senior Finance Officer, Rates & Reconciliation	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: The focus for 2013/14 and 2014/15 is to establish robust governance frameworks around all processes that are led by Corporate Services. This includes the preparation, management and reporting of financial (actual and budget) information; creditors; debtors; rates; asset management; insurance; FBT etc. Many policies have been created or reviewed, with further ones to go through the review process. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.4.10 Manage and support corporate Information and Communication Technology (ICT) systems (Operating)	Richard Bianco - Manager, Information Services	Ongoing	01-Jul-2013	30-Jun-2014	-	-	
ACTION PROGRESS COMMENTS: Operationally, the ICT Department provides the following services: Maintenance of key network infrastructure Disaster Recovery capabilities (routine comprehensive system backups) Procurement of technical products and services ICT Fleet Management (PC's, Notebooks, desk and mobile phones, printers, copiers, etc.) Management of printing contracts and software licensing Training / Mentoring / Assistance / Consultation Issue Resolution Value Add – Identification of new systems and services that may form future capital projects. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.4.11 Manage and support corporate Information and Communication Technology (ICT) systems (Capital)	Richard Bianco - Manager, Information Services	Ongoing	01-Jan-2013	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Following an initial comprehensive review in January 2013, a number of capital projects have been identified as necessary. The following projects were undertaken during the current calendar year: • Comprehensive server room consolidation and virtualisation initiative. 80% Complete. Purchase of final capital equipment on track for February 2014. • Website replacement – Successful launch of new website was conducted during December 2014. • Kununurra and Wyndham Landfill system installation – Successful launch of new system was conducted during January 2014 • Kimberley Zone – Collaborative reporting initiative – currently under consideration with the RCG board. • Kununurra Library – Provision of managed ‘voucher based’ public internet hotspot and kiosks – Completed November 2013. • Consolidate Wyndham and Kununurra Library’s management systems – Scoped. Currently pending funding consideration. • Business Continuity / Disaster Recovery options: Specifically live offsite backups. Currently investigating options • Replacement of incumbent internal ICT Helpdesk system. Has been procured and built, currently rolling out and training is being scoped. • Adoption and integration of video conferencing solution ‘Being There’. This system also has been adopted by Shire of Broome and Shire of Derby. Has been very beneficial in holding meetings within the Zone. Additionally it has been used at SWEK for staff recruitment with great success. • Design and build Wyndham CRC Public Internet Kiosks and WiFi hotspot infrastructure. Install Audio/Visual systems into Wyndham Council Chambers. Estimated Completion January 2014 Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.4.12 Develop and implement an Information and Communication Technology (ICT) Strategy	Richard Bianco - Manager, Information Services	In Progress	01-Jan-2013	30-Jun-2014	70.00%	-	
ACTION PROGRESS COMMENTS: A four year ICT management strategy has been developed that reflects the goals and challenges of the Organisation. Following initial consultation and a number of drafts, the document has been provided to the Leadership Team. The document will be presented to the Executive Management Team during January 2014 for final approval and adoption. March Update: Amendments following discussion with recently appointed Director Corporate Services are currently being applied. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.4.13 Develop and implement a Geographic Information Service (GIS) - Capital	Richard Bianco - Manager, Information Services	In Progress	01-Jul-2013	30-Jun-2014	40.00%	-	
ACTION PROGRESS COMMENTS: The GIS section of Information Services have procured and are about to implement the product 'EarthMine', provided by Land Gate throughout WA. This will provide shire officers a high-definition equivalent of Google Street View, with the capability to measure heights, distances etc (ie street lamps, bridge widths) in 3 dimensions without needing to drive to a remote location. This will increase the effectiveness of our asset management capabilities. Training for this initiative will begin in February 2014 when key staff return from annual leave. March Update: Due to competing priorities, this project has been deferred until May, where installation and training will begin. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.4.14 Develop and implement a Geographic Information Service (GIS) - Operating	Richard Bianco - Manager, Information Services	Ongoing	01-Jul-2013	30-Jun-2014	-	-	
ACTION PROGRESS COMMENTS: Operationally, the GIS section of the Information Services department provides services such as: Managing the Shire Cadastral information, as represented on Council's integrated mapping software. Adding data subsets, such as layers, or overlays of: Garbage collection routes and schedules, Asset condition and status, rating information. geographic elevations. User training, maintenance, and fault resolution are attended to on a daily basis. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.4.15 Develop and implement a corporate risk and business continuity plan	Felicity Heading - Senior Finance Officer, Rates & Reconciliation	Not Started	01-Jan-2014	30-Jun-2015	0.00%	-	
ACTION PROGRESS COMMENTS: This project will be scoped during 2014/15 after the Annual Budget is completed and a Manager Finance appointed. Last Updated: 03-Apr-2014							

1.4.5 Attract and maintain a skilled, motivated and professional workforce.

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.5.1 Develop and implement a Workforce Plan	Rebecca Richards - Coordinator Organisational Development	In Progress	01-Jul-2012	30-Jun-2014	75.00%	-	
ACTION PROGRESS COMMENTS: Workforce Plan is currently in 'Draft' and was adopted by Council June 13 2013. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.5.2 Manage and administer human resources, including policies, procedures and initiatives	Rebecca Richards - Coordinator Organisational Development	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Current Policies and Procedures are being reviewed. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.5.3 Manage and implement OSH plans, policies, procedures, promotions and training	Rebecca Richards - Coordinator Organisational Development	In Progress	01-Jul-2012	30-Jun-2016	50.00%	-	
ACTION PROGRESS COMMENTS: All current OSH Plans, policies and procedures are currently being reviewed as part of the LGIS audit completed on SWEK in early March 2014. A report from LGIS is due in the coming weeks to give the organisation an understanding of what we need to do to make improvements. Current untrained OSH Reps are completing training with Kimberley training institute to ensure that all OSH Reps are trained and appropriately registered. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.5.4 Manage staff injury and compensation processes	Rebecca Richards - Coordinator Organisational Development	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Currently reviewing current workers compensation claims and processes. New Payorll officer to commence in October to help manage this process. Last Updated: 03-Apr-2014							

2 Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure

2.1 A highly valuable East Kimberley economy that maximises social benefits

2.1.1 Encourage a mix of businesses that meet community needs

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.1.1.1 Review and implement relevant recommendations from the Kununurra Strategic Directions report (Enquiry by Design)	Katya Tripp - Strategic Planning Officer	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Airport Master Plan completed Funding applied for revision of East Lily Creek Structure Plan Lake Kununurra Foreshore and Aquatic Use Plan endorsed 2011 which included development guidelines which are being applied to renewal of foreshore leases. Town Planning Strategy No. 8 underway. Review of Local Planning Strategy underway Waste Management Strategy developed Funding successful for new structure plan for East Lily Creek and for analysis of redevelopment options for Kununurra leisure center and former Shire office site. Teleconference with LandCorp due Thursday 16/01 to discuss old shire office/leisure center redevelopment. Tender released for business case for Kununurra Leisure Centre redevelopment and structure plans for East Lily Creek and Kununurra civic centre. Tenders closed 14/04/14. 5 submissions received. Last Updated: 15-Apr-2014							

2.1.2 Promote and support major events that benefit locals and attract visitors to the area

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.1.2.1 Continue to sponsor and offer in-kind support to Council endorsed events	Janet Takarangi - Economic Development and Remote Service Delivery Officer	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Events to date for 12/13 include Kimberley Economic Forum in Derby September. Sponsored \$3500 Approached re support for annual music event TURA Music in October. Applied for quick grant. Need to review linkages with all SWEK grants including events and other grants to make sure process is aligned. Barramundi Concert and Ord Valley Muster under discussion. Funding can only be released once event has been approved and complies with all LG requirements. Kimberley Economic Forum 13/14 will be held in Kununurra. Awaiting applications for Muster and Barramundi so that in-kind can be calculated. Moon application to hand 19/3/2014 and staff working with Barramundi organisers on different aspects of event. Once approved budgeted sponsorship can be released by CEO Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.1.2.2 Prepare plans for the establishment of an events facility at Kununurra	Julia Hall - Manager, Property & Regulatory Services	Not Started	01-Jul-2013	30-Jun-2016	0.00%	-	
ACTION PROGRESS COMMENTS: Deferred to the Local Planning Strategy Review Please note: A project brief for inclusion in a tender for the preparation of a business case and subsequent structure plans for East Lily Creek and a Kununurra Civic Centre was presented to Council in March 2014. Last Updated: 03-Apr-2014							

2.2 Maintenance of economic diversity and greater community returns from investment in the region

2.2.1 Promote the expansion of residential and industrial land

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.2.1.1 Promote and support the development of new and infill residential land	Julia Hall - Manager, Property & Regulatory Services	Not Started	01-Jul-2012	30-Jun-2016	0.00%	-	
ACTION PROGRESS COMMENTS: Deferred to the Local Planning Strategy Review Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.2.1.2 Promote and support the development of general industrial land in Kununurra	Julia Hall - Manager, Property & Regulatory Services	Not Started	01-Jul-2012	30-Jun-2016	0.00%	-	
ACTION PROGRESS COMMENTS: Deferred to the Local Planning Strategy Review Last Updated: 03-Apr-2014							

2.2.10 Provide growth management plans that identify and guide decision making for potential population growth scenarios

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.2.10.1 Advocate for funding for the development and implementation of growth management plans in accordance with the Super Towns framework	Janet Takarangi - Economic Development and Remote Service Delivery Officer	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Made contact with Kimberley Development Commission (KDC) to determine if KDC and State agencies have moved on this agenda at all. They reported nothing happening as yet for the Kimberley Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.2.10.2 Advocate for funding for the development and implementation of growth management plans for urban expansion areas.	Katya Tripp - Strategic Planning Officer	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Funding gained for EK@25 - infrastructure requirements related to population growth scenarios. Macroplan appointed to the project. Project underway with stakeholder forums scheduled for October. Successful stakeholder forum held in Perth and in Kununurra Council workshop held in Kununurra Another forum planned for Kununurra in November including presentation of draft report to Council. EK@25 report finalised and presented to Council November. Endorsed and to be used to inform review of Local Planning Strategy. Funding gained for business case for Kununurra leisure center redevelopment and structure plans for East Lily Creek and Kununurra Civic Center. See action 2.1.1.1 for more details on this project. Last Updated: 15-Apr-2014							

2.2.2 Support agricultural opportunities.

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.2.2.1 Participate in the Ord East Kimberley expansion project	Gary Gaffney - Chief Executive Officer	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Ongoing support and involvement with progress of Stage 2 and future stages. Visit 5 December 2013 by Department of Business Northern Territory Darwin office to commence dialogue about potential future linkages for economic development including Ord Stage 3. Road assets taken over by Shire. Rates discussions to be held with KAI. Last Updated: 03-Apr-2014							

2.2.3 Advocate for improved availability of adequate water resources

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.2.3.1 Lobby the State Government for improved waste water management and alternative drinking water systems	Gary Gaffney - Chief Executive Officer	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Kimberley CEO's meeting with regulator in Perth in early December. Last Updated: 03-Apr-2014							

2.2.4 Enhance and expand tourism opportunities in the East Kimberley and improve access to significant tourism destinations

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.2.4.1 Develop and implement an East Kimberley Tourism Strategy in collaboration with the tourism sector	Janet Takarangi - Economic Development and Remote Service Delivery Officer	In Progress	01-Jul-2012	30-Jun-2016	75.00%	-	
ACTION PROGRESS COMMENTS: Work commenced with the appointment of Narelle Brooks to the role. Sub committee set up under KCCI and ANW to manage funding from SWEK and ANW. KCCI is the fund manager. Work being done on logo to use with Experience Extraordinary East Kimberley. Business After Hours under development for 14 March. Business After Hours held and 110 people attended. SWEK continues to work with EK Tourism Marketing Group and providing support and in-kind. SWEK has taken a role under banner of I Work In Tourism to negotiate with Kimberley Training Institute the running of ongoing Customer Service courses. This can lead to CERT 111 qualifications for no extra cost. Marketing material being developed and KTI, SWEK , EK Marketing Group and KCCI will co launch I work in Tourism at a BAH 11 April at KTI. This will roll out before the season starts and coincides with volunteer training for the Muster. Members of the EK Marketing fund will receive a discount for sending staff. EK Marketing Group will be looking to engage with Halls Creek April 9th. In contact with Tourism WA and they will support with coverage of I Work In Tourism programme. Last Updated: 03-Apr-2014							

2.2.5 Advocate for improved telecommunications and internet services

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.2.5.1 Liaise with State and Federal government agencies for improved Information and Communications Technology outcomes	Janet Takarangi - Economic Development and Remote Service Delivery Officer	In Progress	01-Jul-2012	30-Jun-2016	10.00%	-	
ACTION PROGRESS COMMENTS: Receive regular updates and liaise with Community Resource Centre (CRC) in Kununurra to ensure up to date with regional roll-outs. No change after discussion with CRC 3/2014. On newsletter lists for NBN and mobile coverage roll out. Have supported Lake Argyle resort in past with their bid to get mobile coverage for tourism and safety reasons to Lake Argyle. Last Updated: 03-Apr-2014							

2.2.6 Support local initiatives that promote entrepreneurial activities and a greater diversity of industries in the East Kimberley

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.2.6.1 Manage the Shire's economic development fund	Janet Takarangi - Economic Development and Remote Service Delivery Officer	In Progress	01-Jul-2012	30-Jun-2016	30.00%	-	
ACTION PROGRESS COMMENTS: Funding made available as required. Paper to Council in December 2013 seeking support for post Action Plan implementation for Tourism sector. Decision pending. Approved by Council \$15,000 and \$5000. Approved Further funding taken for two regional projects under the Kimberley ZONE approved by Council January 2014. Yet to be invoiced. Shire of Broome notified. Still not invoiced for. Future cost may need to cover off Kimberley Economic Forum. In 14/15 consideration will need to be given to supporting the National Economic Development Conference to be hosted by SWEK, Katherine Council and Darwin based in Darwin. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.2.6.2 Work with relevant agencies to support industry and business development	Janet Takarangi - Economic Development and Remote Service Delivery Officer	In Progress	01-Jul-2012	30-Jun-2016	35.00%	-	
ACTION PROGRESS COMMENTS: Made contact with Department of Business Perth who are running business workshops in State. Registered interest in having them come to Kununurra in the future. Working with KCCI on tourism project and also in a BAH for I work in Tourism. Refer to Tourism project for update. Tourism Council in town 2 April for training and this has been promoted staff from KTI will attend and see if in the future there can be links made to the KTI Tourism training given that TWA funds the Council for the one off training. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.2.6.3 Manage economic development services	Janet Takarangi - Economic Development and Remote Service Delivery Officer	In Progress	01-Jul-2012	30-Jun-2016	30.00%	-	
ACTION PROGRESS COMMENTS: Focus is on responding to funding as requested by CEO including CLGF 11/12 acquittal and 12/13 SWEK CLGF new funding Draft FAA. Waiting for regional CLGF decision to be made by Cabinet. Other projects as requested by CEO including discharging SWEK duties as ZONE/RCG Secretariat and ensuring all legal and contractual risks have been discharged. from Darwin RADS Department of Transport funding applied for on behalf of organisation successful. New businesses moving to town are followed up if they contact the Shire. Appointments in place for Department of Business visit on 5 December from Darwin. Most effort being given to CLGF at both regional and SWEK levels now that Cabinet has released funding for Key Worker Housing. In relation to Kimberley RCG funding as at 20/1/2014 all online compliance has now been met just awaiting final letter from DLGC re sign-off. Working with Director Corporate Services and CEO to finalise the regional and 12/13SWEK Country Local Government fund (CLGF) contracts that will fund the Waterlily Place development over the next few years. Housing Construction Facility 10/11 acquittal completed and sent to RDL. Last Updated: 03-Apr-2014							

2.2.7 Advocate for a range of affordable housing options and styles that cater to a broad market including key worker housing.

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.2.7.1 Develop and implement staff key worker housing options	Rebecca Richards- Coordinator Organisational Development	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Currently working with Director Community Development on Water Lily place housing options Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.2.7.2 Lobby for the provision of key worker housing across the region	Gary Gaffney - Chief Executive Officer	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Meeting with Zone representatives and progressed to the regional blueprint. January 2014 funding for Waterlily place announced. Last Updated: 03-Apr-2014							

2.2.8 Support and advocate for further development of the East Kimberley regional airport to attract more aircraft and greater competition

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.2.8.1 Implement the East Kimberley Regional Airport Master Plan	Peter Friel - Manager Airports	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Parking plan being developed Valuer undertaking property valuation of existing EKRA vacant land for development of Non aeronautical business Parking strategy with development cost timelines to be undertaken New 40 car park area to be constructed by the end of 13/14 financial year, to help alleviate demand capacity Runway upgrade to commence in 3rd quarter 2014, Engineering consultancy contract to be awarded early 2014 for design and investigation. A property valuation is being undertaken on Airport land to ascertain values for ground area leases for both airside and non airside frontage blocks. An EOI is expected to be released in first quarter 2014 to encourage new businesses to be established on these blocks. has already been shown from Car hire companies to lease land for their vehicle storage requirements. Services have already been established for a new airside block at the western end of Slingair. This new block will be offered for aeronautical based businesses such as Aircraft hangar space. Design specs for new parking area, have been received. WALGA preferred supplier to be contracted to commence construction prior to new financial year. Council Briefing Report on Western car park expansion to be submitted for May general meeting Crack sealing of outer 7.5 metre sections of runway has commenced with completion due, prior to end of 13/14 Financial year. This is required prior to reseal scheduled for late June 2014.be undwertaken late June 2014. of runway Last Updated: 05-May-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.2.8.2 Manage the operations of the East Kimberley Regional Airport in compliance with Federal aviation regulations (Operating)	Peter Friel - Manager Airports	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Transport Security program Version 2 has been submitted and accepted by Office of Transport Security. Sep 2013 - Emergency Management committee convened to discuss regulatory Emergency exercise scheduled for 2nd November 2013. Emergency facilitator has been contracted to undertake the facilitation and review of the Emergency exercise as per CASA regulations. Review of Aerodrome Emergency plan to be undertaken post Emergency exercise. New plan to be developed in line with facilitators recommendations and in line with the new AAA (Australian Airports association) guidelines. Expected release date Feb 2014. Review of SMS (Safety Management system) being undertaken by Airport manager, due for submission to CASA in early 2014. A Full Operational Event schedule, that details regulatory and operational requirements over the calendar year has been implemented and is reviewed every fortnight at the Airport operations meeting. All staff have embraced the system and demonstrates the Airports strategic commitment to improving the compliance and audit requirements of the Airport. November 2013 - Completed Airport Emergency plan as per CASR Mos 139 requirements November 2013 - Completed new version of Safety Management system. manual to be ratified by Safety management committee in December 2013, before submission to CASA November 2013 - CASA auditor attended EKRA and undertook audit of Aerodrome operations and reporting, Finding report to be delivered to SWEK by January 2014. Ongoing maintenance activities including runway markings, runway strip improvements as per CASR MOS 139 Safety management system ratified by Committee and submitted to CASA Security committee meeting scheduled for March 2014 Emergency desktop exercise to be undertaken on the 14th March 2014 Terminal evacuation with stakeholders to be enacted on the 5th march 2014 March 2014 EKRA Operational staff undertook Aviation Safety lead Auditors training. New audit schedule to be implemented as part of the Airports continuous improvement program. Aircraft Operators informed of findings from CASA audit and attention has been brought to the following areas. Aircraft to maintain 3 metre wingtip clearance when parked, Aircraft not to extend outside parking bay clearance lines. Audit of Transport Security program (TSP) undertaken in April 2014. Changes to TSP to be submitted to the department for ratification. Regulatory meetings conducted in March and April 2014. Security committee, Emergency committee.							

March 2014 Emergency Desktop exercise undertaken to meet regulatory requirements of Civil Aviation Safety regulations.

New Aerodrome Emergency plan being developed to meet the standardised format endorsed by the Australian Airports association. Expected delivery June 2014.

April 2014 - Site and systems test conducted of Security processes by the Office of Transport Security. One Non compliance notice discovered in respect to Frisk searching. Officer failed to fully satisfy themselves that the person had not secreted a concealed item upon their person.

As a result the subject officer was assessed as to their process knowledge and then subjected to a display of their competency during a mock exercise. The officer passed both scenarios. All other staff will receive ongoing assessment.

Fortnightly Operational staff meetings continuing

Fire Evacuation with Airport staff and tenants conducted

Large bird hazard has been experienced at the Airport in the last month. Large numbers of Hawks have been seen on the approach paths in to the Airport. This congregation of birds is due to the large amount of Grasshoppers prevalent at the moment, whom are an attractant to the Hawks. Staff have been diligent in making sure they are in situ near the runway during RPT arrival/departure times.

Subsequently large amount of specialised ammunition "Birdfrite" has been used leaving the Airport with only a small reserve left. Orders have been placed but the Australian manufacturer has recently ceased production. Correspondence with European manufacturer endorsed by the AAA has now been undertaken, but delays on delivery are expected. Staff will use other means available to disperse birds whilst new supplies are sourced.

Last Updated: 05-May-2014

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.2.8.3 Manage the operations of the East Kimberley Regional Airport in compliance with Federal aviation regulations (Capital)	Peter Friel - Manager Airports	Ongoing	01-Jul-2012	30-Jun-2016	-	-	

ACTION PROGRESS COMMENTS:

Project team established to implement runway reseal project after advice from RADS of successful grant funding

Crack sealing machine ordered and to be delivered by Feb 2014 for remedial works on movement areas

Ongoing repairs to runway strip due to large depressions, approximately 200 cubic metres of soil has already been utilised. A risk assessment has been undertaken and the depressions have been deemed to be the number 1 safety concern for the runway. Extensive ongoing repairs will be required to meet compliance criterion.

Assessment of Aircraft parking tie downs to be undertaken. Current cabling setup does not meet regulations and will need to be actioned. Assessment to be undertaken in to tightening cabling system before the end of 2013 by Airport reporting and operational staff.

GHD report relating to pavement condition has been received. As a result large scale crack patching and repairs to strip area started and will progress for the next few months until, overlay of outside 7.5 metres of runway can be delivered mid year.

GHD report relating to runway strip (grassed area) depressions received. This report was in direct response to a finding under the November CASA audit. The findings have recommended that we undertake different types of fill mixes, to ascertain which fill lasts the longest. Commencement of program to commence mid March, with data gathered and

monitored over the dry season as well as the wet season. The extent of the holes along the runway strip need to be managed for safety reasons as per CASA regulations, the problem will never be fixed due to plasticity of sub soil, subsequently the program will be ongoing.

Lighting repairs undertaken to twin peaks hill overlooking Wyndham airport as a result of a failed warning light erected there.

Crack patching of Wyndham airport to be undertaken, in April 2014

Ongoing repair to runway strip soil depressions

Runway strip maintenance ongoing

Runway lights mapped and marked to allow data to be gathered to ascertain if an ongoing problem exists with any of the 200+ lights located at the Airport

Spread sheet setup to monitor lighting issues and repairs.

New GA tie down cables have been ordered due to the present having stretched too much over time. New cables to be established before the end of June 2014.

Apron reseal due to take place in late June 2014. Peter Kerp is the principal on this project.

Reseal of outer 7.5 metre edges of runway pavement to be undertaken at the same time as the Apron reseal.

Tender has been awarded for the erection of the new maintenance area shed at the Airport, and construction is expected to commence late may early June 2014.

Crack sealing of Runway, Aprons and taxiways is ongoing.

New line marking of parking bays and aircraft taxi lines to commence in June 2014 as per CASA observation at last audit.

Ongoing issues with Airport Air conditioning systems has led to increased maintenance/repair costs. The Air conditioners were installed during terminal build and are only a few years old, yet now are outside warranty period and unfortunately have no avenues to recoup costs through supplier/contractor.

Last Updated: 05-May-2014

2.2.9 Lobby for improvements to transport infrastructure, particularly for heavy haulage and shipping

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.2.9.1 Advocate for the construction of the Kununurra by-pass	Gary Gaffney - Chief Executive Officer	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Met with Steve Troughton, Managing Director MRWA on the 26th November to discuss issues including by pass. Cr Wright to present alternative proposal for Crs. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.2.9.2 Lobby the State and Federal Governments for funding to upgrade the Great Northern Highway to Wyndham including town by-pass and port facilities	Gary Gaffney - Chief Executive Officer	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Met with Director General of Main roads and again reiterated the need for the widening of the Great Northern Hwy. Correspondence sent to Main Roads and Minister regarding road. Last Updated: 03-Apr-2014							

2.3 Assets are appropriate for their intended purpose and factor in whole of life costing and maintenance

2.3.1 Manage and maintain assets in a strategic and cost effective manner

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.3.1.1 Prepare plans for the upgrade the Peter Reid Memorial Hall in Wyndham	Rob Drew - Wyndham Area Manager	Not Started	01-Jul-2013	30-Jun-2014	0.00%	-	
ACTION PROGRESS COMMENTS: awaiting budget allocation Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.3.1.2 Seek funding and prepare project implementation plan for Anton's Landing upgrade	Rob Drew - Wyndham Area Manager	Ongoing	01-Jul-2013	30-Jun-2014	-	-	
ACTION PROGRESS COMMENTS: As part of stage 1 paving has been completed. Funding is now being sought for heritage interpretation of the original cattle race. Lotteries west will be approached once historical photos are obtained. Action highly dependent upon appropriate funding opportunities being available. Currently endeavoring to locate historical photos of the race for the purposes of putting together quotes for funding application. Photos have been obtain and a quote for the work has been received. The application for funding is now being prepared and submitted. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.3.1.3 Seek funding and prepare design for the next stage of the pathway connecting Wyndham Port to Wyndham	Rob Drew - Wyndham Area Manager	In Progress	01-Jul-2013	30-Jun-2014	30.00%	-	
ACTION PROGRESS COMMENTS: Currently applying for grant funding for the design and staging of the dual use pathway. Collaboration required with Kim Edmeades and Nick Allen. No internal budget allocated. Action highly dependent upon working across Directorates and upon funding opportunities. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.3.1.5 Provide supervision for Landcorp / SWEK Ord Stage2 Roadworks	Peter Kerp - Manager, Engineering	In Progress	01-Jul-2012	30-Jun-2014	95.00%	-	
ACTION PROGRESS COMMENTS: Primer seal completed July 2013. Inspection undertaken with Bob Simmons (MRWA) 3 September to assess road carriageway x-sections where hinge points reduce road seal widths (10cm-15cm) - confirmed that Infrastructure agrees with Superintendent (MRWA) minor width reductions so small not considered re-work necessary as could make batters stabilisations difficult to achieve. PC inspection on roads and associated drainage structures undertaken 14 November 2013 with Brett Chivers. QA documents, materials testing results and "AS Cons" to be submitted to SWEK Xmas 2013. Easement legal docs received and referred to Council lawyers for comment. Council's counter offer to Landcorp offer to cash bond final seal on 39km road length Ord Expansion Project is being considered by Landcorp's higher management as of 30 October 2013. Clarification sought from Landcorp as to ownership responsibility to irrigation structures built under public roads and the repairs/maintenance required should the structures fail and the roads collapse. Response 13/09/2013 "Irrigation infrastructure under roads or within road reserves is NOT SWEK responsibility. Road reserve created will include various easements over the road in favour of pipeline owner. The easement will identify the responsibilities for repair and maintenance and will put the onus on the irrigation infrastructure owner to make good and damage." Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.3.1.6 Implement the Asset Management Plan	Kevin Hannagan - Director, Infrastructure Services	In Progress	01-Jul-2013	30-Jun-2014	75.00%	-	
ACTION PROGRESS COMMENTS: Review of Aseet Management Plan and Asset Management improvement Strategy commenced. - Councillor AM Induction workshop held in December 2013. - Developing Capital Evaluation into FCWP - Developing 10 Year LTFP - Reviewing the Renewal Model - Developing Asset Rationalisation Policy - Asset Register Audit being undertaken - Condition Assessment Manual being developed - Reviewing Technical Specifications & Develop New Asset Commissioning Process commenced - Developing Process to handover Assets to Asset Custodian Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.3.1.7 Develop and implement the Stormwater Management Strategy for priority areas in Kununurra	Peter Kerp - Manager, Engineering	In Progress	01-Jul-2012	30-Jun-2016	75.00%	-	
ACTION PROGRESS COMMENTS: Drainage Strategy - cut-off drain rock beaching Speargrass Road, complete Drainage Strategy - re-instate open drain north side Ironwood -Speargrass to Cajuput, Survey and design complete - Works completed November 2013 Drainage Strategy - survey/design north side drain Ironwood - Cajuput to Weaber Plain, Survey complete - design in progress Drainage Strategy - survey outlet Victoria Highway to Lily Lagoon, Survey and design not started Drainage Strategy - survey/design 'little BP' at Bandicoot to Victoria Highway via Pruinoso, Survey complete - design in progress Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.3.1.8 Maintain miscellaneous assets	John Gault - Depot Manager	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Small tools and equipment replaced as per budget. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.3.1.9 Renew or upgrade miscellaneous assets as per Asset Management Plan and Long Term Financial Plan	Peter Kerp - Manager, Engineering	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Five year forward capital works program for misc. assets to be developed Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.3.1.10 Maintain Stormwater assets	John Gault - Depot Manager	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Clear stormwater drains before and after wet season Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.3.1.11 Renew or upgrade Stormwater assets as per Asset Management Plan and Long Term Financial Plan	Peter Kerp - Manager, Engineering	In Progress	01-Jul-2012	30-Jun-2016	75.00%	-	
ACTION PROGRESS COMMENTS: Drain renewal speargrass to Mangaloo completed. Mangaloo to Weaber Plains Road in progress. Weaber Plain Rd Ironwood to Poinciana Weaber Plains Rd from Hidden Valley Caravan Park to Lily Lagoon. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.3.1.14 Maintain rural road network assets	John Gault - Depot Manager	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Closing dry season grades / drain clearing complete Road Closure Reports undertaken Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.3.1.16 Maintain urban road network assets	John Gault - Depot Manager	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Repaired Guideposts on Ivanhoe/Weaber Plains Road Internal town roads have had chipseal to maintain wear course Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.3.1.17 Provide urban street lighting (electricity)	Peter Kerp - Manager, Engineering	In Progress	01-Jul-2012	30-Jun-2016	20.00%	-	
ACTION PROGRESS COMMENTS: Papuana Street - Upgrade Existing Street Lighting Install one new 6.5m pole with LED light fitting, replace 2 x existing 150HPS light fittings with LED - Purchase Order raised to Horizon Power to undertake upgrades - scheduled for completion December 2013, awaiting HP Banksia Street -Upgrade Existing Street Lighting Install one new LED light fitting on existing pole, replace 2 x existing 150HPS light fittings with LED - Purchase Order raised to Horizon Power to undertake upgrades - scheduled for completion December 2013. awaiting HP Cotton Tree Avenue - Upgrade Existing Street Lighting Install one new LED light fitting on existing pole, replace 2 x existing 150HPS light fittings with LED - Purchase Order raised to Horizon Power to undertake upgrades - scheduled for completion June 2014. Erythrina Street - Upgrade Existing Street Lighting Install two new LED light fitting on existing pole, replace 8 x existing 150HPS light fittings with LED - Purchase Order raised to Horizon Power to undertake upgrades - scheduled for completion June 2014. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.3.1.18 Renew or upgrade of Rural Road assets as per Asset Management Plan and Long Term Financial Plan (Capital)	Peter Kerp - Manager, Engineering	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Five year forward capital works program for road assets to be developed Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.3.1.19 Renew / Upgrade sections, Carlton Hill Rd	Peter Kerp - Manager, Engineering	In Progress	01-Aug-2012	30-Jun-2014	15.00%	-	
ACTION PROGRESS COMMENTS: Feature survey completed section between D4 bridge and western boundary Green Swamp (3.6km length). Road and drainage design of this section in progress. Feature survey section between D4 bridge and Weaber Plain Road intersection done - road/drainage design to follow immediately. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.3.1.20 Renew or upgrade of Urban Road assets as per Asset Management Plan and Long Term Financial Plan	Peter Kerp - Manager, Engineering	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Five year forward capital works program for road assets to be developed Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.3.1.21 Renewal Erythrina Street, Kununurra	Peter Kerp - Manager, Engineering	In Progress	01-Jul-2012	30-Jun-2015	10.00%	-	
ACTION PROGRESS COMMENTS: Job deferred due to difficulty in matching availability preferred civil road contractor/bitumen spray contractor and asphalt contractor in delivering job with minimal inconvenience to residents of Erythrina Street. Final design being progressed following pavement geotechnical investigation - job scheduled commence May 2014 after 'wet' season. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.3.1.22 Manage Black Spot safety improvements to Coolibah Drive	Peter Kerp - Manager, Engineering	In Progress	01-Jul-2012	30-Jun-2014	15.00%	-	
ACTION PROGRESS COMMENTS: Coolibah Drive - Road Widening opposite Ivanhoe Caravan Park and KDHS - State Black Spot Survey/design complete - Purchase Order raised for Horizon Power to relocate 2 light poles opposite KDHS - HP scheduled to relocate light poles March 2014 Road widening design in progress Construction scheduled May 2014 Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.3.1.23 Undertake Managaloo Traffic Management improvements	Peter Kerp - Manager, Engineering	In Progress	01-Jul-2012	30-Jun-2014	45.00%	-	
ACTION PROGRESS COMMENTS: Parking/Safety Improvements - Mangaloo Street and Coolibah Street adjacent to KDHS Signage plan signed off by Director Infrastructure - signs received from Supplier following adoption of signage plan - Installation of various parking signs and line marking of car bays by depot in-house team scheduled completion February 2014 for first term school year Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.3.1.24 Undertake Maintenance of Kalumburu Road	Kim Edmeades - Manager, Projects	Completed	01-Jul-2012	30-Jun-2016	100.00%	-	
ACTION PROGRESS COMMENTS: Closing grade pre wet season completed Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.3.1.26 Kalumburu Road Renewal/Upgrade	Peter Kerp - Manager, Engineering	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Additional Capital Funding expended October 2013. Business Case for further funding developed and to go to January Council meeting.. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.3.1.27 Plant and Equipment renewal	John Gault - Depot Manager	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Light Fleet plant received, awaiting some heavy plant items Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.3.1.28 Renew or upgrade new Landfill Assets as per Waste Management Strategy	John Gault - Depot Manager	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Software implemented. Gatehouses installed. new road entry Kununurra Cover being undertaken Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.3.1.29 Renew or upgrade Pathway Assets as per Asset Management Plan and Long Term Financial Plan	John Gault - Depot Manager	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Minor footpath repairs & replacements Renewal program being developed Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.3.1.30 Maintain Pathway assets	John Gault - Depot Manager	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: ongoing repairs and renewal pathways Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.3.1.31 Maintain Parks and Reserves assets	John Gault - Depot Manager	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Mowed parks Whipper snipped Spray Weeds Reticulation maintenance Slashing of Reserves Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.3.1.32 Renew or upgrade Parks and Reserves Assets as per Asset Management Plan and Long Term Financial Plan	John Gault - Depot Manager	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: No Capital Expenditure budget allocation this year. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.3.1.33 Manage Depot and Plant	John Gault - Depot Manager	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Ongoing management of depot, staff and associated plant maintenance New kitchen Knx completed. Caretakers residence Knx completed. Last Updated: 03-Apr-2014							

2.3.2 Plan, design and budget for sustainable infrastructure

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.3.2.1 Manage technical services	Peter Kerp - Manager, Engineering	In Progress	01-Jul-2012	30-Jun-2016	35.00%	-	
ACTION PROGRESS COMMENTS: Waterlily Place - Earthworks and Construct Retaining Wall Completed October 2013 Messmate Way - asphalt overlay roundabout Asphalt overlay scheduled June 2014 Meatworks Road - Reconstruct and Seal Feature survey and design to commence March 2014 Egret Close - Widen intersection at Victoria Highway - draft design completed with MRWA for approval Bridges 5123 and 4214 - Guard Rail Replacement Minutes Ordinary Council Meeting							

Design in progress by MRWA - installation arrange by MRWA - installation scheduled second half 2013/214 f/y

Welch Street - Widen/Seal 60m length

Survey and design complete - RFQ complete - contract awarded to Gueronini & Son - job completed December 2013

River Farm Road - Drainage Upgrade

Survey and design complete - RFQ complete - contract awarded to JSW - job completed November 2013

Coolibah Drive - Drainage Upgrade Picture Gardens Completed August 2013

Coolibah Drive - Drainage Upgrade St Johns Entrance to Ivanhoe Road Completed October 2013

Coolibah Drive - Drainage Upgrade opposite Ivanhoe Caravan Park entrance

Survey and design complete - installation in-house team - construction commencing November 2013 - completed December 2013.

Gulliver's Tavern - Construct New Car Park, corner Cotton Tree Avenue and Konkerberry Drive

Survey and design complete - RFQ complete - contract awarded to Guerinoni & Son - construction commencing November 2013 - completed January 2014.

Car Park Upgrade - Kununurra Airport

Concept design completed , detailed geometric design in progress, construction scheduled May 2014

Reseal Apron - Kununurra Airport

SAMI seal treatment scheduled June 2014

Pavement Engineering Consultants - Kununurra Airport

RAD approval of \$1.6m granted November 2013-

Technical Brief completed for Full Pavement Strength Evaluation - utilising WALGA preferred suppliers panel via E-Quote - 8 engineering consultants invited to submit quote - quote closing 4 December 2013. GHD engineering appointed and completed pavement investigation December 2013 and HWD testing January 2014 - GHD final report be completed and submitted 28 February 2014.

Runway Asphalt Overlay - Kununurra Airport

RAD approval granted November 2013 - subject to recommendations of GHD Full Pavement Strength Evaluation report -

Last Updated: 03-Apr-2014

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.3.2.2 Lead, manage and administer the Infrastructure Services Directorate	Kevin Hannagan - Director, Infrastructure Services	Ongoing	01-Jul-2013	30-Jun-2014	-	-	
ACTION PROGRESS COMMENTS: Opex / Capex Budgets on track CBP Actions on track Emergency / Ranger Services reviewed Replacement Rangers appointed Fire response transfer to DFES completed Waste Management Strategy on track Asset management Plan, see separate item Business Case for upgrade Kalumburu Road completed Directorate generally on track Last Updated: 03-Apr-2014							

2.4 Access to appropriate health, family and community services

2.4.1 Advocate for improved health and community services

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.4.1.1 Advocate for improved health and community services	Gary Gaffney - Chief Executive Officer	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.4.1.2 Develop and maintain a Disability Access and Inclusion Plan	Wayne Richards - Manager, Community & Youth	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: DAIP Annual report submitted July 2013 Disability Access included in SWEK Annual Report as per regulations You're Welcome website update (5 of 15) Customer Service staff issued with "You can make a difference DVD" You can make a difference DVD presented at December 6 Leadership Team Meeting Bulletin regarding amendments required to Disability Access and Inclusion Plan received. Review process has commenced, requiring completion by 30 June 2014. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.4.1.3 Lead, manage and administer the Community Development Directorate	Louise Gee - Director, Community Development	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: All decisions of Council actioned Requested information has been provided to CAMMS for Interplan and updated. All projects monitored. Some will be reviewed in the context of the mid-year budget review and will be resourced accordingly. Otherwise, budget is positive. Regular meetings with management group and other team leaders/coordinators within the directorate. Preparation and reporting of quarterly reports as well as to the annual report Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.4.1.4 Manage and support library services in Kununurra and Wyndham (Operating)	Joanne Roach - Library Manager	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: On target budget allowance Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.4.1.5 Manage and support library services in Kununurra and Wyndham (Capital)	Joanne Roach - Library Manager	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: on target Last Updated: 03-Apr-2014							

2.4.2 Advocate for the introduction of culturally appropriate alternative education for Indigenous people

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.4.2.1 Manage and provide environmental health services (Operating)	Julia Hall - Manager, Property & Regulatory Services	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: The management and provision of Environmental Health Services in an ongoing task which involves the coordination of operational activities to respond to demand and applicable timeframes whilst remaining with the proposed budget parameters. Activities for this quarter included: - Inspections conducted on food premises, caravan parks, lodging houses, temporary food stalls, event stall holders, septic tanks and asbestos removal. - Additional services provided included public pool sampling, private water sampling, mosquito management and monitoring, infectious disease notifications, food recalls, food sampling and investigations, safe food handling training and complaints investigations. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.4.2.2 Manage and provide environmental health services (Capital)	Julia Hall - Manager, Property & Regulatory Services	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: The management and provision of Environmental Health Services in an ongoing task which involves the coordination of planning and purchasing of the equipment required to conduct operational activities and to enable the continual improvement of service delivery. Activities for this quarter included: - The purchase of a new mosquito fogger to facilitate the mosquito management strategy. - The design and construction of new mosquito fogger frame and rollers to assist in the safe loading, unloading and storage of the mosquito foggers. - Forward planning for scheduled replacement of monitoring and assessment equipment. Last Updated: 03-Apr-2014							

2.4.3 Support early childhood and family support services

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.4.3.1 Support for the Ewin Early Learning Centre facility in Kununurra	Wayne Richards - Manager, Community & Youth	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Grant application through DEEWR submitted for jointly developed project - Expansion of the Ewin Early Learning Centre \$250,000. Participation in East Kimberley Children's Services Network Meetings September, November Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.4.3.2 Provide Wyndham Childcare facility, program and service delivery	Wayne Richards - Manager, Community & Youth	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Centre operation during July-September period Centre Coordinator operating under permit until Maternity leave position recruited. Coordinator will be on Maternity leave from early October, maternity leave position advertised. Quality Improvement Plan was completed and submitted September. Legislative requirements changed as of 1 January 2014 including the requirement to engage an Early Childhood Teacher, and for all staff to either have, or be working towards a minimum Certificate 3 in Children's Services. Both of these requirements have been met with the recruitment of two qualified staff. - Assistant Coordinator - Full time - Early Childhood Teacher - Permanent Part Time 20 hours per week Over the period of October to December 2013, 20 different children utilised the facility from 15 different families (376 total visits) Total hours of care for the 2nd quarter were 2579. Last Updated: 03-Apr-2014							

2.4.4 Provide an environment where youth are empowered to develop their potential

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.4.4.1 Manage and promote Shire youth services and program delivery in Wyndham and Kununurra aligned with a youth services plan	Wayne Richards - Manager, Community & Youth	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Weekly timetable continuing in Wyndham with 6 activities per week. No activities in Kununurra Attended and completed DCPFS Annual Service Review Kununurra 27/8/13 Attended and completed DCPFS Annual Service Review Wyndham Submitted East Kimberley (Kununurra) DCPFS Progress Report August 2013 Submitted Wyndham DCPFS Progress Report 29/8/13 Funding for Kununurra Youth Services ceased in September 2013. Service was provided up to 31 December however since January 1 2014, the Shire has not had staffing resources in youth services. This has meant that the Youth Centre has not had a Shire Officer located on site with all bookings taken through the Leisure Centre and on site issues handled directly by Management. The Shire was successful in gaining additional \$32,000 through Attorney Generals Department Indigenous Justice Fund bringing 2013/14 Wyndham funding total to \$223,000 - \$165000 (AGD and \$58,000 (DCPFS) Two additional officers commenced in Wyndham in January taking total staffing to 2.5 FTE. A term program has been developed, offering programs from 2:30pm to 7:30pm each weekday and include Tucker Time, the development of a Youth Advisory Council, Multimedia, Arts and Crafts and Sports. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.4.4.2 Manage and support the Kununurra Youth Hub and the Youth and Recreation Centre in Wyndham aligned with a youth services plan	Wayne Richards - Manager, Community & Youth	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Building works to the Wyndham Youth and Recreation Centre completed Kununurra Youth Hub now not staffed by SWEK due to lack of funding for the position. Facility still houses service delivery organisations Life without Barriers and Skill Hire. The facility is still booked out to hirers with a major booking currently in place for STEPS Group, a not for profit training organisation. Works to install Crimsafe on all Youth Centre windows complete. Plans for future use of the Kununurra Youth Hub are being reviewed. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.4.4.3 Develop and implement a Youth Services Plan	Wayne Richards - Manager, Community & Youth	Deferred	01-Jul-2012	31-Dec-2014	50.00%	-	
ACTION PROGRESS COMMENTS: Youth Services Review funding now not available. Project Cancelled - all relevant paperwork has been completed and funding returned. Other options for developing this plan are being investigated. Last Updated: 03-Apr-2014							

2.5 East Kimberley residents have access to a broad range of educational opportunities

2.5.2 Advocate for the introduction of culturally appropriate alternative education for Indigenous people.

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.5.2.1 Support culturally appropriate alternative education opportunities	Wayne Richards - Manager, Community & Youth	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Involvement in WiP Education Group Letter drafted for Council to endorse to Hon. Mr Peter Collier to oppose the recent cuts to WA education impacting on the Werlemen Program. Werlemen program has ceased 2014 Update: KHDS reports that Clontarf and Junior Clontarf are operating well. The Kununurra Girls Academy is also successful with 92 participants signed up. MG Corp are commencing a "One Family at a Time" program for children in years 3 to 5. Last Updated: 03-Apr-2014							

2.5.3 Advocate for the establishment of more school based apprenticeships.

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.5.3.1 Lobby the Department of Education for more school based apprenticeships	Gary Gaffney - Chief Executive Officer	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
Last Updated: 03-Apr-2014							

2.5.4 Encourage activities that promote adult educational opportunities including family support and life skills programs.

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.5.4.1 Advocate for additional adult education opportunities	Gary Gaffney - Chief Executive Officer	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
Last Updated: 03-Apr-2014							

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

3.1 A broad range of lifestyle opportunities and activities are available for East Kimberley residents

3.1.1 Support activities that promote volunteerism and active participation in community events and programs

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.1.1.1 Support civic and volunteer events	Wayne Richards - Manager, Community & Youth	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Banners in the Terrace Support EK Sports awards Great Northern Clean Up Volunteer of the Year Awards Australia Day and Citizenship Anzac Day Baby Trees Program Annual Grants and Quick Grants Last Updated: 03-Apr-2014							

3.1.2 Promote a greater range of cultural and art activities

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.1.2.1 Promotion and support of art centres, local artists and cultural activities	Wayne Richards - Manager, Community & Youth	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Youth Officer involved in Organisation of Barramundi Concert Youth Officer involved in coordination of NAIDOC week Contacted Kimberley Live Artist Society to discuss possible support mechanisms leading to successful Annual Grant of \$2000. Renewed WA Country Arts Membership Met with Relay for Life regarding event to be held at town oval. Minutes Ordinary Council Meeting							

Letter of Support provided for Theatre Kimberley to seek funding for future production in Kununurra and Wyndham.

Last Updated: 03-Apr-2014

3.1.3 Support the community by providing access to local funding and sponsorship opportunities.

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.1.3.1 Administer grants for community clubs and events	Wayne Richards - Manager, Community & Youth	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Sixteen applications received for Round 1 Annual Grants with \$54,649 in funding approved. Three applications received in Round 2 with \$2000 approved for a total of \$56,649. Shire presented Grants information at the March Clubs Breakfast To the end of March, 19 Quick Grants have been issued for a total of \$8000 support. Last Updated: 03-Apr-2014							

3.1.4 Facilitate activities that link communities.

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.1.4.1 Identify opportunities and support activities that encourage relationships between different communities and community groups	Louise Gee - Director, Community Development	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Continued participation in the WiP (Working in Partnership) group including to assist with the review of terms of reference. Manager Community and Youth regularly liaising with Youth Officers, who also participates in the WiP group Last Updated: 03-Apr-2014							

3.2 Sustainable waste management and protection of the environment

3.2.1 Provide an integrated approach to waste management that includes waste minimisation strategies.

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.2.1.1 Review and implement the Shire's Environmental Sustainability Plan	Rob Drew - Wyndham Area Manager	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Awaiting budget allocation Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.2.1.2 Implement waste management strategy	Kevin Hannagan - Director, Infrastructure Services	In Progress	01-Jul-2012	30-Jun-2016	75.00%	-	
ACTION PROGRESS COMMENTS: Actions on target and quarterly progress report to Councillor Briefings Councillor Induction undertaken February 2014 Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.2.1.3 Manage landfills and provide waste / litter services	John Gault - Depot Manager	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: New Landfill Office staff New fencing installed Re Profiling Landfill Site New Machinery Introduction of Domestic Waste Vouchers & Fees Last Updated: 03-Apr-2014							

3.3 Towns are safe and inviting for locals and tourists

3.3.1 Improve streetscapes in town and urban centres incorporating public art and 'designing out crime' principles

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.3.1.1 Work with community organisations to identify and support public art opportunities	Wayne Richards - Manager, Community & Youth	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Supported Kimberley Live Artist Society in a SWEK Annual Grant of \$2000. Provided information to Kimberley Live Artist Society on insurance options. Wyndham Youth Program includes a public art component and the establishment of a "Wyndham Community Pride" Youth program. Last Updated: 03-Apr-2014							

3.3.10 Adopt a partnership approach for emergency and fire management planning, preparedness, response and recovery.

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.3.10.1 Develop and implement a Municipal Emergency / Regulatory Services function	Robert Jehu - Emergency Regulator Services Co-Ordinator	Completed	01-Jul-2013	30-Jun-2015	100.00%	-	
ACTION PROGRESS COMMENTS: ERSC appointed MoU completed SWEK / DFES for fire response Review of Ranger functions completed New dog & cat services implemented Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.3.10.2 Renew / Upgrade Weaber Plain Bridge over D4 drain	Peter Kerp - Manager, Engineering	In Progress	01-Jul-2012	30-Jun-2016	85.00%	-	
ACTION PROGRESS COMMENTS: New guard rails (AS certified) on bridge 5122 and 5116 completed 31 October 2013. Northern approach of Weaber Plain Road to bridge 5116 bitumen sealed September 2013. Rock pitching on batters under both bridges for mitigating scouring and erosion completed November 2013 MRWA Options Report for upgrade / renewal considered and responded, awaiting MRWA response Last Updated: 03-Apr-2014							

3.3.6 Collaborate with Police and other agencies to review and make recommendations with regard to improved safety and reduced vandalism in towns.

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.3.6.2 Review and implement the Shire's Community Safety Plan	Wayne Richards - Manager, Community & Youth	In Progress	01-Jul-2012	30-Jun-2014	20.00%	-	
ACTION PROGRESS COMMENTS: Coordination of Police Anti Graffiti unit presentation 2/9/13 Liaising with Police Crime Prevention Unit regarding development of Community Safety Plan. Quotes and information received for external consultation. Last Updated: 03-Apr-2014							

3.3.8 Ensure quality, consistent and responsive development and building assessment approval processes and enforcement

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.3.8.1 Manage and provide building services	Julia Hall - Manager, Property & Regulatory Services	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: The management and provision of Building Services in an ongoing task which involves the coordination of operational activities to respond to demand and applicable timeframes whilst remaining with the proposed budget parameters. Activities for this quarter included:							

- Inspections conducted in line with certified and uncertified Building Permit Applications, Occupancy Permits and Notice of Completions,
- Inspections conducted on private swimming pool fencing,
- Processing Building Permits,
- Processing Demolition Permits, and
- Processing Occupancy Permits.

Last Updated: 03-Apr-2014

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.3.8.2 Assessment, inspection, approval and compliance with Pool Fencing Act	Julia Hall - Manager, Property & Regulatory Services	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: The assessment, inspections, approvals and compliance of private pool fencing with Pool Fencing legislation is conducted by the Senior Building Surveyor. In order to ensure compliance a Casual Swimming Pool Compliance Officer has been engaged for a period of six weeks to work with the Shire's Building Surveyor to intensively inspect private swimming pools and update the Shires register. Activities for this quarter included: - Assessment of applications - Private Pool fencing inspections to ensure compliance - Approval of applications - Routine interim inspections - Notification Letters - Advertising to assist with public awareness							

Last Updated: 03-Apr-2014

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.3.8.3 Manage and provide land use approval services	Julia Hall - Manager, Property & Regulatory Services	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: The management and provision of Land use approval services in an ongoing task which involves the coordination of operational activities to respond to demand and applicable timeframes. Activities for this quarter included: - Development Applications have been processed in line with relevant legislation and guidelines. - Applications requiring a Council resolution have been reported to Council. - Home based businesses and Home occupation applications have been assessed in accordance with land use and amenity consistency.							

Last Updated: 03-Apr-2014

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.3.8.4 Develop and review of Planning Scheme	Julia Hall - Manager, Property & Regulatory Services	In Progress	01-Jul-2012	30-Jun-2016	50.00%	-	
ACTION PROGRESS COMMENTS: - In 2009 Council formally resolved to initiate a review of its planning schemes. - Planning Consultants Urbis were engaged by the Shire to assist in drafting the new Scheme. - A draft of the Shire of Wyndham East Kimberley Local Planning Scheme No. 8 has been prepared by Urbis in consultation with Officers, including the Scheme Text and Scheme Maps. - Further development and modifications are required as requested by Western Australian Planning Commission and are being incorporated into the draft Local Planning Scheme before advertising can commence. - At the Ordinary Council Meeting of 24 July 2012 Council adopted the draft Local Planning Scheme for the purposes of advertising. - Ministerial consent to advertise draft Scheme No. 8 was granted in November 2012, conditional on the Shire undertaking the requested modifications and returning the modified documents back to the Commission within 42 days. - Issues have arisen including the preparation of a draft Local Planning Strategy which will require additional modifications to the draft Scheme No. 8 beyond what were originally requested in November 2012. - The Local Planning Scheme, as a tool to implement the Local Planning Strategy (Strategy), will need to be reviewed in light of the Strategy outcomes. It is the Western Australian Planning Commission's (WAPC) preference that Strategy and Local Planning Scheme are prepared concurrently, and that the two documents are advertised and considered together. - At the Ordinary Council Meeting of 25 March 2014 Council adopted to not proceed with draft Local Planning Scheme No. 8 and resolved to prepare a new Local Planning Scheme, Local Planning Scheme No. 9. The new Local Planning Scheme No. 9 will be prepared concurrently with the Local Planning Strategy, and the two documents are intended to be advertised and considered together. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.3.8.6 Review Local Planning Strategy	Katya Tripp - Strategic Planning Officer	In Progress	01-Jul-2013	30-Jun-2014	60.00%	-	
ACTION PROGRESS COMMENTS: Tenders recieved, three shortlisted tenders (GHD, MacroPlan and Urbis) interviewed. GHD appointed GHD completed initial stakeholder consultation (1 week in Kununurra) including stakeholder alignment workshop and Council visioning workshop. GHD awaiting EK@25 report and data from Ag Dept.. Currently developing local profiles such as population, transport, environment, economy etc. EK@25 report finalised. Local profiles due end January and draft for consultation due March. Project has been delayed due to EK@25 report and data from Ag Dept. not obtained. Draft Landuse plans presented to Council Stakeholders and Community for feedback. Successful consultation on draft completed 31 March via open houses, workshops, meetings and online. Planning Scheme No. 9 to be released at same time as Local Planning Strategy as required by Dept. Planning. Changes to the Scheme and Strategy presented to Council mid May. Last Updated: 15-Apr-2014							

3.3.9 Provide animal control in accordance with legislative requirements

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.3.9.1 Develop and implement an Animal Management Plan	Robert Jehu - Emergency Regulator Services Co-Ordinator	Completed	01-Jul-2012	30-Jun-2016	100.00%	-	
ACTION PROGRESS COMMENTS: Draft Plan has been compiled and adopted by Council Last Updated: 05-May-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.3.9.2 Implement new Local Laws	Louise Gee - Director, Community Development	In Progress	01-Jul-2012	30-Jun-2016	40.00%	-	
ACTION PROGRESS COMMENTS: Ongoing Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.3.9.3 Implement Cat Act	Robert Jehu - Emergency Regulator Services Co-Ordinator	Completed	01-Jul-2013	30-Jun-2016	100.00%	-	
ACTION PROGRESS COMMENTS: Registration forms have been developed. Systems implemented. Advertisements made etc. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.3.9.4 Provide Ranger Services	Robert Jehu - Emergency Regulator Services Co-Ordinator	In Progress	01-Jul-2012	30-Jun-2016	80.00%	-	
ACTION PROGRESS COMMENTS: New roster developed. planned approach implemented for inspections e.g. illegal rubbish patrols							

undertook joint WAPol exercise on unregistered dogs Wyndham & Kununurra
Litter inspections commenced Kununurra
Last Updated: 05-May-2014

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.3.9.5 Provide Fire / Emergency Services	Robert Jehu - Emergency Regulator Services Co-Ordinator	In Progress	01-Jul-2013	30-Jun-2016	80.00%	-	
ACTION PROGRESS COMMENTS: Fire response transferred to DFES Developing Fire Break inspection procedure for private residences Working with DPAW & DFES on fire break plan Last Updated: 05-May-2014							

3.4 Enhancement of community facilities

3.4.1 Maintain, manage and upgrade public parks and amenities to ensure they meet community need and are accessible to people of all ages and abilities.

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.4.1.1 Upgrade Wyndham waste water reuse treatment facility	Julia Hall - Manager, Property & Regulatory Services	In Progress	01-Jul-2012	30-Jun-2016	15.00%	-	
ACTION PROGRESS COMMENTS: - A quote has been received to survey the current status of the system and to produce a plan to improve chlorination treatment and upgrade the treatment facility. - A consultant from Hydramet conducted a site visit in February 2014 to assess the Wyndham Oval reticulation requirements and make recommendation for replacement installation and assessment. - A report from Hydromet is being assessed and reviewed. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.4.1.2 Provision of tourist facilities (Capital)	Wayne Richards - Manager, Community & Youth	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Visitor Information Centre operating form Shire facility. Public toilet facilities provided at Mambi, Prison Tree, Whitegum Park, Wyndham Oval, Wyndham Port Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.4.1.3 Maintain of tourist facilities (Operating)	John Gault - Depot Manager	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Removal tourist facilities Buttons Crossing & Skull Rock Maintenance of Mambi Tourist Facilities Last Updated: 03-Apr-2014							

3.4.2 Consider cultural values in all planning and design phases

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.4.2.1 Engage with Indigenous people in relation to public planning and design projects	Julia Hall - Manager, Property & Regulatory Services	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Consultation is being undertaken as part of Local Planning Strategy review. The Shire has appointed a Community Development Officer who will be focused on community engagement which will incorporate engagement with Indigenous people in relation to public planning and strategic planning. Last Updated: 03-Apr-2014							

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

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.4.3.1 Manage and provide maintenance and construction of Council properties and facilities (Operating)	Julia Hall - Manager, Property & Regulatory Services	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: The management and provision of maintenance and construction of Council properties and facilities involves the coordination of cyclic building maintenance to reduce risk and facilitate compliance. Coordination of preventative and continual maintenance including cleaning, air conditioner servicing, repairs, maintenance and replacement is ongoing. Activities for this quarter have included: - Cleaning of Shire facilities and buildings - Air conditioner repairs - Air conditioner maintenance - Air conditioner replacement - Lighting replacement - Dishwasher repairs - Oven repairs - Door and cupboard repairs and replacment - Plumbing repairs, taps, showers, toilets, sewerage overflow - Roofing repairs - Electrical repairs - Solar Hot Water system replacement - Security light repairs Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.4.3.2 Manage and provide maintenance and construction of Council properties and facilities (Capital)	Julia Hall - Manager, Property & Regulatory Services	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: The projects that have been undertaken include: - The coordination of the purchase of a new Kununurra administration office and Council Chambers including the refurbishment and relocation projects. Consideration is being given to the repurposing of the old administration offices. - The Air Services building at the East Kimberly Regional Airport to house the Shire's airport screening and cleaning team. - The preparation of business cases and funding submissions to develop key worker housing. Consultants are being sourced to prepare concept designs. - The Community Resource Centre in Wyndham has been completed. - The negotiation to purchase a complex of three units (1 x 3x2 and 2 x 2x1)to increase the Shire's housing stock and enable the reduction in externally leased properties. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.4.3.3 Manage Shire leased properties and reserves (Operating)	Julia Hall - Manager, Property & Regulatory Services	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: The coordination of Shire leased properties and reserves are ongoing with the responsibility for various aspects of the wide variety of leases spread across the organisation. Updated documentation has been compiled and provided to the State Land Revenue Office in accordance with legislation. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.4.3.4 Manage Shire leased properties and reserves (Capital)	Julia Hall - Manager, Property & Regulatory Services	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Ongoing negotiation and development of leases include the Kununurra Agricultural Society, Lakeside Resort, Kimberley Air Tours, Kununurra Race Club, Kununurra Speedway Club, Kununurra Waterski Club, Lake Kununurra Golf Club, Wyndham Turf Club and the Ord River Sports Club. Leases that are no longer a responsibility of the Shire include Kimberleyland Holiday Park, Discovery (Kona) Tourist Park. Last Updated: 03-Apr-2014							

3.4.4 Provide and support a more effective range of sport and recreation services and facilities including a new leisure and aquatic facility in Kununurra

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.4.4.1 Plan and manage the Shire's leisure and recreation facilities (Capital)	Nick Allen - Coordinator, Recreation & Leisure	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: - Install of a quick release shade system over the Wyndham Swimming Pool, system allows for all shade sails to be lowered in the event of poor weather. The system used the existing sails and can be dropped by one staff member in approximately 15 minutes it can also be rei - Obtained quotes and drawings for a toilet/change room facility at the Kununurra Ag Oval - further funding will need to be obtained in the new financial year for this project to continue, council will also need to allow money in the 14/15 budget. - Install softfall material at the Kununurra Leisure Centre play ground - 28/03/14 - Obtained quotes from pool contractor to conduct major service on the Wyndham and Kununurra pools filtration system in the next financial year. (Pending) Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.4.4.2 Plan and manage the Shire's leisure and recreation facilities (Operating)	Nick Allen - Coordinator, Recreation & Leisure	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Plan and manage the Shire's leisure and recreational facilities is an ongoing task with consistent reviews of facilities maintenance and minor works completed to ensure that the Shire is providing safe environments for community sport. The following operational projects were completed in this quarter: - Purchase order raised for the completion of works to upgrade the outdoor basketball lights. The lights were non compliant, wiring and globe replacement works are expected to be completed by early April - Maintenance works Wyndham Skate Park - Damage door replaced at the Town Oval due to vandalism Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.4.4.3 Provide and support safe and accessible sport and recreation services and programs to the community	Nick Allen - Coordinator, Recreation & Leisure	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Providing safe and accessible sporting programs to the community is a priority for the Shires Recreation Services team. A number of programs are run weekly at the Kununurra Leisure Centre, Wyndham Youth and Recreation Centre and the Wyndham Swimming Pool. Wyndham Swimming Pool: - Swim Fit - Mum and Bubs Swim Classes - Aqua Aerobics - Learn to Swim - Regional & Remote Aboriginal Communities Swimming Program. The program is aimed at both male and females aged from 5 – 17 years and is an incentive based program where children are rewarded for their efforts. After each session the children are given a healthy afternoon tea and after a prescribed amount of laps, the children are also eligible to earn incentive prizes with goggles, RLSSWA Swim & Survive packs, t-shirts and flippers. Supported by SWEK, BHP Billiton, Healthway and Royal LifeSaving Society WA (RLSSWA). Rottnest Swim Wyndham - Joint program St Johns and Shire to be held 22/02/14 Kununurra Leisure Centre: -Boxercise -ABT							

- Learn to Swim

Both Wyndham Swimming Pool and Kununurra Leisure Centre Pool participated in the BHP Swimming Australia program in December. The program was developed to increase participation rates at local swim clubs and saw 7 high profile athletes run swim and water polo programs, sessions at both pools were well received with approximately 70 participants. Program was supported by the Shire and Department of Sport and Recreation.

Last Updated: 03-Apr-2014

3.5 An active outdoor lifestyle is encouraged and promoted

3.5.1 Promote an increase in the number of outdoor (public) events and promote cultural diversity

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.5.1.1 Strengthen community capacity by supporting outdoor community events	Wayne Richards - Manager, Community & Youth	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: - Ord Valley Muster Supported through Events funding - Lake Argyle Swim successful in Annual Grant for \$5,000 - Barramundi Concert supported through events funding Last Updated: 03-Apr-2014							

3.5.2 Encourage cooperation between sporting groups and assist them in building capacity

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.5.2.1 Provide support to sport and recreation clubs at community level	Nick Allen - Coordinator, Recreation & Leisure	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: The Shire provides ongoing support to community sporting clubs through programs such as the Club Development program and Shire funding grants. Club Development Scheme is an initiative that aims to build the capacity of these clubs in WA. Club Development Officers work with local clubs and organisation to provide information and guidance on sponsorship, fundraising, grants, event management, planning, marketing and promotions, membership, governance and volunteer training. During this quarter the Shire Club Development Officer has achieved the following outcomes: - State Sport Associations visits to the region to develop the skills of local volunteers; Football West, Touch WA, Squash WA and Golf WA, all conducted referee training or coaching programs with local associations. - Assisted 4 clubs conducting the Australian Sports Commission Healthy Clubs Checklist							

- Assisted 2 associations finalise a formal 10 year business plan
- Administrated and implemented the KidSport Funding applications

Meet with the following clubs to discuss funding options for possible projects:

- Kununurra Water Ski Club - Coaching clinics
- Kununurra Soccer Club - Development of possible multi purpose clubrooms
- Kununurra Netball Club - Possible funding for storage
- Kununurra Swim Club - Kidsport Funding
- Kimberley Rugby League - Funding options to have NRL visit the area for coach and player development

Last Updated: 03-Apr-2014

3.5.3 Increase access to the lake, gulf and rivers, including boat ramps, according to demand usage and safety considerations

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.5.3.1 Implement recommendations from the Lake Kununurra Foreshore and Aquatic Use plan	Katya Tripp - Strategic Planning Officer	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Foreshore Committee meeting held June. Budget for new toilets at Swim beach proposed to Council. Foreshore committee meeting held September. Minutes distributed. Application from Ord River Houseboats to Department of Transport made for commercial moorings in Lake Kununurra. Locations in line with Aquatic Use Plan and therefore no objection made by the Shire. Crs Moulden, Dessert and Taylor have requested an investigation into the precinct with the golf course, swim beach and ski beach in regards to commercial boating facility and other developments. Letter drafted requesting community groups to meet with Shire prior to engaging consultants. Jennifer Ninyette is to now carry responsibility for the foreshore group and its meetings. Expressions of Interest released for Lot 509 of Commercial Boating Facility. Last Updated: 15-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.5.3.2 Prepare plans for the development of the second stage commercial boating facility in Kununurra	Julia Hall - Manager, Property & Regulatory Services	In Progress	01-Jul-2013	30-Jun-2016	10.00%	-	
ACTION PROGRESS COMMENTS: Project Brief being drafted to engage consultants to undertake planning investigation for second stage of the commercial boating facility which is proposed to incorporate communal refuelling and sullage facilities and mooring areas. Letter drafted to consult community groups prior to project brief being developed and consultant engaged. Last Updated: 03-Apr-2014							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.5.3.3 Manage cumbungi and noxious plants in Lilly Creek Lagoon	John Gault - Depot Manager	Ongoing	01-Jul-2012	30-Jun-2016	-	-	
ACTION PROGRESS COMMENTS: Ongoing maintenance of Cumbungi Harvester Harvest Cumbungi from Lake Last Updated: 03-Apr-2014							

13.5.3 Matters Arising from Audit (Finance and Risk) Committee – Adoption of Previous Minutes

DATE:	27 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Monika Tonkin, Executive Assistant to the Chief Executive Officer
REPORTING OFFICER:	Gary Gaffney, Chief Executive Officer
FILE NO:	N/A

PURPOSE

For Council to accept Minutes from previous Audit (Finance and Risk) Committee meetings.

BACKGROUND

With the responsibility for Audit (Finance and Risk) Committee meeting Minutes now sitting with Governance instead of Corporate Services and with a new Governance team in place, a review of processes and procedures for Minutes of Council and Committee meetings has recently been completed. During this review it has come to our attention that three previous Audit (Finance and Risk) Committee meetings have not been accepted by Council.

The Minutes of Committee meetings that have not been accepted are:

1. Minutes of Audit (Finance and Risk) Committee meeting held on 21 August 2012.

- a. Accepted by the Audit (Finance and Risk) Committee meeting held on the 18 September 2012.

Minute AC269

Moved: Cr D Ausburn

Seconded: Cr J Parker

That the minutes of the Audit (Risk and Finance) Committee meeting of 21 August 2012 be accepted as a true and accurate record of proceedings.

Carried Unanimously: 4/0

- b. Never taken to the Council for acceptance.

2. Minutes of Audit (Finance and Risk) Committee meeting held on 27 August 2013.

- a. Acceptance was deferred by the Audit (Finance and Risk) Committee meeting held on the 5 November 2013, until clarification could be sought from the Department of Local Government on acceptance of minutes by newly elected members who were not present at the previous meeting and therefore are unable to confirm that the minutes are a true and accurate recording of proceedings.

- b. Some items from the Committee Meeting were taken to the Council on the 19 October 2013 and accepted. However the complete minutes have never been taken to the Council for acceptance.

Moved: Cr K Wright

Seconded: Cr D Learbuch

That Council accepts the Audit (Finance and Risk) Committee recommendations 1, 2, 3, and 4 en bloc.

Carried Unanimously 9/0

- 3. Minutes of Audit (Finance and Risk) Committee Meeting held on 5 November 2013.

- a. Accepted by the Audit (Finance and Risk) Committee Meeting held on the 24 February 2014.

Minute: AC286

Moved: Cr D Spackman

Seconded: Cr B Robinson

That the minutes of the Audit (Finance and Risk) Committee meeting of 5 November 2013 be accepted as a true and accurate record of proceedings.

Carried Unanimously 3/0

- b. Never taken to the Council for acceptance

Advice was sought from the Department of Local Government, on the following two points:

- 1. Can Council members accept Minutes from Audit Committee meetings if they were not present at the meeting and/or not a Council member at the time?
- 2. Can Council members sign to confirm Minutes from Audit Committee meetings if they were not present at the meeting and/or not a Council member at the time?

The Answer received was as follows:

"The answer is yes in both cases. This is established by common law around meeting procedure rather than legislation particular to local government. Most references on the subject (we usually refer to Joske's Law and Procedure at Meetings) indicate that the only basis for refusing to accept or confirm minutes is a specific belief that they are inaccurate.

Joske recommends that it's customary, but not essential, for an acceptance/confirmation motion to be moved by someone who was present at the meeting. This simply reiterates that, when voting to accept or confirm minutes, a member isn't taking personal responsibility for the accuracy of the minutes. He or she is simply accepting that those who were present and prepared the minutes have provided an accurate record. In other words, if anyone wishes to question the accuracy, they should put forward an argument as to why the minutes shouldn't be considered accurate, as opposed to waiting for someone to convince them that they are.

(Some local governments emphasise this point of common law by actually including in their standing orders a requirement that members refusing to accept the accuracy of minutes must move the amendments they believe are required in order for them to be accurate. In other words, the onus is on the person questioning the accuracy to demonstrate what the inaccuracy is.)”

STATUTORY IMPLICATIONS

Local Government Act 1995

5.2 Minutes of council and committee meetings

- (1) *The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings.*
- (2) *The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.*
- (3) *The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.4: Business innovation, efficiency and improved service

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

COMMUNITY CONSULTATION

No community consultation is required to accept minutes of previous meetings

COMMENT

If the minutes are accepted by the Council, they will need to be signed by the current Chairperson of the Audit (Finance and Risk) Committee Meeting, Councillor Keith Wright.

At this time, two additional Minutes of Audit (Finance and Risk) Committee Meeting will also need to be signed as although they were accepted at both a previous Audit (Finance and Risk) Committee Meeting and at a previous Council meeting, they were never signed by the Chairperson.

The unsigned Minutes of Audit (Finance and Risk) Committee Meeting are from:

1. 13 April 2012
2. 4 December 2012

The Governance team has now adopted a checklist process for all Council and Committee meetings to ensure that the correct process of accepting and signing confirmed Minutes is followed.

ATTACHMENTS

Attachment 1 – Minutes of Audit (Finance and Risk) Committee Meeting held on 21 August 2012

Attachment 2 – Minutes of Audit (Finance and Risk) Committee Meeting held on 27 August 2013

Attachment 3 – Minutes of Audit (Finance and Risk) Committee Meeting held on 5 November 2013

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council accepts the Minutes from previous Audit (Finance and Risk) Committee meetings held on 21 August 2012, 27 August 2013 and 5 November 2013 as a true and accurate record of the proceedings contained therein.

COUNCIL DECISION

Minute No. 10431

Moved: Cr D Learbuch

Seconded: Cr B Robinson

That Council accepts the Minutes from previous Audit (Finance and Risk) Committee meetings held on 21 August 2012, 27 August 2013 and 5 November 2013 as a true and accurate record of the proceedings contained therein.

Carried Unanimously 9/0



MINUTES OF AUDIT (RISK AND FINANCE) COMMITTEE MEETING HELD 21 AUGUST 2012.

I hereby certify that the Minutes of the Audit (Risk and Finance) Committee meeting held 21 August 2012 are a true and accurate record of the proceedings contained therein.

Chairperson Confirmed

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2	Record of Attendance	2
3	Declaration of Interest	2
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5.2	Standing Item – Rates Debtors	6
5.3	Request for Write Off Rates Debt	9
5.4	Recovery of Outstanding Multipurpose Court Contribution	11
6	Project Updates	16
7	Requests for Officers Reports	16
8	Date of Next Meeting	16
9	Closure of Meeting	16

1 Declaration of Opening

The meeting was declared open at 3.56pm by the Chief Executive Officer as the Chair was to arrive late to the meeting. The Chief Executive Officer called for nominations to take the Chair until Cr Addis arrived.

Minute AC261

Moved: Cr J Parker

Seconded: Cr D Ausburn

That Cr J Moulden assumes the Chair on a temporary basis until Cr R Addis arrives at the meeting.

Carried Unanimously: 3/0

Cr J Moulden took the chair at 3.57pm

2 Record of Attendance

Cr R Addis	Committee Chair (Arrived 4.10)
Cr J Moulden	Committee Member
Cr J Parker	Committee Member
Cr D Ausburn	Committee Member
Gary Gaffney	Chief Executive Officer
Jo-Anne Ellis	Director Corporate Services (Arrived 3.58pm)
Gill Old	Manager Financial Services

3 Declaration of Interest

- Financial
Nil
- Members Impartially Interest
Nil
- Proximity Interest
Nil

4 Acceptance of Minutes of Previous Meeting

4.1 Audit (Risk and Finance) Committee Meeting Minutes 13 April 2012

Recommendation

That the minutes of the Audit (Risk and Finance) Committee meeting of 13 April 2012 be accepted as a true and accurate record of proceedings.

Minute AC262

Moved: Cr D Ausburn

Seconded: Cr J Parker

That the minutes of the Audit (Risk and Finance) Committee meeting of 13 April 2012 be accepted as a true and accurate record of proceedings.

Carried Unanimously: 3/0

5 Officer's Report

5.1 Standing Item – Sundry Debtors

DATE:	21 August 2012
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Asanka Jayakody, Acting Accountant
REPORTING OFFICER:	Jo-Anne Ellis, Director Corporate Services
FILE NO:	FM.07.2

J Ellis entered the room at 3.58pm

Cr R Addis arrived at 4.10pm

PURPOSE

To review status of sundry debtors, including airport debtors, and sundry debts in legal process.

BACKGROUND

The listing of 90+ Day Sundry Debtors was provided at the Ordinary Council Meeting on a monthly basis until March 2009 when Council resolved that the 90+ days debtor list be removed from the Council Agenda as a standing item and be presented to the then Audit Committee for consideration and to make recommended actions to Council as this falls within the scope of the committee's purpose.

In line with the more strategic focus of the new Committee the report in April 2012 only included debtor balances at 90+days and over \$500.

To further progress this strategic focus this item has been changed to provide summary information regarding all sundry debts including airport landing fees administered by Avdata on Councils behalf. Sundry debtors in legal process have also been incorporated into this item to give a complete picture of sundry debtors.

STATUTORY IMPLICATIONS

This item in a Council Meeting needs to be discussed behind closed doors under Section 5.23. (2) (e) (iii) of the Local Government Act 1995 because the item may disclose information about the business, professional, commercial or financial affairs of a person and because the item also contained legal advice to the Council.

As the Audit (Risk and Finance) Committee has no delegated powers it does not need to open to the public and therefore the provisions of Section 5.23 are not relevant.

POLICY IMPLICATIONS

No policy implications apply in relation to this item.

FINANCIAL IMPLICATIONS

Legal fees may be incurred to recover debts or revenue written off if debt recovery is considered not economically viable.

STRATEGIC IMPLICATIONS

The costs associated with legal fees to recover debt need to be weighed up against the debt to ensure and economically viable action is being taken.

COMMUNITY CONSULTATION

Community Consultation is not required in relation to this item.

COMMENT

Sundry Debtors (General) Summary – 13 August 2012

Categories	90 Days		60 Days	30 Days	Current	Total
	No	\$	\$	\$	\$	\$
Airport & Airport Leases	5	12,291	193	82,828	266,817	481,817
Childcare	6	4,140	671	2,329	4,387	11,527
Grant	3	98,823	-	1,541,713	244,829	1,885,364
Health		0	2,348	760	-	3,108
Leisure		-	-	6,609	4,798	11,406
Waste	11	1,171	6,929	31,224	- 135	39,189
Other	10	23,238	13,269	1,573	3,677	41,757
Total		139,662	23,411	1,667,034	524,372	2,474,167

Note: The information in the above table is from Council Debtors System, the revenue is recognised when the debtor is raised.

Sundry Debtors (Airport Landing Fees) Summary – 13 August 2012

Categories	90 Days		60 Days	30 Days	Current	Total
	No	\$	\$	\$	\$	\$
Kununurra Airport	27	93,188	37,580	128,862	158,573	418,203
Wyndham Airport	3	6,964	1,034	838	4,060	12,896
Total		100,152	38,615	129,699	162,633	431,099

Note: The information in the above table is provided by Avdata. Airport Landing Fees are not detailed in any Council Systems, they are invoiced and collected on Councils behalf by Avdata. The revenue is recognised when the cash is deposited in Councils bank account.

ATTACHMENTS

Sundry Debtors detailed report as at 13 August 2012
(Confidential attachment provided under separate cover)

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Audit (Risk and Finance) Committee reports to Council that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate and no further actions are recommended at this time.

COMMITTEE RESOLUTION

Minute AC263

Moved: Cr J Parker

Seconded: Cr D Ausburn

That the Audit (Risk and Finance) Committee reports to Council that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate and no further actions are recommended at this time.

Carried Unanimously: 4/0

COMMITTEE RECOMMENDATION 1

That Council acknowledges that the Audit (Risk and Finance) Committee has reviewed the status of sundry debtors including sundry debts in legal process and has resolved that the actions being undertaken by the administration in regard to these debts are sufficient and appropriate and no further actions are recommended at this time.

COMMITTEE RESOLUTION

Minute AC264

Moved: Cr R Addis

Seconded: Cr J Parker

That Councils debt collection policy is brought to the next Audit (Risk and Finance) Committee including details of cut-off / removal of service for large debts.

Carried Unanimously: 4/0

The additional resolution is to enable the committee to review Councils debt collection policy to ensure it is consistent with the aims and objective of the Audit (Risk and Finance) Committee.

Cr J Moulden vacated the chair and Cr R Addis assumed the chair at 4.15pm

5.2 Standing Item – Rates Debtors

DATE:	21 August 2012
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Felicity Heading, Senior Finance Officer
REPORTING OFFICER:	Jo-Anne Ellis, Director Corporate Services
FILE NO:	FM.11.1

PURPOSE

To review status of rates debtors and rates debts in legal process.

BACKGROUND

At the Ordinary Council Meeting, 16 October 2007, Council moved the following resolution:

Minute No. 7936

That Council direct the CEO to provide a written report to Council under confidential cover each month in regard to all debts currently in legal process.

Carried Unanimously 5/0

At the Ordinary Council Meeting, 18 March 2008, Council moved the following:

Minute No: 8148

Moved: Cr J Parker

Seconded: Cr F Mills

That Council:

- 1. note the confidential report provided to it in relation to debts owed to Council and under legal action.*
- 2. direct the Executive Manager Corporate Services to provide a written report to the Audit Committee under confidential cover at each Audit Committee meeting in regard to all debts currently in legal process.*
- 3. request the Audit Committee to make recommendations to Council as required and appropriate in relation to the report provided under confidential cover regarding debts currently in legal process.*
- 4. resolve that this requirement replaces the previous requirement on the CEO to report information to Council.*

Carried Unanimously 8/0

This requirement is now fulfilled by a combination of this report and item 5.1 Standing Item – Sundry Debtors.

Outstanding Rates Debtors over three years report has also been incorporated into the confidential attachment to this item to give a complete picture of rates debtors.

STATUTORY IMPLICATIONS

This item in a Council Meeting needs to be discussed behind closed doors under Section 5.23. (2) (e) (iii) of the Local Government Act 1995 because the item may disclose information about the business, professional, commercial or financial affairs of a person and because the item also contained legal advice to the Council.

As the Audit (Risk and Finance) Committee has no delegated powers it does not need to open to the public and therefore the provisions of Section 5.23 are not relevant.

Paid

POLICY IMPLICATIONS

No policy implications apply in relation to this item.

FINANCIAL IMPLICATIONS

Legal fees may be incurred to recover debts or revenue written off if debt recovery is considered not economically viable.

STRATEGIC IMPLICATIONS

The costs associated with legal fees to recover debt need to be weighed up against the debt to ensure and economically viable action is being taken.

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

Rates and Services Debtors Summary

Rates & Services Levied 2011/2012	Rates & Services Debt as at 10 August 2012	Overdue at 10 August 2012
\$ 7,115,543	\$ 749,270	\$ 749,270

Rates for the financial year of 2012/2013 will be raised and issued by 21 August 2012.

ATTACHMENTS

Rates Debtors - Detailed Report
(Confidential Attachment provided under separate cover)

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Audit (Risk and Finance) Committee reports to Council that the actions being undertaken by the administration in regard to rates debtors including rates debts in legal process are sufficient and appropriate and no further actions are recommended at this time.

COMMITTEE RESOLUTION

Minute AC265

Moved: Cr J Parker

Seconded: Cr J Moulden

That the Audit (Risk and Finance) Committee reports to Council that the actions being undertaken by the administration in regard to rates debtors including rates debts in legal process are sufficient and appropriate, however additional actions are required in relation to Wyndham Club Inc.

Carried Unanimously: 4/0

COMMITTEE RESOLUTION

Minute AC266

Moved: Cr J Parker

Seconded: Cr J Moulden

That the Audit (Finance and Risk) Committee recommends to Council to require the Wyndham Community Club Committee to:

1. Either
 - a. meet their outstanding rates debt on assessment A501 within 60 days;
or
 - b. enter into a suitable payment plan approved by the Chief Executive Officer;
- and
2. Formalise the lease of Lot 472 Great Northern Highway, Wyndham with the Shire within 90 Days.

Carried Unanimously: 4/0

COMMITTEE RECOMMENDATION 2

That Council acknowledges that the Audit (Risk and Finance) Committee has reviewed the status of rates debtors including rates debts in legal process and has resolved that the actions being undertaken by the administration in regard to these debts are sufficient and appropriate, however additional actions are required in relation to Wyndham Club Inc.

COMMITTEE RECOMMENDATION 3

That Council on recommendation from the Audit (Finance and Risk) Committee requires the Wyndham Community Club Committee to:

1. Either
 - a. meet their outstanding rates debt on assessment A501 within 60 days;
or
 - b. enter into a suitable payment plan approved by the Chief Executive Officer;
- and
2. Formalise the lease of Lot 472 Great Northern Highway, Wyndham with the Shire within 90 Days.

5.3 Request for Write Off Rates Debt

DATE:	21 August 2012
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Felicity Heading, Senior Finance Officer
REPORTING OFFICER:	Jo-Anne Ellis, Director Corporate Services
FILE NO:	FM.11.1
ASSESSMENT NO:	A2478

PURPOSE

To recommend Council write off outstanding rates and penalties on Assessment A2478

BACKGROUND

In April 2006 the mining tenement was granted. The tenement was surrendered in April 2009.

In 2009 the outstanding rates debt for financial year 2008/2009 on this assessment was referred to Council's debt collection agent. A General procedure claim was served on 9 July 2009. No response was received to the claim.

The company that was the registered holder of this mining tenement was deregistered in December 2011.

An agenda item to recommend the write off of this debt was included in the Ordinary Council Meeting agenda on 26 June 2012. Council resolved:

Minute No.9793

That Council defers consideration of the request to write off rates debt against Assessment A2478 until it is referred to the next meeting of the Shire's Audit (Finance and Risk) Committee for their consideration and recommendation to Council.

Carried Unanimously 5/0

The information is now presented to the Audit Committee for their consideration.

The total outstanding debt as at 10 August 2012 is \$1,935.79 represented by outstanding rates \$288.06, penalties \$244.99 and debt collection and legal charges of \$1,402.74.

STATUTORY IMPLICATIONS

Local Government Act 1995, S6.12:

- "(1) Subject to subsection (2) and any other written law, a local government may -
- (a) when adopting the annual budget, grant* a discount or any other incentive for the early payment of any amount of money;
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money,
- which is owed to the local government
- *absolute majority required.

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

POLICY IMPLICATIONS

Policy F12 – Rate Collection Policy

FINANCIAL IMPLICATIONS

Total outstanding debt requested for write off as at 10 August 2012 is \$1,935.79.

STRATEGIC IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

Processes available under Council's debt collection policy have been undertaken and with consideration to the costs and realistic prospect of recovery this debt is recommended for write off.

ATTACHMENTS

There are no attachments associated with this report.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Audit (Risk and Finance) Committee recommends to Council to write off the outstanding rates debt of \$1,935.79 plus accrued penalties relating to Rates Assessment A2478.

COMMITTEE RESOLUTION

Minute AC267

Moved: Cr J Parker

Seconded: Cr J Moulden

That the Audit (Risk and Finance) Committee recommends to Council to write off the outstanding rates debt of \$1,935.79 plus accrued penalties relating to Rates Assessment A2478.

Carried Unanimously: 4/0

COMMITTEE RECOMMENDATION 4

That Council on recommendation of the Audit (Risk and Finance) Committee writes off the outstanding rates debt of \$1,935.79 plus accrued penalties relating to Rates Assessment A2478.

5.4 Recovery of Outstanding Multipurpose Court Contribution

DATE:	21 August 2012
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Wayne Richards, Manager Recreation and Leisure
REPORTING OFFICER:	Jo-Anne Ellis, Director Corporate Services
FILE NO:	FM.07.2

PURPOSE

To inform the Audit committee on the status of the outstanding \$51,000 contribution to the Kununurra Multipurpose Courts Upgrade from the Kununurra Tennis Club, Kununurra Netball Association and Kununurra Basketball Association and propose potential solution to assist recovery.

BACKGROUND

The Kununurra Multipurpose courts were upgraded in 2008/09 at a total project cost of \$1.2 million. Funding included a financial contribution of \$30,000 from the Kununurra Tennis Club and \$15,000 from the Kununurra Netball Association.

During the project's planning, a request was made by the user groups to amend the works to include three additional courts.

A letter dated 21 November 2008 was submitted to Council co-signed by Tennis, Netball and Basketball Clubs stating that these associations will "engage their best efforts to raise \$51,000 for the resurfacing of three existing basketball courts".

On the basis of this letter, Council resolved on 20 January 2009 to amend the project and grant the Tennis, Netball and Basketball clubs a 5 to 8 year self-supporting loan.

Minute No: 8542

Moved: Cr J Moulden

Seconded: Cr K Wright

That Council:

- 1. Rescind points 1 and 4 of Minute No 8381 of 16 September 2008, being:*
 - 2. That Council authorise officers to liaise with the approved tenderer to develop 2 basketball courts incorporated into the Multipurpose Court Facility and re-surfacing 1 existing basketball/netball court to*
 - a. maintain basketball court facilities and consolidate hard courts*
 - b. cater for casual and community use, and*
 - c. capitalise on the existing competitive price estimate Council has received on re-surfacing and availability of contractors in the area.*
 - 4. That Council decommission 2 of the existing outdoor netball/basketball courts by removing court furniture and fencing (on 2 boundaries only to maintain oval security) to allow car parking on the site but reserve the site for future hard court expansion when the need for additional courts is demonstrated.*
- 2. Utilise the basketball furniture committed to the proposed two basketball courts in the Kununurra Multipurpose Recreation Courts complex as a result of Council Minute No 8381 of 16 September 2008 in the re-surfacing and upgrade of the*

existing three Kununurra basketball/netball courts to provide three basketball courts on the site.

- 3. Accept the commitment by the Kununurra Tennis Club Inc, the Kununurra Netball Association Inc and the Kununurra Basketball Committee to raise \$51,000 and provide a 5 – 8 year self supporting loan provided that there is a director's guarantee provided by at least two members of each group or provision of another form of surety as negotiated and agreed by the Shire President, Deputy Shire President and CEO.*
- 4. Do not proceed with line marking two tennis/netball courts for basketball within the Kununurra Multipurpose Court Facility.*

CARRIED: (6/2)

Cr D Ausburn request that votes for and against are recorded:

For: Crs Mills, Addis, Moulden, Caley, Torres and Wright

Against: Crs Ausburn and Parker

Following this meeting however, self-supporting loans were not issued.

Since this amendment has been made, the Kununurra Basketball Association has folded and is no longer operating. The Association was not functioning well at the time of these arrangements being made.

The outstanding contribution has been discussed several times with the Tennis Club and Netball Association. The clubs firmly believe they are only responsible for one third each (\$17,000). The project budget did not allow for any amendments and received the letter as an agreement for the group of clubs to raise the full \$51,000.

The final factor in the assessment of the outstanding amount is the fact that have been several issues that have been mentioned as potentially contributing to the outstanding amount including working bees and the sale of equipment from the site (lights). No dollar figure was placed on these contributions and very little detail is available on them.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

Policy F15 – Sundry Debt Collection Policy

FINANCIAL IMPLICATIONS

The amount of \$51,000 has been raised through the debtors system appearing in the 2011/12 financial year (two invoices each for \$17,000 and \$8,500 to both the Tennis and Netball Clubs).

Total outstanding debt request to write off \$17,000 from this outstanding amount.

STRATEGIC IMPLICATIONS

There are no strategic implications associated with this report.

COMMUNITY CONSULTATION

A number of discussions with the Kununurra Tennis Club and Kununurra Netball Association have taken place over the duration of this matter. The most recent correspondence was 26 June 2012.

COMMENT

Summarising the factors that have been raised regarding the outstanding contribution:

1. Distribution of the contributions

The Clubs (Netball Association and Tennis Club) are willing to pay the \$17,000 for 1/3 of the \$51,000. They believe that the remaining \$17,000 is the responsibility of the (now non-existent) Basketball Association and SWEK. It was known at the time of the letter signing that the Basketball Association was weak and was not necessarily in a position to contribute. The Tennis Club stated that they had the letter assessed by a lawyer and their argument would be supported legally.

2. Sale of the Tennis Clubs lights

My understanding of this issue is that the light towers were purchased by the Tennis Club however installed on Shire land, technically making them a Shire asset. They were removed by Wanna Work but were severely damaged in the process. The Tennis Club protested that as they owned the lights, they should receive the proceeds from their sale. The lights were offered for sale by SWEK with no response from club. Responsibility for the sale of the lights was given back to the Tennis Club without success (although the Ord River Magpies may have bought two of them). Indications are that the light poles are currently stored at an individuals property.

3. Shade Sails

Similar to the issue above, the Tennis Club advised that during the upgrade works a large shade sail was removed by the Shire. There is no evidence of this, the age or state of the shade or what may have been done with it.

4. In Kind Contribution

There are two clear attempts at getting the clubs involved in providing in kind labour to offset the outstanding \$51,000. There are no records of the first "working bee" that involved the Netball Association and several Shire staff members that verify that this took place. Most notably absent from any records however is any mention of what was done, how many people/hours were contributed, and any fee for service discussed.

The second "working bee" was with the Tennis Club and Shire staff members. It appears that a quote was received from Wanna Work to remove fencing for \$7,000. The Tennis club were contacted to complete these works and this amount would be deducted from their contribution to the \$51,000 however the payment of a \$7,000 invoice to Wanna Work, indicating that this work was not done by the Tennis Club.

With each of these factors in mind, there are several options:

Charge both Netball and Tennis the full amount of \$25,500 each in the knowledge that they may refuse to pay the additional \$8,500 and action would need to be taken.

Charge both Netball and Tennis \$17,000 each, with the \$17,000 owed by the Basketball Association waived based on an estimation that the Sale of Lights, in-kind contributions and removal of Shade sails would have contributed a portion of this \$17,000 with the remaining portion absorbed by the Shire of Wyndham East Kimberley. Any monetary value of in kind labour or sale of assets would also be absorbed by the Shire

Charge both Netball and Tennis \$17,000 each, with the outstanding \$17,000 debt allocated to the Basketball Association in the hope that they may reform at a later date. It is unlikely that this will ever be repaid and may prevent a Basketball Association reforming in the future if they immediately inherit a large debt.

ATTACHMENTS

Attachment 1 – November 2008 signed letter from all three Clubs.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Audit (Risk and Finance) Committee recommends to Council to:

- 1. Advise the Netball and Tennis Clubs that invoices 19045 and 19046 for a combined total of \$34,000.00 including GST stand.**
- 2. Write off invoices 19047 and 19048 currently issued to the Netball and Tennis Clubs for a total of \$17,000.00 including GST as being owed by the Kununurra Basketball Association deemed unrecoverable.**
- 3. Agree to the Kununurra Netball Associations payment plan of invoice 19045 for \$17,000 in three lump sums payable by 30 June 2013.**
- 4. Direct staff to enter negotiations with the Kununurra Tennis Club to agree on a suitable payment plan for invoice 19046 for a total of \$17,000 that maximises the security that the contribution will be paid to the Shire.**

COMMITTEE RESOLUTION

Minute AC268

Moved: Cr J Parker

Seconded: Cr D Ausburn

That the Shire President, Chair of Audit (Risk and Finance) Committee and Chief Executive Officer write to the Tennis Club, Basketball Club and Netball Club requiring the debt in regard to \$51,000 contribution to multi-purpose courts referred to in letter co-signed by the clubs on 21 November 2008 to be paid in full by 30 June 2013.

Carried Unanimously: 4/0

COMMITTEE RECOMMENDATION 5

That the Shire President, Chair of Audit (Risk and Finance) Committee and Chief Executive Officer write to the Tennis Club, Basketball Club and Netball Club requiring the debt in regard to \$51,000 contribution to multi-purpose courts referred to in letter co-signed by the clubs on 21 November 2008 to be paid in full by 30 June 2013.

21 November 2008

Elected Members
Shire of Wyndham East Kimberley
PO Box 614
KUNUNURRA WA 6743

Dear Cr. Mills,

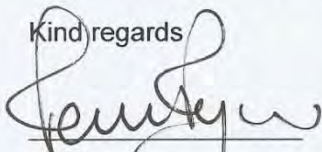
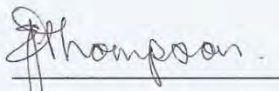
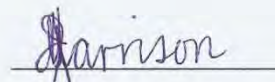
As requested at the Council Briefing Session held on 4 November 2008, please accept this letter as confirmation that the Kununurra Tennis Club, Kununurra Netball Association and Kununurra Basketball Committee will engage their best efforts to raise \$51,000 for the resurfacing of three existing basketball courts on Rod Hodnett Drive. It is agreed that these funds will ensure the establishment of an independent basketball facility as well as a multipurpose recreation facility (as originally proposed and agreed upon) for netball and tennis use only.

The above mentioned sporting groups have every intention of honouring this commitment by:

- Submitting grant applications to appropriate government agencies;
- Sourcing corporate sponsorship from local industry groups;
- Selling the tennis club's original light towers;
- Raising funds through the sale of food items at the Kimberley Moon Concert and other community events and/or;
- Applying for a low interest community loan.

As indicated in an email on 7 November 2008 to the Executive Manager of Community Services (and subsequently, to the Chief Executive Officer), we hope this letter fully demonstrates the willingness of local sporting groups to raise funds so as to assist the Shire develop quality facilities that meet the needs of local community members.

Kind regards


Paul Royce
Kununurra Tennis Club
Jacinta Thompson
Kununurra Netball Assoc.
Jo Harrison
Kununurra Basketball Committee

cc: Peter Stubbs
Chief Executive Officer, SWEK

6 Project Updates

This item is to provide information to the Audit (Risk and Finance) Committee on

- ongoing projects not subject to officers reports
- items that do not require a Council decision

A confidential attachment has been provided under separate cover.

7 Requests for Officers Reports

This section is included in the agenda in place of General Business to improve the meeting process and to enable the Audit (Risk and Finance) Committee to make informed decisions based on adequate research and an officer recommendation. Even though this item exists committee members can request officer reports at any time (giving suitable preparation time prior to the agenda deadline).

8 Date of Next Meeting

The schedule of meeting for the committee has not yet been set. The date of the next meeting needs to be set for planning purposes, re timing of agenda items and including the date in committee member's diaries.

October 2012– Limited Agenda - Meeting with Auditor

November 2012 – Full Agenda - Committee Meeting

9 Closure of Meeting

With the business of the meeting concluded the Chair thanked those in attendance and closed the meeting at 4.55pm



Minutes of Audit (Risk and Finance) Committee Meeting 27 August 2013

I hereby certify that the Minutes of the Audit (Risk and Finance) Committee meeting held 27 August 2013 are a true and accurate record of the proceedings contained therein.

Chairperson confirmed

1	Declaration of Opening	2
2	Record of Attendance	2
3	Declaration of Interest	2
4	Acceptance of Minutes of Previous Meeting	2
4.1	Audit (Risk and Finance) Committee Meeting Minutes 4 December 2012	2
5	Officer's Report	3
5.1	Standing Item – Sundry Debtors	3
5.2	Standing Item – Rates Debtors	6
5.3	Request for Write Off Penalties A6507	9
5.4	Request for Write Off Services Charges and Penalties Nulleywah and Mirima Communities	12
5.5	Interim Audit Visit Year Ended 30 June 2013	15
5.6	Response to Netball Association regarding outstanding Court Contribution	19
5.7	Report on the recent audit undertaken for the Kimberley Zone and Regional Collaborative Group by AMD.	22
6	Project Updates	26
6.1	Strategic Risk Report	26
7	Requests for Officers Reports	27
8	Date of Next Meeting	27
9	Closure of Meeting	27

1 Declaration of Opening

The meeting was declared open by the Chair at 2.30pm.

2 Record of Attendance

Cr John Moulden	Committee chairperson
Cr Jane Parker	Committee member
Cr Di Ausburn	Committee member
Gary Gaffney	Chief Executive Officer
Ingrid Bishop	Acting Director Corporate Services (Minute taker)
Felicity Heading	Senior Finance Officer

3 Declaration of Interest

- Financial
Nil
- Members Impartially Interest
Nil
- Proximity Interest
Nil

4 Acceptance of Minutes of Previous Meeting

4.1 Audit (Risk and Finance) Committee Meeting Minutes 4 December 2012

Recommendation

That the minutes of the Audit (Risk and Finance) Committee meeting of 4 December 2012 be accepted as a true and accurate record of proceedings.

Minute AC275

Moved: Cr J Parker

Seconded: Cr D Ausburn

That the minutes of the Audit (Risk and Finance) Committee meeting of 4 December 2012 be accepted as a true and accurate record of proceedings.

Carried Unanimously: 3/0

ATTACHMENTS

Audit (Risk and Finance) Committee Meeting Minutes 4 December 2012
(Confidential attachment provided under separate cover)

5 Officer's Report

5.1 Standing Item – Sundry Debtors

DATE:	27 August 2013
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Paul Tily, Finance Officer Felicity Heading, Senior Finance Officer
REPORTING OFFICER:	Ingrid Bishop, Acting Director Corporate Services
FILE NO:	FM.07.2

PURPOSE

To review status of sundry debtors, including airport debtors, and sundry debts in legal process.

BACKGROUND

The listing of 90+ Day Sundry Debtors was provided at the Ordinary Council Meeting on a monthly basis until March 2009 when Council resolved that the 90+ days debtor list be removed from the Council Agenda as a standing item and be presented to the then Audit Committee for consideration and to make recommended actions to Council as this falls within the scope of the committee's purpose.

In line with the more strategic focus of the new Committee the report in April 2012 only included debtor balances at 90+days and over \$500.

To further progress this strategic focus this item has been changed to provide summary information regarding all sundry debts including airport landing fees administered by Avdata on Councils behalf. Sundry debtors in legal process have also been incorporated into this item to give a complete picture of sundry debtors.

STATUTORY IMPLICATIONS

This item in a Council Meeting needs to be discussed behind closed doors under Section 5.23. (2) (e) (iii) of the Local Government Act 1995 because the item may disclose information about the business, professional, commercial or financial affairs of a person and because the item also contained legal advice to the Council.

As the Audit (Risk and Finance) Committee has no delegated powers it does not need to open to the public and therefore the provisions of Section 5.23 are not relevant.

POLICY IMPLICATIONS

No policy implications apply in relation to this item.

FINANCIAL IMPLICATIONS

Legal fees may be incurred to recover debts or revenue written off if debt recovery is considered not economically viable.

STRATEGIC IMPLICATIONS

The costs associated with legal fees to recover debt need to be weighed up against the debt to ensure and economically viable action is being taken.

COMMUNITY CONSULTATION

Community Consultation is not required in relation to this item.

COMMENT

Sundry Debtors (General) Summary – 15th of August 2013

Categories	90 Days		60 Days	30 Days	Current	Total
	No	\$	\$	\$	\$	\$
Airport & Airport Leases(May 2013)	3	19,771	333	108,880	259,270	388,254
Childcare	12	8,597	727	3,575	5,736	18,635
Grant	2	55,172	-	-	-	55,172
Health	1	8	1,295	215	5,241	6,759
Leisure	8	37,678	3,141	2,360	4,501	47,680
Waste	13	7,915	5,265	11,615	50,576	75,371
Other	6	121,810	86,895	23,109	474,773	706,587
Total		250,951	97,656	149,754	800,097	1,298,458

Note: The information in the above table is from Council Debtors System, the revenue is recognised when the debtor is raised.

Sundry Debtors (Airport Landing Fees) Summary – 15th August 2013

Categories	90 Days		60 Days	30 Days	Current	Total
	No	\$	\$	\$	\$	\$
Kununurra Airport	24	10,965	12,945	133,018	157,347	314,275
Wyndham Airport	1	553	2,016	2,270	2,587	7,426
Total		11,518	14,961	135,288	159,934	321,701

Note: The information in the above table is provided by Avdata. Airport Landing Fees are not detailed in any Council Systems, they are invoiced and collected on Councils behalf by Avdata. The revenue is recognised when the cash is deposited in Councils bank account.

ATTACHMENTS

Sundry Debtors detailed report as at 15th of August 2013
(Confidential attachment provided under separate cover)

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Audit (Risk and Finance) Committee reports to Council that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate and no further actions are recommended at this time.

COMMITTEE RESOLUTION

Minute AC276

Moved: Cr J Parker

Seconded: Cr D Ausburn

That the Audit (Risk and Finance) Committee reports to Council that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate and no further actions are recommended at this time.

Carried Unanimously: 3/0

COMMITTEE RECOMMENDATION 1

That the Audit (Risk and Finance) Committee reports to Council that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate and no further actions are recommended at this time.

5.2 Standing Item – Rates Debtors

DATE:	27 August 2013
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Shelley Binnie, Finance Officer Rates
REPORTING OFFICER:	Ingrid Bishop, Acting Director Corporate Services
FILE NO:	FM.11.1

PURPOSE

To review status of rates debtors and rates debts in legal process.

BACKGROUND

At the Ordinary Council Meeting, 16 October 2007, Council moved the following resolution:

Minute No. 7936

That Council direct the CEO to provide a written report to Council under confidential cover each month in regard to all debts currently in legal process.

Carried Unanimously 5/0

At the Ordinary Council Meeting, 18 March 2008, Council moved the following:

Minute No: 8148

Moved: Cr J Parker

Seconded: Cr F Mills

That Council:

- 1. note the confidential report provided to it in relation to debts owed to Council and under legal action.*
- 2. direct the Executive Manager Corporate Services to provide a written report to the Audit Committee under confidential cover at each Audit Committee meeting in regard to all debts currently in legal process.*
- 3. request the Audit Committee to make recommendations to Council as required and appropriate in relation to the report provided under confidential cover regarding debts currently in legal process.*
- 4. resolve that this requirement replaces the previous requirement on the CEO to report information to Council.*

Carried Unanimously 8/0

This requirement is now fulfilled by a combination of this report and item 5.1 Standing Item – Sundry Debtors.

Outstanding Rates Debtors over three years report has also been incorporated into the confidential attachment to this item to give a complete picture of rates debtors.

STATUTORY IMPLICATIONS

This item in a Council Meeting needs to be discussed behind closed doors under Section 5.23. (2) (e) (iii) of the Local Government Act 1995 because the item may disclose information about the business, professional, commercial or financial affairs of a person and because the item also contained legal advice to the Council.

As the Audit (Risk and Finance) Committee has no delegated powers it does not need to open to the public and therefore the provisions of Section 5.23 are not relevant.
Paid

POLICY IMPLICATIONS

No policy implications apply in relation to this item.

FINANCIAL IMPLICATIONS

Legal fees may be incurred to recover debts or revenue written off if debt recovery is considered not economically viable.

STRATEGIC IMPLICATIONS

Strategic Community Plan – Strategy 1.4.3
Maintain Council's long term financial viability

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

Rates and Services Debtors Summary

Rates & Services Levied 2012/2013 (including arrears)	Rates & Services Debt at 30 June 2013	Overdue at 30 June 2013
\$ 9,711,866	\$592,980	\$592,980

Rates for the financial year of 2012/2013 were raised and issued on 21 August 2012.
Interim rating occurs periodically throughout the year.

ATTACHMENTS

Rates Debtors - Detailed Report (Confidential Attachment provided under separate cover)

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Audit (Risk and Finance) Committee reports to Council that the actions being undertaken by the administration in regard to rates debtors including rates debts in legal process are sufficient and appropriate and no further actions are recommended at this time.

COMMITTEE RESOLUTION

Minute AC277

Moved: Cr J Parker

Seconded: Cr D Ausburn

That the Audit (Risk and Finance) Committee reports to Council that the actions being undertaken by the administration in regard to rates debtors including rates debts in legal process are sufficient and appropriate and no further actions are recommended at this time.

Carried Unanimously: 3/0

COMMITTEE RECOMMENDATION 2

That the Audit (Risk and Finance) Committee reports to Council that the actions being undertaken by the administration in regard to rates debtors including rates debts in legal process are sufficient and appropriate and no further actions are recommended at this time.

5.3 Request for Write Off Penalties A6507

DATE:	27 August 2013
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Shelley Binnie, Finance Officer Rates
REPORTING OFFICER:	Ingrid Bishop, Acting Director Corporate Services
FILE NO:	FM.11.17
ASSESSMENT NO:	A6507

PURPOSE

For the Audit (Risk and Finance) Committee to consider a request to write off penalties on Assessment A6507.

BACKGROUND

Rates assessment A6507 is a mining tenement which was surrendered in financial year 2007/2008. The outstanding rates were collected, but not the penalties. Penalties have been accruing since 2007/2008.

STATUTORY IMPLICATIONS

Relevant legislation:
Local Government Act 1995
Section 6.47

“Concessions

Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

** absolute majority required”*

Section 6.12. Power to defer, grant discounts, waive or write off debts

“(1) Subject to subsection (2) and any other written law, a local government may —
(a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;

(b) waive or grant concessions in relation to any amount of money; or

(c) write off any amount of money, which is owed to the local government.

** Absolute majority required.*

(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

(4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.”

POLICY IMPLICATIONS

Relevant Policy

Policy F12 – Rate Collection Policy

“6. General Procedure Claims will not be issued on debts under \$200.”

FINANCIAL IMPLICATIONS

Should Council approve the request to write off the rates penalties a total amount of \$117.30 in penalty interest would be written off.

STRATEGIC IMPLICATIONS

Strategic Community Plan – Strategy 1.4.3

Maintain Council's long term financial viability

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

The company that held the mining tenement for this assessment is no longer registered. Under Council's Debt Collect Policy it states that debt collection will not commence on debts less than \$200.00.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That the Audit (Risk and Finance) Committee recommends to Council to agree to the request to the write off penalties of \$117.30 on Assessment A6507.

COMMITTEE RESOLUTION

Minute AC278

Moved: Cr J Parker
Against: Cr Ausburn

Seconded: Cr J Moulden

That the Audit (Risk and Finance) Committee recommends to Council to agree to the request to the write off penalties of \$117.30 on Assessment A6507.

Carried: 2/1

COMMITTEE RECOMMENDATION 3

That the Audit (Risk and Finance) Committee recommends to Council to agree to the request to the write off penalties of \$117.30 on Assessment A6507.

5.4 Request for Write Off Services Charges and Penalties Nulleywah and Mirima Communities

DATE:	27 August 2013
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Shelley Binnie, Finance Officer Rates Felicity Heading, Senior Finance Officer
REPORTING OFFICER:	Ingrid Bishop, Acting Director Corporate Services
FILE NO:	FM.11.17
ASSESSMENT NO:	

PURPOSE

For the Audit (Risk and Finance) Committee to consider a request to write off service charges and penalties for Nulleywah and Mirima Communities.

BACKGROUND

Nulleywah and Mirima Aboriginal Communities in the Kununurra township have been receiving a waste collection service since at least 1987. The service charges were billed through the rates billing system to the individual properties care of Nulleywah Aboriginal Corporation and Mirima Council Aboriginal Corporation. The charges were paid by Kununurra Waringarri Aboriginal Corporation (KWAC) until 2008/2009. KWAC then ceased to pay. Charges for 2009/10, 2010/11 and 2011/12 remained unpaid until September 2012 when Community Housing Ltd agreed to pay outstanding monies up to 30 June 2012. Charges for 2012/13 are currently still outstanding.

STATUTORY IMPLICATIONS

Relevant legislation:
Local Government Act 1995

Section 6.12 Power to defer, grant discounts, waive or write off debts

“(1) Subject to subsection (2) and any other written law, a local government may —
(a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;
(b) waive or grant concessions in relation to any amount of money; or
(c) write off any amount of money, which is owed to the local government.

** Absolute majority required.*

(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

(4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.”

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Should Council approve the request to write off the service charges and penalties a total amount of \$3,762.25 for Nulleywah and \$7,059.39 for Mirima in service charges and penalty interest would be written off.

STRATEGIC IMPLICATIONS

Strategic Community Plan – Strategy 1.4.3
Maintain Council's long term financial viability

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

Through negotiations with the Department of Aboriginal Affairs and the Department of Housing, Department of Housing have agreed to pay waste collection charges from the dates that they commenced Housing Management Agreements (HMA) with the communities. The commencement dates for HMAs are Mirima 1/7/2013 and Nulleywah 11/3/2013.

As a result of this agreement Department of Housing will pay the pro rata portion of the 2012/13 arrears from 11/3/2013 for Nulleywah being the sum of \$3,701.83, but have declined to pay the 2012/13 Mirima arrears as their HMAs with Mirima commenced on 1/7/2013.

It is recommended that the balance of the Nulleywah arrears and the Mirima arrears be written off as it is unlikely that this debt can be recovered. The amount recommended for write off is \$3,762.25 for Nulleywah and \$7,059.39 for Mirima.

Department of Housing has agreed to pay to the Shire the waste collection and waste management charges for Nulleywah and Mirima Communities while they have Housing Management Agreements in place with the members of the Communities. Rates notices for the current charges for 2013/14 will be forwarded to the Department of Housing.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That the Audit (Risk and Finance) Committee recommends to Council to write off service charges and penalties of \$3,762.25 for Nulleywah and \$7,059.39 for Mirima communities.

Officer's recommendation is moved with adjustments

COMMITTEE RESOLUTION

Minute AC279

Moved: Cr D Ausburn

Seconded: Cr J Parker

That the Audit (Risk and Finance) Committee recommends to Council;

- 1. To write off service charges and penalties of \$3,762.25 for Nulleywah and \$7,059.39 for Mirima communities.**
- 2. To develop a policy which includes the provision of an agreement between the Shire and customer**
- 3. Officer's report to be tabled at September briefing session**

Carried Unanimously: 3/0

COMMITTEE RECOMMENDATION 4

That the Audit (Risk and Finance) Committee recommends to Council;

- 1. To write off service charges and penalties of \$3,762.25 for Nulleywah and \$7,059.39 for Mirima communities.**
- 2. To ensure that an Administration Policy is developed that includes the mandatory provision of an Agreement between the Shire and the customer to ensure that service levels and financial obligations are understood and in place prior to services commencing.**
- 3. Officer's report to be tabled at September briefing session**

5.5 Interim Audit Visit Year Ended 30 June 2013

DATE:	27 August 2013
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Ingrid Bishop, Acting Director Corporate Services
REPORTING OFFICER:	Ingrid Bishop, Acting Director Corporate Services
FILE NO:	FM.09.9

PURPOSE

To note the Interim Audit Visit Year Ended 30 June 2013 – Matters Noted and Requiring Follow Up from UHY Haines Norton.

BACKGROUND

The role of the Audit (Risk and Finance) Committee is to examine and consider the results of the annual audit as well as the management responses to any issues raised by Auditors.

UHY Haines Norton, Councils appointed auditors, conducted an onsite procedural audit in May 2013 in preparation for the 2012/13 Annual Audit. The Auditors have provided management with an Interim Audit Visit Year Ended 30 June 2013 – Matters Noted and Requiring Follow Up document which is for information purposes only and does not form part of the formal audit reporting process.

STATUTORY IMPLICATIONS

Local Government Act 1995

7.9. Audit to be conducted

- (1) An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to —
 - (a) the mayor or president;
 - (b) the CEO of the local government; and
 - (c) the Minister.
- (2) Without limiting the generality of subsection (1), where the auditor considers that —
 - (a) there is any error or deficiency in an account or financial report submitted for audit;
 - (b) any money paid from, or due to, any fund or account of a local government has been or may have been misapplied to purposes not authorised by law; or
 - (c) there is a matter arising from the examination of the accounts and annual financial report that needs to be addressed by the local government, details of that error, deficiency, misapplication or matter, are to be included in the report by the auditor.
- (3) The Minister may direct the auditor of a local government to examine a particular aspect of the accounts and the annual financial report submitted for audit by that local government and to —
 - (a) prepare a report thereon; and
 - (b) forward a copy of that report to the Minister, and that direction has effect according to its terms.

- (4) If the Minister considers it appropriate to do so, the Minister is to forward a copy of the report referred to in subsection (3), or part of that report, to the CEO of the local government to be dealt with under section 7.12A.

7.12A. Duties of local government with respect to audits

- (1) A local government is to do everything in its power to —
 - (a) assist the auditor of the local government to conduct an audit and carry out his or her other duties under this Act in respect of the local government; and
 - (b) ensure that audits are conducted successfully and expeditiously.
- (2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.
- (3) A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to —
 - (a) determine if any matters raised by the report, or reports, require action to be taken by the local government; and
 - (b) ensure that appropriate action is taken in respect of those matters.
- (4) A local government is to —
 - (a) prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and
 - (b) forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.

POLICY IMPLICATIONS

No policy implications apply in relation to this item at this stage however it is anticipated that specific financial policies will need to be reviewed in line with the final Annual Audit recommendations.

FINANCIAL IMPLICATIONS

No financial implications apply in relation to this item.

STRATEGIC IMPLICATIONS

Accountability and transparency of the Shire's accounting functions. The Audit (Risk and Finance) Committee fulfilling the functions and responsibilities of the Committee.

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

Interim Audit Visit Year Ended 30 June 2013 – Matters Noted and Requiring Follow Up

Management Response

In response to the comments made in the Interim Audit Visit – Matters Noted and Requiring Follow Up, staff have developed an action plan to mitigate and/or resolve outstanding matters. This action plan will be followed up by auditors during their next visit in 2013 to finalise the Annual Audit.

ATTACHMENTS

1. Interim Audit Visit Year Ended 30 June 2013 – Matters Noted and Requiring Follow Up

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Audit (Risk and Finance) Committee:

1. Receives the Interim Audit Visit Year Ended 30 June 2013 – Matters Noted and Requiring Follow Up
2. Notes the management response to audit issues and corrective actions being proposed by management.
3. Recommends to Council to receive the Interim Audit Visit Year Ended 30 June 2013 – Matters Noted and Requiring Follow Up.
4. Recommends to Council:
 - That a report on the status of actions taken in relation to the results of Interim Audit for the Year Ended 30 June 2013 and the final Annual Audit for Year Ended 30 June 2013 is included in the Audit (Risk and Finance) Committee Agenda as a standing item until all issues are resolved.

COMMITTEE RESOLUTION

Minute AC280

Moved: Cr D Ausburn

Seconded: Cr J Parker

That the Audit (Risk and Finance) Committee:

1. Receives the Interim Audit Visit Year Ended 30 June 2013 – Matters Noted and Requiring Follow Up
2. Notes the management response to audit issues and corrective actions being proposed by management.
3. Recommends to Council to receive the Interim Audit Visit Year Ended 30 June 2013 – Matters Noted and Requiring Follow Up.
4. Recommends to Council:
 - That a report on the status of actions taken in relation to the results of Interim Audit for the Year Ended 30 June 2013 and the final Annual Audit for Year Ended 30 June 2013 is included in the Audit (Risk and Finance) Committee Agenda as a standing item until all issues are resolved.

Carried Unanimously: 3/0

COMMITTEE RECOMMENDATION 5

That the Audit (Risk and Finance) Committee:

1. Receives the Interim Audit Visit Year Ended 30 June 2013 – Matters Noted and Requiring Follow Up
2. Notes the management response to audit issues and corrective actions being proposed by management.
3. Recommends to Council to receive the Interim Audit Visit Year Ended 30 June 2013 – Matters Noted and Requiring Follow Up.
4. Recommends to Council:
 - That a report on the status of actions taken in relation to the results of Interim Audit for the Year Ended 30 June 2013 and the final Annual Audit for Year Ended 30 June 2013 is included in the Audit (Risk and Finance) Committee Agenda as a standing item until all issues are resolved.

Carried Unanimously: 3/0

5.6 Response to Netball Association regarding outstanding Court Contribution

DATE:	27 August 2013
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Wayne Richards, Manager Community and Youth
REPORTING OFFICER:	Nick Kearns, Director Community Development

PURPOSE

To provide a response to the Kununurra Netball Association regarding a disputed debt to the Shire for a contribution to the Kununurra Multipurpose Courts upgrade.

BACKGROUND

The dispute of an outstanding debt from the Kununurra Netball Association and Kununurra Tennis Club has been ongoing for a period of over four years.

The summary of the disputed debt comes down to the interpretation of the letter committing \$51,000. The clubs believe that the letter commits them to a three way split and therefore the Basketball Association defaulting should not be their responsibility. The Shire has maintained that the commitment was made collectively as three clubs and therefore the Basketball Association defaulting should be covered by the remaining clubs. In 2008 the Kununurra Netball Association, Kununurra Tennis Club and Kununurra Basketball Club committed to contributing \$51,000 towards an expansion of the Multipurpose Court Upgrade project. Following the completion of this project, the Basketball Association folded and do not have the capacity to contribute. Both remaining associations have confirmed that they are willing to pay one third of the total amount (\$17,000 each), however they believe they are not responsible for the remaining amount of \$17,000 that is owing due to the lack of contribution from the Basketball Association.

This information, as well as some information regarding other potential offsets due to in kind labour and damage to club owned property was presented at the August 2012 Audit Committee Meeting (Item Attached). The Audit Committee recommendation was:

"AUDIT COMMITTEE RECOMMENDATION 5

That Council agree to the Shire President, Chair of Audit (Risk and Finance) Committee and Chief Executive Officer write to the Tennis Club, Basketball Club and Netball Club requiring the debt in regard to \$51,000 contribution to multi-purpose courts referred to in letter consigned by the clubs on 21 November 2008 to be paid in full by 30 June 2013." This recommendation was adopted by Council at the 18 September 2012 Ordinary Council Meeting.

A letter was drafted and sent to the Kununurra Netball Association (attached). An identical copy of this letter was also sent to the Kununurra Tennis Club.

The Kununurra Netball Association responded to the CEO stating:

"The Kununurra Netball Association has paid \$17000 towards the resurfacing of the existing Basketball courts, which was originally the agreed amount as stated on the invoice dated 30/06/2011 and as per the Associations understanding when we Co-signed the letter back in 2008 (both attached). This invoice was finally issued to us on the 14/06/2011, by Wayne, after we had been requesting an invoice for over 12 months.

We understand that the Basketball club has folded since signing this letter, but we have no legal obligation to repay their agreed contribution towards the resurfacing of the courts.

We would really like to move forward in 2013 and put this ongoing saga to rest. We would be happy to meet with you to discuss further if necessary."

As the request for payment was a decision of Council, Officers were unable to negotiate further with the Club and therefore the Club has requested to meet with the decision maker(s), in this case the Audit Committee.

It is acknowledged that this letter was received in January 2013 however the Audit Committee has not met in this period. The recommencement of the Audit Committee Meetings provides the opportunity to resolve this issue.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

No policy implications apply in the preparation of this report.

FINANCIAL IMPLICATIONS

The amount disputed for payment is \$8,500 by the Kununurra Netball Association and \$8,500 by the Kununurra Tennis Club for a total of \$17,000.

STRATEGIC IMPLICATIONS

This item relates to Councils 10 Year Strategic Community Plan Objective

- 3.5 - An Outdoor lifestyle is encouraged and promoted

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

Following the decision of Council in September 2012, the Netball Association requested a meeting to discuss their case. As the decision of Council was to proceed with charging the full \$51,000 it was proposed that this meeting be with the Audit Committee rather than with officers.

No Audit Committee Meeting has taken place since this request leading to a further delay in this issue. The recommencement of the Audit Committee Meetings provides the opportunity to resolve this issue.

It is understood that the direction of Council through the Audit Committee recommendation at the 18 September 2012 OCM was that the clubs were responsible for the full amount owing and this was to be paid by 30 June 2013.

As the Netball Association has been clear that they will not pay the outstanding amount, and the Tennis Club are still to pay their share, actions must be considered.

In the case an agreement cannot be reached, the only option available is to prevent use of the facility. This action would not be advised. The public relations impact would be significant and the benefits of strong sporting clubs to the community are important.

The actions available to the Shire are:

- The Audit Committee to meet with the Clubs to negotiate a solution.
- Prevention of access to the courts by these associations until the debt is cleared.
- Increase in annual fees until the amount is paid in full.
- Waiving of the remaining amount owing.

ATTACHMENTS

The associated attachment will be provided under separate cover.

Attachment 1 – Audit Committee Item August 2012 - Recovery of Outstanding Multipurpose Court Contribution

Attachment 2 – Letter to Netball Association requesting payment

Attachment 3 – Netball Association Email refusing payment and requesting a meeting

Attachment 4 – Letter from Clubs committing to payment

OFFICER'S RECOMMENDATION

That the Audit Committee recommends that Council write-off monies owing with respect to the contribution to the upgrade of the Kununurra netball, tennis and basketball courts.

COMMITTEE RESOLUTION

Minute AC281

Moved: Cr J Parker

Seconded: Cr D Ausburn

That the Audit Committee recommends that Council write-off monies owing with respect to the contribution to the upgrade of the Kununurra netball, tennis and basketball courts.

Carried Unanimously: 3/0

COMMITTEE RECOMMENDATION 6

That the Audit Committee recommends that Council write-off monies owing with respect to the contribution to the upgrade of the Kununurra netball, tennis and basketball courts and that an officers report will be required to address the write-off for the tennis club at the next Audit Committee meeting.

5.7 Report on the recent audit undertaken for the Kimberley Zone and Regional Collaborative Group by AMD.

DATE:	9 August 2013
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Janet Takarangi Economic Development Officer Jacqui McLean Project Accountant.
REPORTING OFFICER:	Gary Gaffney CEO
FILE NO:	GN.05.2

PURPOSE

To update the Audit (Risk and Finance) Committee on the work recently undertaken to mitigate all financial, contractual, operational and reputational risk for the Shire of Wyndham East Kimberley in relation to the Kimberley Zone/Regional Collaborative Group (RCG) Secretariat role undertaken by the Shire for the period 2010 to 2013.

BACKGROUND

The Shire of Wyndham East Kimberley has been involved in two activities that have been combined under a regional Secretariat role for the four Shires making up the Kimberley region.

The two activities have been

- The Kimberley Regional Collaborative Group (RCG) established by contract between the four Shires and the Department of Local Government to enact Local Government Reform. This contract expires June 2015, and
- The Kimberley Zone of the Western Australian Local Government Association (WALGA), with an agenda to have Kimberley input into the State Council and to have the Association and its resources available to the region.

Both groups were combined into the role of Secretariat which was allocated to the Shire of Wyndham East Kimberley in 2010. The Secretariat role required the Shire President to be the Chair of the Kimberley group and the Shire CEO was responsible for the day to day activities of the Secretariat and to this end an Executive Officer was employed to undertake these duties.

The Shire holding the Secretariat role was also the agency who was the designated contract holder for both Zone and RCG contracts as the regional groups were not legal entities.

In August 2012 the role of Secretariat which was agreed by the regional group to be rotated when established in 2010 was rotated to the Shire of Broome. This decision left a residual risk for the Shire of Wyndham East Kimberley as the contracts remained under the Shire's name. Originally it was thought these could be assigned to the Shire of Broome but due to timeframes and operational complexities it was proposed and agreed that the Shire of Wyndham East Kimberley would discharge its contractual obligations for both current RCG and Zone contracts.

Work was divided so that the Shire of Wyndham East Kimberley maintained all responsibility for current contracts, relationships and ongoing work including the final acquittals and audits and the Shire of Broome focussed on the future using the new funding made available by the Department of Local Government and new deals working with Kimberley Development Commission, Regional Development and Lands and projects arising from the Regional Community Strategic Plan and Regional Business Plan.

As part of this process it was requested by the Shire of Broome that an independent handover audit be undertaken. Given the complexity of the funding arrangements it was agreed that the audit would also include the end of contract audits to enable the independent auditor to have an understanding of the various work streams within the context of the Secretariat role. AMD were suggested by the Shire of Broome and were engaged by the Shire of Wyndham East Kimberley on behalf of the regional group.

The audit is in the final stages of being finalised after AMD staff were on site in late July.

The audit indicates that the Shire of Wyndham East Kimberley has continued to meet ongoing costs up until July 2013 of \$ 44,429 which includes car lease payments (the lease expired 9 July 2013 but the agreement was not transferable) and costs for Shire staff acting to cover the risks before full transfer, this total excludes final audit costs.

This amount will need to be invoiced to the Shire of Broome for full reimbursement.

STATUTORY IMPLICATIONS

The audit undertaken complies with all Local Government requirements

POLICY IMPLICATIONS

None noted

RISK MANAGEMENT

Financial.

The Shire was responsible for managing the funding received on behalf of the region including the large amounts of funding received such as the Regional Development and Lands (RDL) CLGF 2010/2011 for the Housing Construction Facility \$2.34million and still being held by SWEK in an on call account pending a decision by Cabinet to move the money to a new regional Key Worker Housing project.

The other large project was for \$15million, funding received from Kimberley Development Commission (KDC) for a three way split to support community based aboriginal housing. This funding has been discharged and the final acquittal has been completed and was sent to the auditors Haines Norton in April for audit. Funding for the audit process has been built into the contract.

Attached is the final statement submitted to the auditors on all Zone and RCG contracts.

Contractual.

The biggest risk is ensuring that the current contracts with Department of Local Government, RDL and KDC issued to the Shire of Wyndham East Kimberley as agent for the Kimberley Regional Collaborative Group and the Kimberley Zone are managed according to the legal requirements. This has required regular calls to relevant contract managers, seeking any variations to ensure acquittals can be completed and reporting online in the case of Department of Local Government who moved from a paper based system to an online system in 2013. This move required retrospective data collection and entry for all four Kimberley Shires co-ordinated by the Shire of Wyndham East Kimberley.

Operational

This project has been a collaborative one between staff in Finance and Governance and has required resourcing during a time of change. This impacted on timelines. Being able to have AMD on site in July enabled a complex environment to be better understood. Originally it was expected that the contracts held by the Shire of Wyndham East Kimberley could be assigned to the Shire of Broome but as the funding for most of the Department of Local Government contracts had been divided between all four Shires with the overall accountability sitting with the Shire of Wyndham East Kimberley it was agreed that these responsibilities would be discharged by SWEK leaving the Shire of Broome to focus on future projects.

Reputational

The focus has also been on maintenance of relationships with funders and other service providers with an emphasis on future funding opportunities for both the Shire of Wyndham East Kimberley and the Kimberley region being strengthened through the way these acquittals and audits have been undertaken.

FINANCIAL IMPLICATIONS

The Shire has had to continue to meet the current costs of the regional work plan including the lease car and staff costs for managing the work. It is expected that this cost is \$ 44,429 (+ audit fees) and will be recouped by way of invoice submitted to the Shire of Broome who will be invoicing all member Shires for the income owed for both 12/13 and 13/14 years.

STRATEGIC IMPLICATIONS

This report reflects Goal 1 in the Council's Strategic Community Plan

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

The activity has contributed to the following specific strategies

- 1.2.2 Work collaboratively with the other Kimberley Shires to create and manage regionally beneficial projects
- 1.4.1 Ensure legislative compliance and follow best practice principles in planning and service delivery
- 1.4.3 Maintain Council's long term financial viability

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

At the time of writing AMD are finalising the full audit report including the following:

- Department of Local Government. Kimberley Regional Collaborative Group
 - o Business Planning \$200,000
 - o Strategic Planning \$90,000
 - o Asset Management Planning \$164,000
 - o Long Term Financial Planning \$120,000
 - o Administration Project Manager \$100,000
- Regional Development and Lands
 - o Housing Construction Contract Regional CLGF 2010/2011. Kimberley Zone \$2.34 million + Interest
- Kimberley Development Commission

- o Community Aboriginal Housing Contract Kimberley Zone \$15 million.
- Final handover audit for Shire of Broome taking over regional role.

Attachment provided under separate cover

This report is for noting.

6 Project Updates

This item is to provide information to the Audit (Risk and Finance) Committee on

- ongoing projects not subject to officers reports
- items that do not require a Council decision

A confidential attachment has been provided under separate cover.

6.1 Strategic Risk Report

ATTACHMENTS

Strategic Risk Report - Detailed Report (Confidential Attachment provided under separate cover)

6.2 Leases

The Shire of Wyndham East Kimberley administers over thirty five leases ranging from Airport leases, community leases and commercial leases.

In December 2007 the Audit (Risk and Finance) Committee resolved:

Minute No. A066

Moved Cr Keith Wright

Seconded Cr Frederic Mills

- 1. That the Audit Committee note that the responsibility for the management of leases and periodical contracts is that of the Executive Manager Corporate Services.*
- 2. That the Audit Committee note that the Executive Manager Corporate Services monitors the leases and coordinates the lease data base and reporting to Executive Managers, the Audit Committee and Council.*
- 3. That the Audit Committee request staff to present an updated Lease Spreadsheet certified by Executive Manager Corporate Services to each Audit Committee meeting as a standing item.*

CARRIED UNANIMOUSLY 4/0

ATTACHMENTS

Lease Schedule - Detailed Report (Confidential Attachment provided under separate cover)

6.3 Leadership Team

ATTACHMENTS

Nil

6.4 Compliance Calendar 2013

ATTACHMENTS

Compliance Calendar 2013 Report (Confidential Attachment provided under separate cover)

6.5 Strategic Rates Review – Status Report

ATTACHMENTS

Strategic Rates Review Status Report (Confidential Attachment provided under separate cover)

6.6 Audit (Risk and Finance) Committee Status Report

ATTACHMENTS

Audit (Risk and Finance) Committee Status Report (Confidential Attachment provided under separate cover)

6.7 Financial Services Review Report

ATTACHMENTS

Nil

7 Requests for Officers Reports

This section is included in the agenda in place of General Business to improve the meeting process and to enable the Audit (Risk and Finance) Committee to make informed decisions based on adequate research and an officer recommendation. Even though this item exists committee members can request officer reports at any time (giving suitable preparation time prior to the agenda deadline).

8 Date of Next Meeting

The schedule of meeting for the committee has not yet been set. The date of the next meeting needs to be set for planning purposes, re timing of agenda items and including the date in committee member's diaries.

9 Closure of Meeting

The Chair declares the meeting closed at 4:27pm.



Minutes of Audit (Risk and Finance) Committee Meeting

5 November 2013

I hereby certify that the Minutes of the Audit (Risk and Finance) Committee meeting held 5 November 2013 are a true and accurate record of the proceedings contained therein.

Chairperson confirmed

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1. DECLARATION OF OPENING

The meeting was declared open by Shire President, John Moulden at 3.00pm.

Cr Moulden explains rules and conventions to newly elected members.

2. RECORD OF ATTENDANCE / APOLOGIES

Cr J Moulden Committee member

Cr K Wright Committee member

Cr B Robinson Committee member

Cr D Spackman Committee member

Gary Gaffney Chief Executive Officer

Nick Kearns Director Community Development

Asanka Jayakody Accountant

Felicity Heading Senior Finance Officer (Minute taker)

3. NOMINATION OF CHAIRPERSON

3.1 Shire President, Cr John Moulden Calls for Nominations for Audit (Risk and Finance) Committee Chairperson

Nominee: Cr K Wright

Nominator: Cr D Spackman

Seconder: Cr B Robinson

Nominee: Cr J Moulden

Nominator: Cr J Moulden

Seconder: Cr K Wright

Election by secret ballot

Ballot papers collected and counted by Gary Gaffney, CEO.

Cr K Wright 3 votes

Cr J Moulden 1 vote

Cr Wright elected chairperson of the Audit (Risk and Finance) Committee

Cr Wright assumes chair of the meeting 3:10pm

4. DECLARATION OF INTEREST

- **Financial Interest**

Nil

- **Impartiality Interest**

Nil

- **Proximity Interest**

Nil

5. ACCEPTANCE OF MINUTES OF PREVIOUS MEETING

5.1 Audit (Risk and Finance) Committee Meeting Minutes 27 August 2013

<u>RECOMMENDATION</u> That the minutes of the Audit (Risk and Finance) Committee meeting of 27 August 2013 be accepted as a true and accurate record of proceedings.

This item has been deferred until clarification has been sought from Department of Local Government on acceptance of minutes by newly elected members who were not present at the previous meeting and therefore are unable to confirm that the minutes are a true and accurate recording.

6. OFFICER'S REPORTS

6.1 SUNDRY DEBTORS

DATE:	5 November 2013
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/a
AUTHOR:	Paul Tily, Finance Officer Felicity Heading, Senior Finance Officer
REPORTING OFFICER:	Ingrid Bishop, Acting Director Corporate Services
FILE NO:	FM.07.2

PURPOSE

To review status of sundry debtors, including airport debtors, and sundry debts in legal process.

BACKGROUND

The listing of 90+ Day Sundry Debtors was provided at the Ordinary Council Meeting on a monthly basis until March 2009 when Council resolved that the 90+ days debtor list be removed from the Council Agenda as a standing item and be presented to the then Audit Committee for consideration and to make recommended actions to Council as this falls within the scope of the committee's purpose.

In line with the more strategic focus of the new Committee the report in April 2012 only included debtor balances at 90+days and over \$500.

To further progress this strategic focus this item has been changed to provide summary information regarding all sundry debts including airport landing fees administered by Avdata on Councils behalf. Sundry debtors in legal process have also been incorporated into this item to give a complete picture of sundry debtors.

STATUTORY IMPLICATIONS

This item in a Council Meeting needs to be discussed behind closed doors under Section 5.23. (2) (e) (iii) of the Local Government Act 1995 because the item may disclose information about the business, professional, commercial or financial affairs of a person and because the item also contained legal advice to the Council.

As the Audit (Risk and Finance) Committee has no delegated powers it does not need to open to the public and therefore the provisions of Section 5.23 are not relevant.

POLICY IMPLICATIONS

No policy implications apply in the preparation of this report.

FINANCIAL IMPLICATIONS

Legal fees may be incurred to recover debts or revenue written off if debt recovery is considered not economically viable.

STRATEGIC IMPLICATIONS

The costs associated with legal fees to recover debt need to be weighed up against the debt to ensure and economically viable action is being taken.

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

Sundry Debtors (General) Summary – 17th October 2013

Categories	90 Days		60 Days	30 Days	Current	Total
	<u>No</u>	\$	\$	\$	\$	\$
Airport & Airport Leases	4	31,693	81,542	4,952	428,378	546,565
Childcare	11	11,995	716	1,400	3,601	17,712
Grant	2	55,172	-	-	-	55,172
Health	2	410	-	-	-	410
Leisure	3	36,000	1,057	1,329	8,535	46,921
Waste	12	14,051	10,857	37,531	29,388	91,827
Other	5	134,267	47,363	53,247	158,678	393,555
Total		283,588	141,535	98,459	628,580	1,152,162

Note: The information in the above table is from Council's Debtors System. The revenue is recognised when the debt is raised.

Sundry Debtors (Airport Landing Fees) Summary – 01 October 2013

Categories	90 Days		60 Days	30 Days	Current	Total
	<u>No</u>	\$	\$	\$	\$	\$
Kununurra Airport	28	2,495	15,266	152,586	156,004	326,351
Wyndham Airport	2	76	203	5,239	4,843	10,361
Total		2,571	15,469	157,825	160,847	336,712

Note: The information in the above table is provided by Avdata. Airport Landing Fees are not detailed in any Council Systems; they are invoiced and collected on Council's behalf by Avdata. The revenue is recognised when the cash is deposited in Council's bank account.

ATTACHMENTS

Attachment 1 – Sundry Debtors detailed report as at 17 October 2013 (Confidential - provided under separate cover)

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Audit (Risk and Finance) Committee reports to Council that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate and no further actions are recommended at this time.

COMMITTEE RESOLUTION

Minute AC282

Moved: Cr J Moulden

Seconded: Cr B Robinson

That the Audit (Risk and Finance) Committee reports to Council that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate and no further actions are recommended at this time.

Carried Unanimously: 4/0

COMMITTEE RECOMMENDATION 1

That the Audit (Risk and Finance) Committee reports to Council that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate and no further actions are recommended at this time.

6.2 RATES DEBTORS

DATE:	5 November 2013
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Shelley Binnie, Finance Officer Rates
REPORTING OFFICER:	Ingrid Bishop, Acting Director Corporate Services
FILE NO:	FM.11.1

PURPOSE

To review status of rates debtors and rates debts in legal process.

BACKGROUND

At the Ordinary Council Meeting, 16 October 2007, Council moved the following resolution:

Minute No. 7936

That Council direct the CEO to provide a written report to Council under confidential cover each month in regard to all debts currently in legal process.

Carried Unanimously 5/0

At the Ordinary Council Meeting, 18 March 2008, Council moved the following:

Minute No: 8148

Moved: Cr J Parker Seconded: Cr F Mills

That Council:

- 1. note the confidential report provided to it in relation to debts owed to Council and under legal action.*
- 2. direct the Executive Manager Corporate Services to provide a written report to the Audit Committee under confidential cover at each Audit Committee meeting in regard to all debts currently in legal process.*
- 3. request the Audit Committee to make recommendations to Council as required and appropriate in relation to the report provided under confidential cover regarding debts currently in legal process.*
- 4. resolve that this requirement replaces the previous requirement on the CEO to report information to Council.*

Carried Unanimously 8/0

This requirement is now fulfilled by a combination of this report and item 5.1 Standing Item – Sundry Debtors.

Outstanding Rates Debtors over three years report has also been incorporated into the confidential attachment to this item to give a complete picture of rates debtors.

STATUTORY IMPLICATIONS

This item in a Council Meeting needs to be discussed behind closed doors under Section 5.23. (2) (e) (iii) of the Local Government Act 1995 because the item may disclose information about the business, professional, commercial or financial affairs of a person and because the item also contained legal advice to the Council.

As the Audit (Risk and Finance) Committee has no delegated powers it does not need to open to the public and therefore the provisions of Section 5.23 are not relevant.
Paid

POLICY IMPLICATIONS

No policy implications apply in relation to this item.

FINANCIAL IMPLICATIONS

Legal fees may be incurred to recover debts or revenue written off if debt recovery is considered not economically viable.

STRATEGIC IMPLICATIONS

Strategic Community Plan – Strategy 1.4.3
Maintain Council's long term financial viability

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

Rates and Services Debtors Summary

Rates & Services Levied 2013/2014 (including arrears)	Rates & Services Debt at 16 October 2013	Overdue at 16 October 2013
\$ 9,706,224.97	\$2,619,608.01	\$1,246,976.01

Rates for the financial year of 2013/14 were raised and issued on 13 August 2013.
Interim rating occurs periodically throughout the year.

ATTACHMENTS

Rates Debtors - Detailed Report (Confidential Attachment provided under separate cover)

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Audit (Risk and Finance) Committee reports to Council that the actions being undertaken by the administration in regard to rates debtors including rates debts in legal process are sufficient and appropriate and no further actions are recommended at this time.

COMMITTEE RESOLUTION

Minute AC283

Moved: Cr B Robinson

Seconded: Cr D Spackman

That the Audit (Risk and Finance) Committee reports to Council that the actions being undertaken by the administration in regard to rates debtors including rates debts in legal process are sufficient and appropriate and no further actions are recommended at this time.

Carried Unanimously: 4/0

COMMITTEE RECOMMENDATION 2

That the Audit (Risk and Finance) Committee reports to Council that the actions being undertaken by the administration in regard to rates debtors including rates debts in legal process are sufficient and appropriate and no further actions are recommended at this time.

6.3 INTERIM AUDIT VISIT, YEAR ENDED 30 JUNE 2013

DATE:	5 November 2013
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/a
AUTHOR:	Ingrid Bishop, Acting Director Corporate Services
REPORTING OFFICER:	Ingrid Bishop, Acting Director Corporate Services
FILE NO:	FM.90.0

PURPOSE

To report on the progress undertaken to address the Interim Audit Visit Year Ended 30 June 2013 – Matters Noted and Requiring Follow Up from UHY Haines Norton.

BACKGROUND

The role of the Audit (Risk and Finance) Committee is to examine and consider the results of the annual audit as well as the management responses to any issues raised by Auditors.

UHY Haines Norton, Councils appointed auditors, conducted an onsite procedural audit in May 2013 in preparation for the 2012/13 Annual Audit. The Auditors have provided management with an Interim Audit Visit Year Ended 30 June 2013 – Matters Noted and Requiring Follow Up document which is for information purposes only and does not form part of the formal audit reporting process.

An officers report was tabled at the August 2013 Audit (Risk and Finance) Committee with a request from Committee members to present an update at each Committee meeting until the issues were finalised

STATUTORY IMPLICATIONS

Local Government Act 1995

7.9. Audit to be conducted

(1) An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to —

- (a) the mayor or president;
- (b) the CEO of the local government; and
- (c) the Minister.

(2) Without limiting the generality of subsection (1), where the auditor considers that —

(a) there is any error or deficiency in an account or financial report submitted for audit;

(b) any money paid from, or due to, any fund or account of a local government has been or may have been misapplied to purposes not authorised by law; or

(c) there is a matter arising from the examination of the accounts and annual financial report that needs to be addressed by the local government,
details of that error, deficiency, misapplication or matter, are to be included in the report by the auditor.

(3) The Minister may direct the auditor of a local government to examine a particular aspect of the accounts and the annual financial report submitted for audit by that local government and to —

- (a) prepare a report thereon; and
- (b) forward a copy of that report to the Minister, and that direction has effect according to its terms.

(4) If the Minister considers it appropriate to do so, the Minister is to forward a copy of the report referred to in subsection (3), or part of that report, to the CEO of the local government to be dealt with under section 7.12A.

7.12A. Duties of local government with respect to audits

(1) A local government is to do everything in its power to —

(a) assist the auditor of the local government to conduct an audit and carry out his or her other duties under this Act in respect of the local government; and

(b) ensure that audits are conducted successfully and expeditiously.

(2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.

(3) A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to —

(a) determine if any matters raised by the report, or reports, require action to be taken by the local government; and

(b) ensure that appropriate action is taken in respect of those matters.

(4) A local government is to —

(a) prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and

(b) forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.

POLICY IMPLICATIONS

No policy implications apply in relation to this item at this stage however it is anticipated that specific financial policies will need to be reviewed in line with the final Annual Audit recommendations

FINANCIAL IMPLICATIONS

There are no financial implications associated with this item.

STRATEGIC IMPLICATIONS

Accountability and transparency of the Shire's accounting functions. The Audit (Risk and Finance) Committee fulfilling the functions and responsibilities of the Committee.

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

Interim Audit Visit Year Ended 30 June 2013 – Matters Noted and Requiring Follow Up Management Response

In response to the comments made in the Interim Audit Visit – Matters Noted and Requiring Follow Up, staff have developed an action plan to mitigate and/or resolve outstanding

matters. This action plan will be followed up by auditors during their next visit in 2013 to finalise the Annual Audit.

October 2013 Update:

ATTACHMENTS

Interim Audit – matters for follow up (provided under separate cover)

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Audit (Risk and Finance) Committee notes the management response to audit issues and corrective actions being taken by management – October update.

COMMITTEE RESOLUTION

Minute AC284

Moved: Cr D Spackman

Seconded: Cr J Moulden

That the Audit (Risk and Finance) Committee notes the management response to audit issues and corrective actions being taken by management – October update.

Carried Unanimously: 4/0

COMMITTEE RECOMMENDATION 3

That the Audit (Risk and Finance) Committee notes the management response to audit issues and corrective actions being taken by management – October update.

6.4 RESPONSE TO TENNIS CLUB REGARDING OUTSTANDING COURT CONTRIBUTION

DATE:	5 November 2013
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/a
AUTHOR:	Wayne Richards, Manager Community and Youth
REPORTING OFFICER:	Nick Kearns, Director Community Development
FILE NO:	RC.09.9

PURPOSE

At the 27 August 2013 Audit Committee meeting, an item was presented regarding the dispute of an outstanding debt by the Kununurra Netball Association. The Audit Committee recommended writing off the Netball Association additional contribution of \$8500. The information below relates to the Kununurra Tennis Club component of this same matter and it is proposed that the Audit Committee recommend the same action for the Tennis Club.

BACKGROUND

In 2008 the Kununurra Netball Association, Kununurra Tennis Club and Kununurra Basketball Club committed to contributing \$51,000 towards an expansion of the Multipurpose Court Upgrade project. Following the completion of this project, the Basketball Association folded and do not have the capacity to contribute. Both remaining associations have confirmed that they are willing to pay one third of the total amount (\$17,000 each), however they believe they are not responsible for the remaining amount of \$17,000 that is owing due to the lack of contribution from the Basketball Association.

This information, as well as some information regarding other potential offsets due to in kind labour and damage to club owned property was presented at the August 2012 Audit Committee Meeting (Item Attached). The Audit Committee recommendation was:

"AUDIT COMMITTEE RECOMMENDATION 5

That Council agree to the Shire President, Chair of Audit (Risk and Finance) Committee and Chief Executive Officer write to the Tennis Club, Basketball Club and Netball Club requiring the debt in regard to \$51,000 contribution to multi-purpose courts referred to in letter cosigned by the clubs on 21 November 2008 to be paid in full by 30 June 2013." This recommendation was adopted by Council at the 18 September 2012 Ordinary Council Meeting.

Letters were drafted to the clubs however no payments were made. It is understood that the Tennis Club are not in a financial position to pay the outstanding \$17,000 in one payment.

As the request for payment was a decision of Council, Officers were unable to negotiate further with the only option available to enforce payment being to prevent the Association from using the facility until the debt was paid. This is not desirable as the club provides a positive recreation activity for the community, as well as the likely negative response from the club, community and potentially future funding sources.

For this reason, at the 27 August 2013 Audit Committee Meeting, the recommendation was made to write off the Netball Association debt with the Audit Committee endorsing this recommendation. It is now a recommendation that the contribution of \$8500 from the Tennis Club be written off and a payment plan put in place for the outstanding \$17,000.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

No policy implications apply in the preparation of this report.

FINANCIAL IMPLICATIONS

The Officers recommendation is to write off the outstanding debt of \$8500 from the Kununurra Tennis Club.

STRATEGIC IMPLICATIONS

This item relates to Councils 10 Year Strategic Community Plan Objective

- 3.5 - An Outdoor lifestyle is encouraged and promoted

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

The summary of the disputed debt comes down to the interpretation of a letter committing \$51,000 to the Multipurpose Court Project. The clubs believe that the letter commits them to a three way split and therefore the Basketball Association defaulting should not be their responsibility. The Shire has maintained that the commitment was made collectively as three clubs and therefore the Basketball Association defaulting should be covered by the remaining clubs.

It is understood that the direction of Council, through the Audit Committee recommendation at the 18 September 2012 OCM was that the clubs were responsible for the full amount owing and this was to be paid by 30 June 2013.

Interpretation of the letter aside, the consequences of the resultant actions are also an important part of this item. The Shire actively promotes the growth and sustainability of local clubs through its Community Grants program and Club Development project. The only action available to the Shire to enforce the payment of the outstanding contribution is to prevent usage of the facility. This is contrary to the Shire's strategic direction which is to encourage the community to develop such clubs and Associations.

The Tennis Club have made their position clear from the date that this dispute was raised that they were willing to pay one third of the \$51,000 amount owing, equating to \$17,000. The Tennis Club was willing to pay this amount through a payment plan to reduce the burden on the club (currently the Club pays an annual fee of \$5000 usage fee for the courts). As no agreement was reached in 2012, this payment plan has not yet been established. The Club is not however, willing to pay the additional \$8,500 attributed to them when it became apparent the Basketball Association would not be able to pay their contribution.

The actions available to the Shire to resolve this matter are:

- Write off the disputed figure of \$8500 and enter into a payment plan with the Tennis Club for the outstanding \$17,000.
- Insist on the full payment of \$25,500 and prevent access to the courts by the Club until the debt is cleared.

ATTACHMENTS

The associated attachment will be provided under separate cover.

Attachment 1 – Audit Committee Item August 2012 - Recovery of Outstanding Multipurpose Court Contribution

Attachment 2 – Tennis Club response to invoices

Attachment 3 – Letter from Clubs committing to payment

Attachment 4 – Recommendations from August 2013, Audit (Risk and Finance) Committee meeting, Item 5.6, Response to Netball Association regarding outstanding court contribution

OFFICER'S RECOMMENDATION

That the Audit Committee Delegate authority to the Director Corporate Services to:

- 1 Write off the amount of \$8500 owed by the Kununurra Tennis Club
- 2 Negotiate a payment plan with the Tennis Club for the outstanding \$17,000

COMMITTEE RESOLUTION

Minute AC285

Moved: Cr J Moulden

Seconded: Cr D Spackman

That the Audit Committee Delegate authority to the Director Corporate Services to:

- 1 Write off the amount of \$8500 owed by the Kununurra Tennis Club**
- 2 Negotiate a payment plan with the Tennis Club for the outstanding \$17,000**

Carried Unanimously: 4/0

COMMITTEE RECOMMENDATION 4

That the Audit Committee Delegate authority to the Director Corporate Services to:

- 1 Write off the amount of \$8500 owed by the Kununurra Tennis Club**
- 2 Negotiate a payment plan with the Tennis Club for the outstanding \$17,000**

7. PROJECT UPDATES

This item is to provide information to the Audit (Risk and Finance) Committee on

- ongoing projects not subject to officers reports
- items that do not require a Council decision

A confidential attachment has been provided under separate cover.

7.1 STRATEGIC RISK REPORT

Strategic Risk Report - Detailed Report (Confidential Attachment provided under separate cover)

7.2 LEASES

The Shire of Wyndham East Kimberley administers over thirty five leases ranging from Airport leases, community leases and commercial leases.

In December 2007 the Audit (Risk and Finance) Committee resolved:

Minute No. A066

Moved Cr Keith Wright

Seconded Cr Frederic Mills

1. *That the Audit Committee note that the responsibility for the management of leases and periodical contracts is that of the Executive Manager Corporate Services.*
2. *That the Audit Committee note that the Executive Manager Corporate Services monitors the leases and coordinates the lease data base and reporting to Executive Managers, the Audit Committee and Council.*
3. *That the Audit Committee request staff to present an updated Lease Spreadsheet certified by Executive Manager Corporate Services to each Audit Committee meeting as a standing item.*

CARRIED UNANIMOUSLY 4/0

ATTACHMENTS

Lease Schedule - Detailed Report (Confidential - provided under separate cover)

7.3 LEADERSHIP TEAM

ATTACHMENTS

Nil

7.4 COMPLIANCE CALENDAR 2013

ATTACHMENTS

Nil

7.5 STRATEGIC RATES REVIEW - STATUS REPORT

ATTACHMENTS

Nil

7.6 AUDIT (RISK AND FINANCE) COMMITTEE STATUS REPORT

ATTACHMENTS

Audit (Risk and Finance) Committee Status Report (Confidential Attachment provided under separate cover)

7.7 FINANCIAL SERVICES REVIEW REPORT

ATTACHMENTS

Nil

8. REQUESTS FOR OFFICER REPORTS

This section is included in the agenda in place of General Business to improve the meeting process and to enable the Audit (Risk and Finance) Committee to make informed decisions based on adequate research and an officer recommendation. Even though this item exists committee members can request officer reports at any time (giving suitable preparation time prior to the agenda deadline).

9. DATE OF NEXT MEETING

11 February 2014

10. CLOSURE

Chairperson, Cr K Wright declares the meeting closed at 4:45pm.

13.5.4 Use of the Common Seal

DATE:	27 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Andrea Richards, Governance Officer
REPORTING OFFICER:	Gary Gaffney, Chief Executive Officer
FILE NO:	GN.02.1

PURPOSE

For Council to receive this report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 30 April to 27 May 2014.

STATUTORY IMPLICATIONS

Local Government Act 1995

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

POLICY IMPLICATIONS

No policy implications apply in the preparation of this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this item.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

COMMENT

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

Date of Use	Document
1/05/2014	Loan Agreement for \$125,000.00 Loan No. 128
1/05/2014	Loan Agreement for \$88,498.00 Loan No. 127
1/05/2014	Loan Agreement for \$400,000.00 Loan No. 125
1/05/2014	Loan Agreement for \$1,695,000.00 Loan No. 126
12/05/2014	CLGF Individual Contract
13/05/2014	Transfer of land for the sale of 23 Boobialla Way, Kununurra

ATTACHMENTS

There are no attachments associated with this report.

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 30 April to 27 May 2014.

COUNCIL DECISION

Minute No. 10432

Moved: Cr B Robinson

Seconded: Cr D Learbuch

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 30 April to 27 May 2014.

Carried Unanimously 9/0

13.5.5 Delegated Authority Report

DATE:	27 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Andrea Richards, Governance Officer
REPORTING OFFICER:	Gary Gaffney, Chief Executive Officer
FILE NO:	PL.02.1

PURPOSE

To report to Council on the use of Delegated Authority by Officers for the period 1 April to 30 April 2014.

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

No policy implications apply in the preparation of this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this item.

STRATEGIC IMPLICATIONS

There are no strategic implications associated with this matter

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

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

ATTACHMENTS

Attachment 1 – Delegated Authority Report

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the Delegated Authority Report for the period 1 April to 30 April 2014.

COUNCIL DECISION

Minute No. 10433

Moved: Cr S Cooke

Seconded: Cr B Robinson

That Council receives the Delegated Authority Report for the period 1 April to 30 April 2014.

Carried Unanimously 9/0

Attachment 1 - Delegated Authority Report

CERTIFICATE OF DESIGN COMPLIANCE (Form BA03) ISSUED AS THE CERTIFIER FOR THE PERMIT ISSUING AUTHORITY – 01 to 30 April 2014

APPLIC NO	DATE APPLIC RECVD	DATE ISSUED	ASSESS NO.	CERT No	LOCATION	DESCRIPTION
101347	4/04/2014	9/04/2014	A2861P	BA6451	Lot 1 Cocus Way Kununurra	10b
101349	4/04/2014	9/04/2014	A5665P	BA6454	7 Carson Street Kalumberuru	9B and 4
101351	4/04/2014	15/04/2014	A848P	BA6477	Lot 1049, 22 Woollybutt Place, Kununurra	10a
101352	10/04/2014	17/04/2014	A1005P	BA6486	Lot 1936 , 25 Eucalyptus Close	10A
101354	15/04/2014	17/04/2014	A836P	BA6488	Lot 132 Rosewood Ave Kununurra	10A
101335	15/04/2014	17/04/2014	A836P	BA6491	Lot 132 Rosewood Ave Kununurra	10A

Amendment to 31 March 2014 report – BA03 was not issued (pending further information)

101338	25/03/2014		A555P		Lot 338 Great Northern Highway Kununurra	Class 1A

BUILDING PERMITS (Form BA04) ISSUED AS THE PERMIT ISSUING AUTHORITY – 01 to 30 April 2014

LIC#	DATE RECEIVED	DATE LICENCED	OWNER	BUILDER	LOCATION	DESCRIPTION	NEW/ ADD	EST. VALUE	COMMENT / PROCESSING TIME – WORKING DAYS
035/2014	1/04/2014	2/04/2014	Darryl Pearce	Darryl Pearce	16 Bloodwood Drive Kununurra WA	4 and 5	Renovations	\$80,000.00	2/25 assess days
036/2014	13/02/2014	7/04/2014	Terry McKay	Darren Fulcher	16 SALACCA LOOP, KUNUNURRA	Classes 8,5,4	New	\$820,000.00	5/25 assess days
037/2014	18/02/2011	8/04/2014	Fritz Bolton	Fritz Bolton	238 Stock Route Rd	10A	New	\$36,000.00	5/25 assess days
038/2014	4/04/2014	9/04/2014	KRSD Pty Ltd	Philip Browne	Lot 105 Kentia Way Kununurra	7B/8	New	\$220,000.00	2/25 assess days
039/2014	4/04/2014	9/04/2014	Sealink Transport Pty Ltd	Stucke Bobcat Hire	Lot 1 Cocus Way Kununurra	10b	New	\$18,000.00	2/25 assess days
040/2014	4/04/2014	9/04/2014	Kalumburu Aboriginal Corporation	Murray River North Pty Ltd	7 Carson Street Kalumburu	9B and 4	New	\$1,937,000.00	2/25 assess days
BAC 041/2014	29/01/2010	11/04/2014	Dan Read	Dan Read	Lot 529 Riverfarm Rd	10A	New	\$16,000.00	
043/2014	4/04/2014	15/04/2014	Andrew & Melissa McDonald	Andrew & Melissa McDonald	Lot 1049, 22 Woollybutt Place, Kununurra	10a	New	\$2,000.00	2/25 assess days
045/2014	10/04/2014	17/04/2014	Ian Lewis	Michale Richardson	Lot 1936 , 25 Eucalyptus Close	10A	New	\$19,800.00	4/25 assess days
046/2014	15/04/2014	17/04/2014	Keith Black	Keith Black	Lot 132 Rosewood Ave Kununurra	10A	New	\$15,000.00	1/25 assess days
047/2014	15/04/2014	17/04/2014	Keith Black	Keith Black	Lot 132 Rosewood Ave Kununurra	10A	New	\$18,000.00	1/25 assess days

Amendment to 31 March 2014 report – BA04 was not issued (pending further information)

033/ 2014	25/03/2014		TFS Properties Ltd	Glendale Homes	Lot 338 Great Northern Highway Kununurra	1A	New	\$267,234.00	

THERE WAS NO REPORTABLE ACTIVITY FOR THE PERIOD – 01 to 30 April 2014 for the following:

- BUILDING PERMITS (BA04), Record Purposes Only (exempt) ISSUED BY EXTERNAL PERMIT ISSUING AUTHORITIES UNDER BUILDING ACT 2011 S.7(02) RELATING TO PROPERTIES WITHIN THE SHIRE OF WYNDHAM EAST KIMBERLEY
- DEMOLITION PERMITS (BA06)
- DEMOLITION PERMITS (BA06), Record Purposes Only (exempt) ISSUED BY EXTERNAL PERMIT ISSUING AUTHORITIES UNDER BUILDING ACT 2011 S.7(02) RELATING TO PROPERTIES WITHIN THE SHIRE OF WYNDHAM EAST KIMBERLEY
- OCCUPANCY PERMITS (Form BA10) ISSUED BY EXTERNAL PERMIT ISSUING AUTHORITIES UNDER BUILDING ACT 2011 S.7(02) RELATING TO PROPERTIES WITHIN THE SHIRE OF WYNDHAM EAST KIMBERLEY
- OCCUPANCY PERMITS – STRATA (BA12)
- BUILDING APPROVAL CERTIFICATES (BA14)
- BUILDING APPROVAL CERTIFICATES – STRATA (Form BA16)
- CERTIFICATES OF CONSTRUCTION COMPLIANCE (Form BA17)
- AMENDED BUILDING PERMITS
- EXTENSIONS OF TIME

13.6 ELECTED MEMBER REPORTS

Cr J Moulden

25 April 2014	Anzac dawn service and morning service
28 April 2014	Zone/RCG meeting Kununurra Energy Forum
29 April 2014	Pastoral forum
5/6 May 2014	Pilbara Kimberley Forum Jakarta
9 May 2014	Meeting with Indigenous Coordination Centre management
12 May 2014	Meeting with Ian Baker, Northern Agriculture Forum GHD briefing, Local Planning Strategy and Town Planning Scheme No. 9
13 May 2014	Meeting with UDLA regarding Commercial Boat Harbour Stage 2
16 May 2014	Meeting regarding future East Lily Creek land

Cr G Taylor

28 April 2014	Kimberley Zone Energy Forum
29 April 2014	Kimberley Zone Pastoral Forum
13 May 2014	Regional Planning Session with DoP

Cr B Robinson

7 May 2014	Submission and tabling of EK25 Report and Strategic Plan to Northern Australian Public Hearing
8 May 2014	CCI/Brookfield Multiplex North West Resources Tour 2014 Dinner

Cr K Wright

28 April 2014	Kimberley Zone Energy Forum
7 May 2014	Transporting of Northern Australian Public Hearing participants
15 May 2014	KVC Board Meeting
18 May 2014	Citizenship Ceremony
23 May 2014	WA Grants Commission Hearing

COUNCIL DECISION

Minute No. 10434

Moved: Cr D Learbuch

Seconded: Cr D Spackman

That Council accepts the Elected Member Reports for the period 25 April 2014 to 23 May 2014.

Carried Unanimously 9/0

13.7 CHIEF EXECUTIVE OFFICER REPORTS

The Chief Executive Officer attended the following meetings on behalf of Council:

22 April 2014	Ord Valley Events Board Meeting
25 April 2014	Master of Ceremony Duties - Anzac Dawn Service and Town Service
28 April 2014	Zone Energy Forum
29 April 2014	Zone Pastoral Forum
30 April 2014	Zone & RCG Meeting
30 April 2014	Notice of Directions Hearing Biorac & Anor v SWEK
30 April 2014	Teleconference with Mark Streeting PwC regarding Northern Australia Infrastructure Audit
2 May 2014	Tender Interview for Kununurra Civic Centre & East Lily Creek Business Case & Structure Plans (Perth)
4–7 May 2014	Pilbara-Kimberley Joint Annual Forum (Jakarta)
13 May 2014	Meeting with Greg Gabash from UDLA re Boat Harbour Concept
14 May 2014	Follow up with KAI from Special Council Meeting
14 May 2014	Meeting with Stacey Lang – Aboriginal Hostels
14 May 2014	Meeting with Hilary Woodley – Landcorp
14 May 2014	Lake Argyle Swim Sponsors Dinner
15 May 2014	Meeting with Nick Thomas from Wunan
21 May 2014	EKMG Sub-Committee Meeting
21 May 2014	Kimberley Workforce Development Alliance (Teleconference)
23 May 2014	WA Local Government Grants Commission Public Hearing

COUNCIL DECISION

Minute No. 10435

Moved: Cr S Cooke

Seconded: Cr D Learbuch

That Council accepts the Chief Executive Officer Reports for the period 22 April 2014 to 23 May 2014.

Carried Unanimously 9/0

13.8 (PREVIOUSLY ITEM 17.2) CONFIDENTIAL - LOT 509 ON DEPOSITED PLAN 66529, PORTION OF RESERVE 50467, KUNUNURRA – EXPRESSIONS OF INTEREST RECEIVED

DATE:	27 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Lot 509 on Deposited Plan 66529, Portion of Reserve 50467, Millington Road, Kununurra
AUTHOR:	Jennifer Ninyette, Senior Planning Officer
REPORTING OFFICER:	Wayne Richards, A/Director Community Development
FILE NO:	LP.02.6

The business of the meeting is of a confidential nature as it relates to the business affairs of a person. The item will be discussed Behind Closed Doors under Section 5.23 (2) (c) and (e) (ii) as this is a matter that affects:

- c) A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.
- e) A matter that if disclosed, would reveal –
 - (ii) information that has a commercial value to a person.

PURPOSE

For Council to consider the Expressions of Interests received for a 15 year lease over portion of Reserve 50467, Lot on Deposited Plan 66529, Commercial Boating Facility, Kununurra.

BACKGROUND

At the Ordinary Council Meeting of 25 February 2014 (Item 13.4.3) Council resolved to advertise for expressions of interest for a suitable business to lease Lot 509 of the Commercial Boating Facility, Kununurra (Attachment 1). Council also resolved to gain a new property valuation for this land.

Minute No. 10322

Moved: Cr D Spackman

Seconded: Cr G Taylor

That Council:

- 1. Gains a new property valuation for Lot 509 of the Commercial Boating Facility, Kununurra to be leased for a term up to 15 years.***
- 2. Advertises for expressions of interest for a suitable business to lease Lot 509 of the Commercial Boating Facility, Kununurra for a term up to 15 years.***

Carried 7/2

An Expression of Interest was advertised in the Kimberley Echo and the West Australian newspapers. Businesses that had previously shown interest in the lot were informed of the advertising.

Information for applicants (Attachment 2), which included a draft lease, a location plan and a site plan, was provided to 4 interested parties. A total of two submissions were received before the closing time, however only one of these addressed the evaluation criteria.

Opteon (North West WA) assessed the site and provided an updated valuation (Attachment 3).

STATUTORY IMPLICATIONS

The *Local Government Act 1995* and *Section 18* of the *Land Administration Act 1997* are applicable to any lease arrangements (disposal of land), or advertising associated with this item.

Section 3.58 of the *Local Government Act 1995* requires a land valuation to be no more than 6 months old or for Council to believe an older valuation to be a true indication of the value at the time of disposition.

POLICY IMPLICATIONS

No policy implications apply in the preparation of this report.

FINANCIAL IMPLICATIONS

The new land valuation is \$9.00 per square metre ex GST. With a land area of 2134 m², this equates to an annual lease fee of \$19,200 ex GST plus annual rates.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

- Goal 2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure.
- Objective 2.1: A highly valuable East Kimberley economy that maximises social benefits.
- Strategy 2.1.1: Encourage a mix of businesses that meet community needs.
- Objective 2.2: Maintenance of economic diversity and greater community returns from investment in the region.
- Strategy 2.2.4: Enhance and expand tourism opportunities in the East Kimberley and improve access to significant tourism destinations.

Lake Kununurra Foreshore and Aquatic Use Plan

Lot 509 is recognised in the reviewed Lake Kununurra Foreshore and Aquatic Use Plan as within the Commercial Boating Facility. Development Guidelines, as contained within this plan, will apply to this property as they do to other nearby lessees.

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item. However, the expression of interest process has informed the community of the Shire's intent to lease the land. Public advertising to dispose of the land, with the opportunity to appeal the decision, will also occur once Council has chosen the successful applicant.

COMMENT

A summary table of the assessment of the compliant submission received against the evaluation criteria is attached for consideration (Attachment 4). Having evaluated the only submission received that addressed the evaluation criteria, officers recommend Ord River Houseboats as the preferred lessee for the following reasons:

- Established water based tourism business already operating in the East Kimberley,
- This business is in need of a water front site to help grow and sustain their operation,
- The site will be ready for business operation in the first year of the lease,
- They are a new operator with a growing clientele and revenue stream.

The expression of interest submitted by Ord River Houseboats demonstrates that they have the experience and are willing to invest significant capital to run a successful tourism business from this site. They have also outlined a design philosophy that is sympathetic to the site and the natural environment as well as benefitting the region economically.

The second expression of interest received was an email from Northwest Airboats, which simply stated that they would like to express interest in basing their airboat operations from Lot 509 to run eco-tours on Lake Kununurra and the Lower Ord. It is noted that Northwest Airboats did not request a copy of the Information for Applicants document, and that the level of information provided in the expression of interests received were not known until after the tender had closed.

ATTACHMENTS

Attachment 1 - Site Location Plan, Lot 509, Portion of Reserve 50467

Attachment 2 - Information for EOI Applicants, Lot 509, Portion of Reserve 50467

Attachment 3 - Opteon Rental Valuation, Lot 509, Portion of Reserve 50467 (*Confidential attachment provided under separate cover*)

Attachment 4 - Summary of submissions received for EOI, Lot 509, Portion of Reserve 50467

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1) accepts rental valuation as provided by Opteon (North West WA) and apply this value to the lease for Lot 509 on Deposited Plan 66529, Portion of Reserve 50467, Kununurra;
- 2) forwards a final copy of the lease for Lot 509 on Deposited Plan 66529, Portion of Reserve 50467, Kununurra to Ord River Houseboats for acceptance and signing;
- 3) notifies other applicants, in writing that they were unsuccessful in their submission for the lease of Lot 505 on Deposited Plan 66529, Portion of Reserve 50467, Kununurra and that the successful applicant was Ord River Houseboats.

MOTION

Cr K Wright moves that Council defers this Item 13.8 - Confidential - Lot 509 on Deposited Plan 66529, Portion of Reserve 50467, Kununurra – Expressions of Interest Received, to the next Briefing Session.

Cr D Spackman leaves the chambers at 6.00pm

COUNCIL DECISION

Minute No. 10436

Moved: Cr K Wright

Seconded: Cr G King

That Council defers this Item 13.8 - Confidential - Lot 509 on Deposited Plan 66529, Portion of Reserve 50467, Kununurra – Expressions of Interest Received, to the next Briefing Session.

Carried 5/3

For: Cr K Wright, Cr G King, Cr R Dessert, Cr D Learbuch, Cr J Moulden

Against: Cr S Cooke, Cr B Robinson, Cr G Taylor

Cr D Spackman enters the chambers at 6.07pm



The Shire of Wyndham East Kimberley does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that DMS shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.

Lot 509, portion of Reserve
50467, Kununurra

Tuesday, 6 May 2014

1:1000



INFORMATION FOR APPLICANTS

Lease of Lot 509 on Deposited Plan 66529, portion of Reserve 50467 of the Commercial Boating Facility for operation of a recreational or tourism enterprise on Lake Kununurra.

SCOPE

Expressions of Interest are invited to develop and operate a public tourism related facility on Lake Kununurra that adds value to the community and visitor experiences of the lake, demonstrates community benefit and is sensitive to the cultural, social and environmental values of the area.

DEVELOPMENT PROPOSAL

It is intended that the site be utilised for a water based tourism/recreation facility that is appropriately designed for and takes advantage of the natural features of the site.

LEASE TENURE

A lease tenure of up to 15 years will be offered for the proposal that is evaluated to be of substantial long term benefit to the East Kimberley region.

DESIGN PHILOSOPHY

Expressions of interest following the design philosophy identified below will be given favourable consideration:

- Development that is sympathetic to the site;
- Protection of natural features; and
- Protection of views and sightlines.

EVALUATION CRITERIA

Expressions of Interest will be evaluated against the following criteria:

1. Development proposal – outline of the proposed development including design philosophy and a copy of a business plan for the proposed operation.
2. Development timeframe – details on the milestones for any proposed construction/development and commencement of operations.
3. Financial capacity – information regarding your financial capability to complete any proposed development. Details and evidence of your capacity to successfully run a water based tourism/recreation business including any current or previous experience.
4. Perceived long term value of the proposal to the East Kimberley region – detail any cultural, social, economic and environmental benefits your proposal will bring to the region.

TITLE PARTICULARS

The land is described as Lot 509 on Plan 66529. The land is a portion of Reserve 50467, managed by the Shire of Wyndham East Kimberley.

LAND AREA

The land has an area of 2134sqm with a foreshore buffer area of 446sqm available to be licensed from the Shire in conjunction with the lease. This licence will allow for access across the foreshore.

ZONING

The land is reserved under Town Planning Scheme No 7 for the purposes of Parks and Recreation and Special Foreshore purposes.

DISTRICT INFORMATION

Kununurra is a booming town in the Kimberley, located in the far north western corner of Australia. It is approximately 820kms southwest of Darwin and 1000kms east of Broome and boasts a population of approximately 7000 people. The area is incredibly scenic and well known for its natural attractions - gorges, waterfalls, rivers, lakes, ranges and escarpments. The local community are very enthusiastic about the outdoors and come the tourist season the population triples.

Tourism within the region and Kununurra is growing rapidly, and the town is serviced by regular daily Regional Passenger Transit flights to Darwin, Broome and Perth.

There are currently 87,000 passenger movements per annum through the East Kimberley Regional Airport at Kununurra, and 90,000 visitors per annum through the Kununurra Visitors Centre. These indicators have shown an average 10% growth over the past 5 years. The town of Kununurra is serviced by 6 caravan parks, and 5 motels.

Nearby attractions include Purnululu [Bungle Bungle range], El Questro and Home Valley Stations, Lake Argyle, Ord River, Gibb River Road and the Keep River National Park. Kununurra is the Eastern gateway to the Kimberley region, and over 67% of vehicles visiting the Kimberley arrive from the east and pass through Kununurra.

LOCATION

The site is 6km west of the Kununurra town site and 2km west of the Kununurra Airport on the southern side of Victoria Highway. It is located upstream of the Diversion Dam and the parkland area known as 'swim beach' and downstream of the Kununurra Ski Club lease. The site has direct access to Lake Kununurra (a Ramsar Listed Wetland).

SERVICES

Currently scheme water or a communications land line is unavailable. Power is available for connection and an existing water tank is located on the site. Reticulated sewage is unavailable and suitable waste water treatment is subject to approval by the Shire. An existing Aerobic Treatment Unit (ATU) has been installed on the site however will be required to be approved by the Shire in line with an application for Development Approval.

LAND DESCRIPTION

The site is reasonably flat and has been selectively cleared with the portions of foreshore vegetation remaining intact. Access to the site is from an access track off Millington Drive, Kununurra. There is currently no formal access. Ground water levels are high at less than 3 metres and the site is located between the river and the emergency levy bank.

LAND USE

The land is currently vacant. Permitted use and development of the land will be for "tourism purposes". Proponents will be required to obtain all approvals such as planning, building and health.

FENCING

The site is currently fenced. The successful applicant will be responsible for ensuring fencing to boundaries is as described in the lease document.

BUILDING AND STRUCTURAL IMPROVEMENTS

There are no buildings on the land. Existing infrastructure includes a water tank, an aerobic treatment unit (ATU), a power board and jetty. The proponent will be required to obtain relevant approvals or licences to allow for the use of the jetty or ATU.

ENVIRONMENTAL, HERITAGE AND CULTURAL ISSUES

The site is adjacent to a Ramsar listed wetland (a wetland of international importance) and has a strong cultural link to the Miriuwung Gajerrong people.

DISCLAIMER

The stated condition of the site is based on a visual inspection. This does not imply any warranty as to the actual condition or suitability of the site for the stated use.

APPENDIX 1

Location plan

APPENDIX 2

Draft Lease including site diagram.

APPENDIX 1



Location Plan for Lot 509, Deposited Plan 66529, Portion of Reserve 50467, Commercial Boat Facility, Lake Kununurra.

**LEASE
PORTION OF FORESHORE
RESERVE 50467**

LOT 509

LAKE KUNUNURRA

SHIRE OF WYNDHAM EAST KIMBERLEY
("Lessor")

AND

???
("Lessee")

AND

???
("Guarantor")

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THIS DEED is made

day of

2014

BETWEEN

SHIRE OF WYNDHAM EAST KIMBERLEY of PO Box 614, Kununurra, Western Australia
6743 ("Lessor")

AND

("Lessee")

AND

("Guarantor")

RECITALS

- A. The Land is reserved for the purpose of "Tourist Facility". The care, control and management of the Land has been placed by the Minister for Lands (the Minister) with the Lessor with power to lease for a term not exceeding 21 years, subject to the prior approval in writing of the Minister to any such lease or assignment of any such lease.
- B. At the request of the Lessee, the Lessor has agreed to lease the Premises to the Lessee on the terms and conditions contained in this Lease.

THE PARTIES COVENANT AND AGREE:

1. DEFINITIONS

Unless otherwise required by the context or subject matter:

Address means the address specified in this Lease or any other address which the Lessor by notice to the Lessee nominates;

Authorised Person means an agent, employee, licensee or invitee of the Lessee, and any person visiting the Improvements with the express or implied consent of any of the persons mentioned in this paragraph;

Business Day means any day which is not a Saturday, Sunday or gazetted public holiday in the State of Western Australia;

Commencement Date means the date specified in Item 3 of Schedule One;

Consumer Price Index means the consumer price index compiled by the Australian Bureau of Statistics for the Perth (Capital City) Area (All Groups);

Costs and Expenses means the costs and expenses mentioned in clause 9;

CPI Rent Review Date means each CPI rent review date as specified in item 7 of Schedule 1;

Current CPI means the Consumer Price Index number last published before the relevant CPI Rent Review Date, or if an actuary is appointed under clause 5 to determine an index, the number certified by that actuary;

Current Market Rent means the current market rent on an annual basis of the Premises, assuming that:

- (a) the Lessor and Lessee have observed all the terms of this Deed;
- (b) the Lessee will occupy the Premises on the terms of this Deed; and
- (c) if any part of the Improvements has been damaged or destroyed, that part of the Improvements has been reinstated,

and taking into account:

- (d) current rent values of similar premises leased at their highest and best use;
- (e) current rent values in respect of rent reviews during current tenancies of similar premises;
- (f) current rent values in respect of renewals of existing tenancies of comparable premises; and
- (g) the value of permanent structural improvements erected or installed at the Lessee's expense and which the Lessee may not remove at Termination,

but ignoring:

- (h) any value attaching to goodwill created by the Lessee's occupation of the Premises;
- (i) any value attaching to the Lessee's trade fixtures and fittings on the Premises;
- (j) any value attaching to any licence or permit in respect of the business carried on by the Lessee at the Premises;
- (k) the fact that part of the Term has elapsed at the Rent Review Date;
- (l) any inducement, whether in cash or kind, or other concession customarily or likely to be offered to Lessees; and
- (m) any temporary disturbance resulting from maintenance of any part of the Land, the Building or the Plant and Equipment at any time carried out by the Lessor;

Deed means this deed as amended, varied or supplemented from time to time;

Encumbrance means a mortgage, charge, bill of sale, lien, pledge, easement, restrictive covenant, writ, warrant or caveat and the claim stated in that caveat;

Event of Default means an event specified in clause 33;

Facility means a lavatory, sink, drain or other sewerage or plumbing facility, and a gas or electrical fitting or appliance in or on the Land or the Building;

Final Period means the period between the start of the final Lease Year before the date of Termination until the date of Termination;

Financial Year means a year beginning on 1 July and ending on the following 30 June;

First Period means the period between the Commencement Date and the last day of the first Lease Year;

Foreshore Area means the Foreshore Area referred to in item 1 of Schedule Three;

Further Term means each further term specified in Item 5 of Schedule One;

Holding Over means holding over by the Lessee under clause 43;

Improvements means all of the development, construction and improvements more particularly described as the Improvements under Schedule 2 that are erected on the Premises by the Lessee;

Insurance Company means a public insurance company carrying on business in Australia and authorised to operate as an insurance company under any applicable statute from time to time in force, but approval by the Lessor of an Insurance Company, insurance broker or an alteration in the terms of a policy does not imply any warranty by the Lessor in respect of that Insurance Company, that broker or those terms, or release the Lessee from any obligation or liability under this Deed;

Insured Risk means an event against which the Lessor or the Lessee insures including, but not limited to fire, explosion, earthquake, aircraft, riot, civil commotion, flood, lightning, storm, tempest, act of God, fusion, smoke, rain water, water leakage, impact by vehicles, machinery breakdown and malicious acts or omissions;

Interest means interest at the rate specified in Item 8 of Schedule One;

Land means the land described in Item 2 of Schedule One;

Lease means this deed, the Schedule and any attachments as amended from time to time;

Lease Year means a Financial Year or any other period of 12 months nominated by the Lessor, and includes, where appropriate, the First Period and the Final Period;

Lessee's Business means only those activities and operations that are necessary for the conduct of a tourism and recreation enterprise which enterprise operates waterborne craft on Lake Kununurra, and consistent with the designated purpose for which the Reserve is reserved under s.41 of the Land Administration Act 1997, but subject to all local government and other approvals required by law being first obtained by the Lessee prior to the commencement of any development of the Premises by the Lessee;

Lessee's Covenants means the covenants, agreements and obligations contained or implied in this Deed or imposed by law to be observed and performed by any person other than the Lessor;

Lessee's Fixtures means each fixture installed in or on the Premises by the Lessee, including the Improvements and any sign erected or affixed to the Land by or on behalf of the Lessee;

Lessee's Proportion means the whole of the Variable Outgoings for the Lot comprising the Premises (as indicated on the Plan annexed to this Lease);

Lessee's Rights means:

- (a) the right to use exclusively:

- (i) the Lessor's Fixtures from time to time in the Premises; and
 - (ii) the Facilities in and the Services supplied to the Premises,
- together with all rights in favour of the Lessee contained or implied in this Deed and the right to install cables in the Improvements subject to the approval of the Lessor; and
- (b) the non-exclusive right to use:
 - (i) the Lessor's Fixtures in;
 - (ii) the Plant and Equipment in, on or serving;
 - (iii) the Facilities in; and
 - (iv) the Services supplying,
 any other part of the Premises, as required for the conduct of the Lessee's Business;

Lessor's Covenants means the covenants, agreements and obligations contained or implied in this Deed or imposed by law to be observed and performed by the Lessor;

Lessor's Fixtures means the fixtures specified in Item 9 of Schedule One;

Lessor's Rights means:

- (a) the right to enter and install in the Premises cables, pipes and wires for the supply of a Service, Facility, telephone, electronic communication or other like service or facility for the Improvements or the Land or; and
- (b) all rights in favour of the Lessor contained or implied in this Deed or granted by law;

Managing Agent means the firm specified in Item 11 of Schedule One or any person, firm or corporation as the Lessor by notice to the Lessee nominates;

Money Payable means the Rent and any other money payable by the Lessee under this Deed;

Party means the Lessor or the Lessee according to the context;

Plant and Equipment means any plant and equipment for or in connection with any Service or heating, cooling, lighting, power or plumbing serving the Land or the Improvements;

Premises means the premises specified in Item 1 of Schedule One;

Previous CPI means the Consumer Price Index number last published before the date which is 12 months before the relevant CPI Rent Review Date, or if an actuary is appointed under clause 6 to determine an index, the number certified by that actuary;

Rates and Taxes means:

- (a) council rates and charges including but not limited to, rubbish removal rates and charges and fire services;
- (b) land tax on a single holding basis;
- (c) water, drainage and sewerage rates, including but not limited to meter rents, charges for the disposal of storm water and excess water charges,

levied, charged, assessed or imposed in respect of any part of the Land, or the Premises or the ownership or occupation of any part of the Land or the Premises including but not limited to stamp and transaction duties, together with any related interest, penalties, fines and expenses in connection with them but excluding any tax imposed by the *Income Tax Assessment Act 1936*;

Rent means the rent specified in Item 6 of Schedule One as varied from time to time under this Deed;

Rent Review Date means each date specified in Item 7 of Schedule One and the relevant rent method expressed for each date;

Rent Review Notice means a notice given by the Lessor to the Lessee under clause 6.2 or clause 6.3;

Schedule means the schedules to this Deed;

Service means electricity, gas, oil, fuel, water or other like facility or service;

Term means the term specified in Item 4 of Schedule One and any Further Term;

Termination means the expiry of the Term or any period of holding over by effluxion of time or any earlier determination;

Variable Outgoings means all outgoings, costs and expenses of the Lessor, including Rates and Taxes assessed, charged, payable or incurred in respect of the Premises, Land or the Improvements including, but not limited to, the cost of:

- (a) insuring the Improvements or any part of the Improvements and any equipment or appliance in the Premises or the Improvements against fire, explosion, earthquake, aircraft, riot, civil commotion, flood, lightning, storm, tempest,, fusion, smoke, rainwater, water leakage, impact by vehicles, machinery breakdown and malicious acts or omissions, loss of rent, demolition and removal of debris, architects and other consultants fees, claims under Workers Compensation legislation, and statutory liability by employees of the Lessor working in or about the Improvements, owners third party liability and all other risks which the Lessor insures against;
- (b) compacting, storing and removing rubbish;
- (c) landscaping and maintaining any part of the Land and the Premises;
- (d) providing, maintaining, repairing, replacing, decorating, managing, administrating, controlling and securing any service or thing which the Lessor considers necessary or expedient or an improvement to the amenities of the Premises or the Land;
- (e) employing and providing facilities for staff for the matters mentioned in this definition;

- (f) legal fees and disbursements in relation to the matters mentioned in this definition;
- (g) providing motor vehicles, plant, equipment, tools and materials for the matters mentioned in this definition;
- (h) taxes and statutory charges associated with the matters mentioned in this definition including but not limited to payroll tax, financial institutions duty, bank debits tax, tax on goods or services and taxes of a type not charged at the Commencement Date; and
- (i) fees payable to the Managing Agent.

2. INTERPRETATION

- 2.1 Unless otherwise required by the context or subject matter, a reference to a party includes that party's executors, administrators, personal representatives, successors and assigns. If a party comprises 2 or more persons, a reference to a party includes the executors, administrators, personal representatives, successors and assigns of each of those persons.
- 2.2 If a party comprises 2 or more persons, the covenants and agreements bind and must be performed by each of them jointly and severally and may be enforced against any one or any 2 or more of them.
- 2.3 Where applicable, words denoting the singular include the plural, words denoting the plural include the singular, and words denoting a gender include each gender.
- 2.4 A reference to a statute includes a regulation, by-law, requisition or order made under that statute and any amendment to or re-enactment of that statute, regulation, by-law, requisition or order in force from time to time.
- 2.5 Subject to any provision to the contrary, a reference to any other deed, agreement or instrument includes a reference to that other deed, agreement or instrument as amended, supplemented or varied from time to time.
- 2.6 When the day or last day for doing an act is not a business day, the day or last day for doing the act will be the next following business day.
- 2.7 Except in the Schedule, headings in this Deed do not affect its interpretation.
- 2.8 Where applicable, a reference to a body corporate includes a natural person, and a reference to a person includes a body corporate.

3. GRANT OF LEASE

The Lessor leases and grants the Lessee's Rights to the Lessee and the Lessee takes a lease of the Premises subject to the Encumbrances for the Term and subject to the payment of the Rent and any other Money Payable and the observance and performance of the Lessee's Covenants, but reserving to the Lessor the Lessor's Rights.

4. QUIET ENJOYMENT

Subject to any contrary provision and subject to the observance and performance of the Lessee's Covenants, the Lessee may quietly hold the Premises and enjoy the Lessee's Rights during the Term without any interruption or disturbance from the Lessor.

5. RENT

The Lessee must pay the Rent (without deduction or offset) monthly in advance commencing on the 1 May 2014 and thereafter on each anniversary of that date during the Term except that the first and final payments will be apportioned on a daily basis if they are in respect of periods of less than a year.

6. RENT REVIEW

6.1 General

On each Rent Review Date, the Rent shall be reviewed in the manner set out in the following paragraphs of this clause 6.

6.2 CPI Rent Review

- (a) With effect from each CPI Rent Review Date, the Rent shall be reviewed so that it is the greater of the sums calculated on the basis of the formulae contained in sub paragraphs 6.2(a)(i) and 6.2(a)(ii).

- (i) $RR = (R \times CCPI) \text{ divided by } PCPI$

Where:

"RR" = the annual Rent as reviewed;

"R" = the annual Rent payable immediately before the relevant CPI Rent Review Date;

"CCPI" = the Current CPI; and

"PCPI" = the Previous CPI.

- (ii) $RR = R + (R \times PMI)$

Where:

"RR" = the annual Rent as reviewed;

"R" = the annual Rent payable immediately before the relevant CPI Rent Review Date; and

"PMI" = the percentage of minimum increase (if any) specified in Schedule 1 next to each CPI Rent Review Date.

- (b) The Lessor may not earlier than three (3) months before a CPI Rent Review Date give the Lessee a notice setting out the amount of the reviewed Rent which shall be payable from the CPI Rent Review Date ("CPI Rent Review Notice"), except that the failure of the Lessor to give such a notice before the CPI Rent Review Date does not preclude the

Lessor from giving such a notice in respect of that CPI Rent Review Date at any later time.

(c) **Determination of Current CPI or Previous CPI**

If for the purposes of a CPI Rent Review, the Consumer Price Index number is not published or, in the opinion of the Lessor there is a material change in the basis on which the Consumer Price Index is determined, or no Consumer Price Index number was published in the twelve (12) to fifteen (15) month period before the relevant CPI Rent Review Date for the purposes of determining Previous CPI, then the Lessor may appoint an actuary from the Fellows of the Institute of Actuaries of Australia to determine:

- (i) in respect of Current CPI, an index number which reflects the prevailing levels of prices for the Perth metropolitan area at that CPI Rent Review Date; and
- (ii) in respect of Previous CPI, an index number which reflects the prevailing levels of prices for the Perth metropolitan area at the new date which is twelve (12) months prior to that CPI Rent Review Date;

and the actuary's determination will be binding on the Lessor and the Lessee and the Lessor and the Lessee will pay the actuary's costs in equal shares.

6.3 Market Rent Review

Intentionally deleted

6.4 Determination of Current Market Rent

Intentionally deleted

7. NOT TO CAUSE RENT REDUCTION

The Lessee must not by any act or omission cause, directly or indirectly, the Rent to be reduced or impose on the Lessor any liability of the Lessee under this Deed unless obliged to do so by any statute or with the consent of the Lessor.

8. RATES AND TAXES AND VARIABLE OUTGOINGS

8.1 The Lessee must pay to the Lessor within 10 Business Days, or if the demand is made to the Lessee by any statutory authority then to that authority on demand, in full all Rates and Taxes and other outgoings separately assessed or imposed by any statutory authority or other service provider solely in respect of the Premises, including but not limited to telephone services, electricity, gas and other power and light charges and expenses, including, but not limited to:

- (a) charges and assessments for use under assessments or meter readings;
- (b) meter rents; and

- (c) the cost of installation of any meter, wiring or other apparatus necessitated by the use of electricity, gas and other power.
- 8.2 The Lessee must pay to the Lessor, within 10 Business Days of receipt of the notice of demand, the Lessee's Proportion of Variable Outgoings relating to the Premises.
- 8.3 Except in the case of manifest error, a statement issued by the Lessor under this clause will be prima facie evidence of the matters stated in that statement.
- 8.4 If the Variable Outgoings includes any tax on goods or services, the Lessee must also pay that tax to the Lessor.

9. COSTS AND EXPENSES

The Lessee must pay to the Lessor or as the Lessor directs, all the Lessor's reasonable costs, charges and expenses in connection with:

- (a) the negotiation, preparation, execution, settlement and stamping of this Deed;
- (b) any consent, approval or exercise of any right, waiver, variation, release, surrender or discharge in connection with this Deed, including but not limited to all costs and expenses of and incidental to the preparation and service of a notice under Section 81 of the Property Law Act 1969;
- (c) any inspection or report concerning the Premises;
- (d) any breach of the Lessee's Covenants;
- (e) any work done at the request of the Lessee;
- (f) the exercise or attempted exercise of the Lessor's Rights;
- (g) any action, suit or proceeding to which the Lessor is joined as a party as a result of the Lessee's occupation of the Premises;
- (h) advertising costs in accordance with the *Local Government Act 1995*;
- (i) all valuation costs in respect of this Lease;

and such costs, charges and expenses include, but are not limited to:

- (j) taxes and fees and fines and penalties which may be payable in connection with this Deed;
- (k) all legal costs and expenses on a full indemnity basis or solicitor and own client basis whichever is the higher; and
- (l) all interest which the Lessor is entitled to claim.

10. INTEREST ON OVERDUE MONEY

If any Rent or other Money Payable is unpaid for 14 days, whether demand is made or not, the Lessee must pay to the Lessor on demand Interest on that Rent or other Money Payable, computed from the due date for payment until payment, and such payment will not affect any of the Lessor's Rights.

11. LESSEE TO MAINTAIN IMPROVEMENTS

The Lessee must maintain the structure of the Improvements in a safe condition.

12. LESSEE TO MAINTAIN PREMISES AND IMPROVEMENTS

The Lessee must:

- (a) promptly repair to the satisfaction of the Lessor any damage to the Premises or Improvements for which the Lessee is liable;
- (b) replace to the satisfaction of the Lessor:
 - (i) all broken or damaged glass in the doors, walls or windows of the Improvements irrespective of the cause of breakage or damage; and
 - (ii) all electric globes and fluorescent tubes in the Improvements which fail for any reason;
- (c) maintain that part of any drains, pipes and other conduits originating in or connected to the Premises or the Improvements in a clean, clear and free flowing condition;
- (d) not without the Lessor's prior written consent interfere with the drainage or water supply facilities serving the Premises or the Improvements or any equipment connected to such facility;
- (e) paint and decorate the Improvements every 5 years during the Term and during the last 6 months of the Term in a proper manner, using suitable, good quality materials of a colour and quality first approved by the Lessor in writing;
- (f) keep the Premises and Improvements free from dirt and rubbish, and keep all rubbish in suitable receptacles;
- (g) take reasonable precautions to keep the Premises and Improvements free of animals, birds and insects and all vermin, and if required by the Lessor, from time to time, employ at the Lessee's cost pest exterminators approved by the Lessor;
- (h) maintain a service agreement with a reputable pest control company approved by the Lessor for the prevention of white ant infestation in or about the Premises and Improvements;
- (i) keep the Premises and Improvements clean according to normally accepted standards of cleaning; and
- (j) keep the Premises and Improvements in good, substantial and tenable repair, excepting:
 - (i) fair wear and tear;
 - (ii) damage caused by an event which is the subject of an Insured Risk which the Lessor has insured against, but if payment of the insurance money in respect of that damage is refused or reduced by reason of a default of the Lessee, the Lessee must in respect of that damage maintain the Premises in good condition to the extent that payment of that insurance money is refused or reduced, except that the Lessee's obligation is reduced to the extent that payment of insurance money

under the Lessor's insurance policy is refused or reduced by reason of an act or default of the Lessor.

13. MAINTENANCE OF LESSOR'S FIXTURES

The Lessee must:

- (a) maintain the Lessor's Fixtures and the Facilities in the Premises in good condition and replace any damaged items excepting fair wear and tear and damage caused by an event which is the subject of an Insured Risk which the Lessor has insured against, but if payment of the insurance money in respect of that damage is refused or reduced by reason of a default of the Lessee, the Lessee must in respect of that damage maintain the Lessor's Fixtures and the Facilities in the Premises in good condition to the extent that payment of that insurance money is refused or reduced, except that the Lessee's obligation is reduced to the extent that payment of insurance money under the Lessor's insurance policy is refused or reduced by reason of an act or default of the Lessor;
- (b) if the Lessee is liable to replace any of the Lessor's Fixtures or the Facilities in the Premises, replace that Lessor's Fixture or Facility with an item of similar quality, colour and design, and carry out the replacement to the satisfaction of the Lessor; and
- (c) keep the Facilities within the Premises unobstructed.

14. RESTRICTION ON ALTERATIONS

Deleted – Not Applicable

15. USE OF THE PREMISES

The Lessee Covenants with the Lessor as follows:

15.1 Generally

Not to use or permit the Premises to be used for any purpose other than for the Lessees Business.

15.2 Maintenance

To maintain, rehabilitate and stabilise the Foreshore Area of the Premises as may be necessary to permit continuous access by the public to infrastructure and to approved structures upon the Land.

15.3 Foreshore Bank

Not to modify, or permit the modification of, the foreshore bank of the Foreshore Area except in accordance with the Improvements referred to in Schedule 2.

15.4 Improvements and Additions

Not to erect, construct, build, install or bring any buildings or structures of a permanent nature on the Premises or make any other alterations, additions or improvements on the Premises except in accordance with Schedule 2 of the Lease.

15.5 Foreshore Vegetation

Not to remove any vegetation from the Premises or the Foreshore Area EXCEPT:

- (i) in accordance with a foreshore management / rehabilitation plan approved by the Lessor;
- (ii) exotic species;
- (iii) in the case of native vegetation, with the prior written consent of the Lessor and all approvals required by law; and
- (iv) by mechanical means rather than chemical application methods to the extent practicable.

The Lessee must ensure that all areas from which vegetation may have been removed by the Lessee prior to the execution of this lease or is removed in the future shall be promptly rehabilitated and re vegetated with local, native species in order to minimise soil erosion and run-off.

15.6 Water Use Conservation

The Lessee must conduct all reticulation and irrigation activities on the Premises in accordance with best practice water conservation principles.

15.7 State Government Planning Policies

The Lessee must observe, perform and comply with the provisions of all present and future State Government planning policies that affect the Land and/or the adjacent waterway (for example, the *Policy and Guidelines for Recreation and General Access on Crown Land with Public Drinking Water Source Areas and Other Water Source Catchments*.)

16. MISCELLANEOUS RESTRICTIONS ON USE

The Lessee must not:

- (a) use or permit anyone to use the Premises for an immoral or unlawful purpose;
- (b) do or carry on in the Premises anything which causes a nuisance, damage, or disturbance;
- (c) do or carry on in the Premises any harmful, offensive or illegal act, matter or thing;
- (d) place any rubbish on any part of the Premises except in a place for disposal of that type of rubbish;
- (e) burn any rubbish on the Premises; or
- (f) fail to remove on a regular basis any rubbish of a kind not removed by the local authority.

17. INFLAMMABLE SUBSTANCES

The Lessee must not except for reasonable quantities for normal applications in connection with the use of the Premises permitted by the Lessor use or store any chemical or inflammable substances within the Improvements.

18. ADVERTISEMENTS OR NOTICES

The Lessee must not display from or affix to the Premises or any other part of the Improvements any advertisement or notice visible from outside the Premises without the prior consent of the Lessor which the Lessor may not unreasonably withhold in the case of a notice stating the name and business of the Lessee affixed in a place immediately adjacent to the Premises.

19. SECURITY OF THE PREMISES

The Lessee must not leave the Premises unattended unless access to the Premises is securely fastened and locked.

20. ENTRY BY LESSOR

The Lessor or a person authorised by the Lessor may enter the Premises and Improvements at reasonable times after giving the Lessee reasonable written notice of entry, or on demand in the case of an emergency, with or without workmen and others, and with or without plant, equipment and materials, to:

- (a) inspect the state of repair of the Premises and Improvements and to ensure that there is no breach of the Lessee's Covenants;
- (b) maintain or repair the Premises and Improvements;
- (c) maintain, repair or alter the Services or any cables, pipes or wires within the Premises and Improvements;
- (d) carry out works required by a statutory authority;
- (e) maintain, service, install or remove any Plant and Equipment;
- (f) remove harmful substances;
- (g) comply with any requirement, notification or order of an authority having jurisdiction or authority over or in respect of the Premises or the Improvements for which the Lessor is liable under this Deed; and
- (h) view the Premises or Improvements with persons having or seeking an interest in the Premises or Improvements or any part thereof, financiers, insurers and other similarly interested persons,

and the Lessor must use its best endeavours not to cause any undue inconvenience to the Lessee.

21. STRATA BY-LAWS

Deleted - Not Applicable

22. VARIATIONS TO THE STRATA SCHEME

Deleted - Not Applicable

23. EASEMENTS

23.1 Subject to clause 23.2, the Lessor may:

- (a) grant rights of support to any owner, Lessee, occupier or other person interested in land adjacent to or near to the Premises or any public authority;
- (b) transfer any part of the Land; or
- (c) grant or create any easement or privilege in favour of any person or public authority over or affecting the Premises.

for the purpose of providing:

- (d) a public or private entrance to or exit from;
- (e) a support for a structure erected on;
- (f) the supply of a Service, Facility or telephone or electronic communication to; or
- (g) any other right, privilege or facility for,
the Premises, or any other land.

23.2 The Lessor must not transfer, grant or create any easement, right or privilege, which substantially and permanently derogates from the Lessee's Rights without first obtaining the Lessee's consent.

24. INSPECTION BY PROSPECTIVE LESSEES OR PURCHASERS

The Lessor or a person authorised by the Lessor may:

- (a) enter the Premises or Improvements to allow prospective purchasers or Lessees of the Premises to inspect the Premises; or
- (b) within 3 months before the end of the Term, display outside the Premises a sign containing any information which the Lessor sees fit indicating the availability of the Premises for lease or other occupation.

25. PLANT AND EQUIPMENT AND FIXTURES

25.1 The Lessee must:

- (a) not use any Facility, Plant and Equipment or Lessor's Fixtures for a purpose other than that for which it was designed;
- (b) comply with the reasonable requirements of the Lessor relating to the Plant and Equipment;
- (c) Deleted – Not Applicable
- (d) not do anything which might interfere with or impair the efficient operation of the Plant and Equipment; and

- (e) not install any electrical equipment on the Premises which might overload the cables, switchboards or sub-boards, through which electricity is connected to the Premises.

25.2 If the Lessee wishes to install any electrical equipment on the Premises which might overload the cables, switchboards or sub-boards through which electricity is connected to the Premises and the Lessor grants its consent, and the Lessor considers that any alteration is necessary to comply with the requirements of the Lessor's insurance underwriters or with any statute in force from time to time, then:

- (a) that alteration will be effected by the Lessor at the expense of the Lessee;
- (b) the Lessee must pay the entire cost of the alteration to the Lessor on demand by the Lessor; and
- (c) if required by the Lessor the Lessee must deposit with the Lessor the estimated cost of the alteration before commencement of any work.

26. INSURANCE

The Lessee must:

- (a) maintain with an Insurance Company approved by the Lessor in the names of the Lessee and the Lessor and, if required by the Lessor, any mortgagee of the Lessor, for their respective rights and interests:
 - (i) adequate public risk insurance to a sum insured of at least the amount specified in Item 10 of Schedule One in respect of any one claim or any higher amount required by the Lessor from time to time;
 - (ii) insurance against the Insured Risk to a full insurable value on a replacement or reinstatement basis in respect of the Lessee's Fixtures;
 - (iii) a policy of employers' indemnity insurance including workers' compensation insurance in respect of all employees of the Lessee employed in, about or from the Premises;
 - (iv) a policy of insurance against all risks in respect of the Improvements; and
 - (v) other insurances in connection with the Premises which a prudent Lessee leasing premises comparable with the Premises would take out or which are reasonably specified by the Lessor; and
- (b) in respect of the insurances referred to above:
 - (i) supply to the Lessor details;
 - (ii) produce each policy or certificate of insurance and each receipt for premiums or certificates of currency issued by an Insurance Company or insurance broker approved by the Lessor when required to do so by the Lessor;

- (iii) pay each premium at least 7 days before the due date, and when asked by the Lessor, produce receipts for the payments;
- (iv) immediately rectify anything which might prejudice any insurance and re-instate the insurance if it lapses;
- (v) notify the Lessor immediately when:
 - (A) an event occurs which gives rise or might give rise to a claim under or which could prejudice a policy of insurance; or
 - (B) a policy of insurance is cancelled; and
- (vi) ensure that the insurer has no right of subrogation against the Lessor;
- (vii) not do or omit to do any act or thing which might render the insurance on the Premises void or voidable, or which might cause the rate of premium to be increased, and if the Lessor approves in writing any proposal of the Lessee to add to or increase any risk which is covered by insurance, pay all additional premiums resulting from the additional or increased risk.

27. LESSEE'S INDEMNITIES

- 27.1 The Lessee indemnifies and keeps indemnified the Lessor against each claim, demand, loss, damage or Costs and Expenses arising from or incurred in connection with any damage to the Premises or any loss of or damage to anything in it or near it, and any injury to any person in or near the Premises, caused or contributed to by the act, negligence or default of the Lessee or some danger created by the Lessee, whether or not the existence of that danger was or ought to have been known to the Lessee.
- 27.2 The Lessor is not liable in respect of any liability or loss resulting from:
- (a) any act or omission of any other person in the Premises;
 - (b) any malfunction, breakdown, interruption or failure in relation to the supply of services to the Premises;
 - (c) any other accident, damage or malfunction affecting the Premises, including, but not limited to, any blocked drains, pipes or conduits, any overflow of water or any break in wires or cables; or
 - (d) damage to or loss of anything or injury to any person in or near the Premises due to any cause other than the negligence or default of the Lessor or any employee or agent of the Lessor.
- 27.3 The Lessee's obligation to indemnify the Lessor under this Deed or by law is unaffected by the obligation of the Lessee to effect insurance and the obligation of the Lessee to indemnify is paramount.
- 27.4 To the extent permitted by law, the Lessee must on demand pay to the Lessor an amount equal to all money paid by the Lessor in respect of any liability of the Lessee under this Deed.

- 27.5 The Lessee is subject to the same responsibilities relating to persons and property to which the Lessee would be subject if during the Term the Lessee were the owner and occupier of the freehold of the Premises.
- 27.6 The Lessee's obligation under clause 27.1 is relieved to the extent that payment of insurance money under the Lessor's insurance policy (if any) in respect of that obligation is received by the Lessor, or refused or reduced by reason of an act or default of the Lessor.
- 27.7 Unless this Deed provides otherwise, whenever the Lessee is obliged or required by this Deed to do or omit to do any act or thing, the doing or the omission of that act or thing will be at the sole risk and expense of the Lessee.
- 27.8 Subject to clause 27.6, and without limiting the generality of clauses 27.1 and 27.5, the Lessee indemnifies and keeps indemnified the Lessor against each claim, demand, loss, damage or Costs and Expenses for which the Lessor becomes liable in respect of:
- (a) any overflow or leakage of water or other fluids in or from the Premises or the Improvements except where the flow or leakage is not caused by or due to any act or omission of the Lessee or an Authorised Person;
 - (b) the cost of repair or replacement in respect of any damage caused to any part of the Improvements, any item of Plant and Equipment, or any Facility, outside the Premises if that damage is caused by misuse by the Lessee or an Authorised Person; and
 - (c) the cost of repair or replacement of any Plant and Equipment or Facility within the Premises or Improvements if it is damaged and that damage is caused by or contributed to by the Lessee or an Authorised Person.

28. LIMIT OF LESSORS LIABILITY

- 28.1 The Lessor will not be liable for any failure to perform or observe the Lessor's Covenants due to any reason beyond the direct control of the Lessor.
- 28.2 The Lessor will not be liable for loss, damage or injury to any person or property in or about the Land, the Improvements or the Premises however occurring unless caused by the negligence of the Lessor or its employees.
- 28.3 Each Lessor is only liable for breaches of the Lessor's Covenants occurring while that person is the registered proprietor of the Land.

29. REPORT TO LESSEE

The Lessee must report promptly to the Lessor or the Managing Agent in writing and in the case of emergency, verbally:

- (a) any damage to or defect in the Premises the Improvements, the Lessor's Fixtures, the Plant and Equipment or the Facilities in the Premises of which the Lessee is or ought to be aware;
- (b) any malfunction of any Facility either within the Premises or Improvements or used by the Lessee;
- (c) Deleted – Not Applicable

- (d) any notifiable infectious disease occurring in the Premises; and
- (e) any circumstances likely to:
 - (i) be a danger; or
 - (ii) cause any damage or danger;

to the Premises, the Improvements or any person on or in the Premises, or the Improvements of which the Lessee is aware.

30. CAVEATS

- 30.1 The Lessee must not lodge an absolute caveat over the Premises to protect the interest of the Lessee under this Deed and the Lessee must withdraw any caveat lodged by or on behalf of the Lessee over the Premises on Termination.
- 30.2 In consideration of the Lessor granting the Lessee the Lessee's Rights, the Lessee irrevocably appoints the Lessor and every officer of the Lessor as defined by the Corporations Act to be the attorney of the Lessee, in the name and on behalf of the Lessee, and as the act and deed of the Lessee to sign and lodge at the Western Australian Land Information Authority (Landgate), Perth, a withdrawal of any caveat lodged by or on behalf of the Lessee and not withdrawn on Termination, and the Lessee:
- (a) undertakes to ratify all that the attorney does or causes to be done under or by virtue of this subclause; and
 - (b) indemnifies the Lessor in respect of any loss arising from any act done under or by virtue of this subclause, and the Lessor's costs and expenses of and incidental to the withdrawing of any caveat lodged by or on behalf of the Lessee affecting the Premises.

31. NOT TO IMPEDE EXERCISE OF LESSOR'S RIGHTS

The Lessee must not impede the exercise of the Lessor's Rights.

32. COMPLIANCE WITH STATUTES

The Lessee must comply promptly with all statutes, rules and regulations from time to time in force relating to the Premises or the Improvements or the use of the Premises or the Improvements.

33. DEFAULT BY LESSEE

An Event of Default occurs if:

- (a) any Rent or other Money Payable remains unpaid for 7 days after becoming due whether or not demand for payment is made;
- (b) the Lessee is in breach of any of the Lessee's Covenants other than covenants to pay Rent or other Money Payable for 14 days after notice has been given to the Lessee;

- (c) a receiver, or an agent in possession for a mortgagee is appointed in respect of any property of the Lessee;
- (d) the Lessee vacates the Premises or ceases to trade without first assigning the Premises pursuant to clause 40;
- (e) a mortgagee takes possession of any property of the Lessee;
- (f) any execution or similar process is made against the Premises or the property of the Lessee;
- (g) the Lessee, being a natural person, commits an act of bankruptcy;
- (h) an application is made, a resolution is passed or a meeting is convened for the purpose of considering a resolution for the Lessee to be wound up unless the winding up is for the purpose of reconstruction or amalgamation;
- (i) a compromise or arrangement is made between the Lessee and its creditors;
- (j) a resolution is passed, or a meeting is convened for the purpose of considering a resolution for the Lessee to be placed under official management;
- (k) the Lessee admits in writing its inability to pay its debts;
- (l) an application is made to a court for an order summoning a meeting of any class of creditors of the Lessee;
- (m) an application is made or notice given or other procedure commenced for the dissolution or cancellation of the registration of the Lessee under the Corporations Act or any similar process; or
- (n) an investigation is commenced under section 13 of the Australian Securities and Investments Commission Act to investigate the affairs of the Lessee; or
- (o) the Lessee is in breach of an instrument other than this Deed giving the Lessee a right to occupy any part of the Premises or the Improvements; or
- (p) Deleted – Not Applicable
- (q) distress is levied or a judgement, order, security or encumbrance is enforced against any property of the Guarantor;
- (r) a receiver or receiver and manager or controller as defined in the Corporations Act is appointed in respect of any part of the Guarantor's property; or
- (s) a person is appointed under legislation to investigate or manage any part of the Guarantor's affairs.

34. LESSOR MAY RETAKE POSSESSION

- 34.1 After an Event of Default has occurred and without any notice or demand, the Lessor may at any time enter the Premises and on re-entry the Term will immediately determine but without affecting any of the Lessor's Rights or releasing the Lessee from liability with respect to the Lessee's Covenants.

- 34.2 The costs of re-entry or repossession by the Lessor are to be borne by the Lessee.

35. EXERCISE OF LESSOR'S RIGHTS

- 35.1 The exercise by the Lessor of the Lessor's Rights will not be affected by demand for, or acceptance of the Money Payable by the Lessor after an Event of Default has occurred, and such demand or acceptance will not operate as an election by the Lessor either to exercise or not to exercise the Lessor's Rights.
- 35.2 If the Lessee fails to pay any Money Payable or does or fails to do anything, the Lessor may without affecting any right, remedy or power arising from that default:
- (a) pay that Money Payable or do or cease the doing of that thing or both as if it were the Lessee; and
 - (b) enter and remain on the Premises for that purpose;
- and the Lessee must pay to the Lessor on demand the Lessor's cost of remedying each breach or default.
- 35.3 The Lessor may exercise the Lessor's Rights without proof of default by the Lessee or the continuance of that default, or notice being required other than is provided in this Deed, and notwithstanding laches, neglect or previous waiver by the Lessor in respect of any breach of the Lessee's Covenants or the exercise of the Lessor's Rights.

36. BREACH OF ESSENTIAL TERMS

- 36.1 Each of the Lessee's Covenants specified in clauses 5, 8, 12, 13, 14, 15, 16, 26 and 40 are essential terms of this Deed, except that this clause must not be construed to mean that there are no other essential terms in this Deed.
- 36.2 The Lessee must compensate the Lessor for any breach of an essential term and the Lessor is entitled to recover damages from the Lessee in respect of such breaches in addition to any other remedy or entitlement of the Lessor, including the right to determine the Term.
- 36.3 If the Term is determined:
- (a) for a breach of an essential term by the Lessor accepting a repudiation of this Deed by the Lessee; or
 - (b) after the Lessee's failure to comply with a notice to remedy any default;
- the Lessee must pay to the Lessor on demand:
- (c) the Rent and other Money Payable for the unexpired balance of the Term as if the Term had expired by the effluxion of time; and
 - (d) damages for damage suffered as a result of the early determination, including but not limited to all costs of reletting or attempting to re-let the Premises, less the rent and other money payable which the Lessor reasonably expects to recover by reletting the Premises for the period between the date of termination and the date on which the Term would

have expired by effluxion of time, but the Lessor must take reasonable steps to mitigate its losses.

- 36.4 A certificate given to the Lessee by the Lessor of the amount of the Rent and Variable Outgoings under clause 36.3 will be conclusive as between the Parties except in the case of manifest error.
- 36.5 The Lessor's entitlement to recover damages under this clause is not prejudiced or limited by:
- (a) the Lessee abandoning or vacating the Premises;
 - (b) the Lessor electing to re-enter the Premises and determining the Term;
 - (c) the Lessor accepting the Lessee's repudiation of this Deed; and
 - (d) the parties' conduct constituting a surrender of the Term by operation of law.
- 36.6 The Lessor may without prejudice to any other remedy, sue the Lessee for any Money Payable which may from time to time become due and owing by the Lessee to the Lessor and in particular, the Lessor may:
- (a) sue for any instalments of Rent or Variable Outgoings as and when those instalments become due; and
 - (b) by a separate suit or suits sue for any further sum or sums which may be found to be due and owing by the Lessee to the Lessor on the completion of the calculations made at the end of each Lease Year;

and neither the institution of any suit nor the entering of judgement in any suit will bar the Lessor from bringing a separate or subsequent suit or suits for the balance of the Money Payable.

37. TERMINATION

- 37.1 At any time during the Term, the Lessee may terminate the Lease by:
- (a) Giving the Lessor written notice of termination; and
 - (b) Paying the Lessor's administration and advertising costs of \$1,500.00 plus GST.
- 37.2 The Termination date shall be the date specified in the Lessee's notice of termination, which must be a date at least three months after the Lessor receives the notice of Termination.
- 37.3 Upon Termination of the Lease, the Improvements shall at the sole discretion and direction of the Lessor be removed by the Lessee and at the cost of the Lessee or alternatively shall be retained on the Premises and vested in the Lessor.
- 37.4 If the Lessee is directed by the Lessor to remove the Improvements upon Termination of the Lease and the Lessee fails to do so within 2 months of the

Termination date then the Lessor may remove the Improvements and recover the costs of removal from the Lessee as a debt due and payable.

38. YIELD UP AND SURRENDER KEYS

On Termination, the Lessee must peaceably surrender and yield up to the Lessor the Premises in a condition consistent with the observance and performance of the Lessee's Covenants and surrender to the Lessor all keys and security access devices providing access to or within the Premises or the Improvements held by the Lessee whether or not provided by the Lessor.

39. REMOVAL OF LESSEE'S FIXTURES

39.1 Prior to Termination, the Lessee must remove from the Premises, the Improvements and the Land all the Lessee's Fixtures and property of the Lessee and any of the Lessor's Fixtures installed by the Lessee which the Lessor requires the Lessee to remove, and promptly make good to the satisfaction of the Lessor any damage caused by that removal.

39.2 On re-entry by the Lessor, the Lessor may remove any property of the Lessee left in or about the Premises and the Lessee must indemnify the Lessor against all damage caused by the removal of and the cost of storing that property.

39.3 At Termination, the Lessor may, with respect to any Lessee's Fixtures and property belonging to the Lessee not removed at Termination:

- (a) sell or dispose of such property at the Lessee's cost and offset any proceeds of sale after deduction of costs of sale against any unpaid Money Payable; or
- (b) accept that such property is the absolute property of the Lessor and dispose of such property as the Lessor thinks fit.

39.4 In respect of any period until either the Lessor exercises an option under clause 39.3 above, or the damage caused by the removal of the Lessee's Fixtures or property is made good, whichever is the later, the Lessee must pay to the Lessor by way of damages an amount equal to the amount in respect of Rent and Variable Outgoings which would have been payable by the Lessee if the Lessee were holding over the Premises during that period.

40. ASSIGNMENT

40.1 The Lessee must not assign, mortgage or charge the leasehold estate in the Premises or any part of the Premises nor sublet, part with possession or dispose of the Premises without the prior written consent of the Lessor and except under this clause.

40.2 Sections 80 and 82 of the Property Law Act 1969 are excluded.

40.3 If the Lessee is a corporation other than a public company within the meaning of the Corporations Act, any change in the beneficial ownership, issue or cancellation of shares in that corporation or any holding company of that corporation within the meaning of the Corporations Act will be deemed to be an assignment of the leasehold estate created by this Deed.

- 40.4 The Lessor may not unreasonably withhold its consent to an assignment of the leasehold estate created by this Deed if:
- (a) the proposed assignee is a respectable and responsible person of good financial standing, the onus of satisfying the Lessor of this fact being on the Lessee;
 - (b) all Money Payable then due or payable has been paid and there is no existing unremedied breach of the Lessee's Covenants;
 - (c) the Lessee procures the execution by the proposed assignee of a deed of assignment to which the Lessor is a party prepared and completed by the Lessor's solicitors at the cost of the Lessee in all respects;
 - (d) the assignment contains a covenant by the assignee with the Lessor to pay all Money Payable and to perform and observe all the Lessee's Covenants;
 - (e) if the proposed assignee is a corporation other than a public company within the meaning of the Corporations Act, the directors or substantial shareholders of that corporation guarantee to the Lessor the observance and performance by the assignee of the Lessee's Covenants including payment of all Money Payable;
 - (f) the Lessee pays the Lessor's costs and expenses of and incidental to any enquiries made by or on behalf of the Lessor as to the respectability, responsibility and financial standing of each proposed assignee and all other matters relating to the proposed assignment, whether or not the assignment proceeds; and
 - (g) the Lessee procures the execution by the proposed assignee of an acknowledgment that the proposed assignee has received a copy of the Lessor's estimated Variable Outgoings for the relevant Lease Year.
- 40.5 If the assignee is a corporation the shares in which are not quoted on any stock exchange in Australia, it will be a term of the Lessor's consent to the deed of assignment that the directors or the substantial shareholders, at the option of the Lessor, of that corporation guarantee to the Lessor the observance and performance by the assignee of the Lessee's Covenants including payment of all Money Payable.
- 40.6 The covenants and agreements on the part of any assignee will be supplementary to the Lessee's Covenants and will not in any way relieve or be deemed to relieve the Lessee from the Lessee's Covenants.

41. DESTRUCTION OR DAMAGE TO PREMISES

Deleted – Not Applicable

42. OPTION OF RENEWAL

Deleted – Not Applicable

43. HOLDING OVER

If after Termination the Lessee continues in possession of the Premises, the Lessee shall be deemed to be holding over as a monthly Lessee at a rent equal to the greater of the Rent payable immediately before Termination reviewed by reference to the CPI or the Rent payable immediately before Termination, and shall be reviewed in the same manner on each anniversary of the date of Termination and the Lessee's right to remain in possession of the Premises shall be subject to the continued performance of the Lessee's Covenants and may be determined by either party giving the other party 1 month's notice of termination.

44. CONSENTS

The Lessor may, unless this Deed otherwise provides, withhold consent to any matter requiring consent without specifying any reasons.

45. ACT BY AGENTS

45.1 All acts and things which the Lessor is required or empowered to do under this Deed may be done by the Lessor or the solicitor, agent, contractor or employee of the Lessor.

45.2 The Lessor may at any time and from time to time appoint a Managing Agent to manage the Premises and the Managing Agent will, unless the Lessor directs in writing otherwise, represent the Lessor in all matters relating to this Deed, and the Lessor's direction will prevail over the Managing Agent's to the extent of any inconsistency.

46. LESSEE LIABLE FOR AUTHORISED PERSONS

The Lessee is liable for the acts or omissions of Authorised Persons arising out of and in connection with the rights and obligations created by this Deed.

47. NOTICE

A notice, demand or consent given or made to any person under this Deed:

- (a) must be in writing;
- (b) may be served by:
 - (i) delivering it to that person personally; or
 - (ii) addressing it to that person and leaving it or posting it to:
 - (A) the address of that person appearing in this Deed;
 - (B) that person's usual or last known place of residence;
 - (C) that person's usual or last known place of business;
 - (D) where that person is a corporation, its registered office or principal place of business; or
 - (E) any other address nominated by that person by notice to the person giving the notice;
 - (iii) sending a facsimile copy of the notice to the facsimile copier number nominated by that person by notice to the person giving the notice; and

- (c) will be deemed to be given or made:
 - (i) in the case of personal delivery, when delivered;
 - (ii) in the case of service by leaving the notice at an address specified in paragraph (b), when left at that address unless the time of leaving a notice in the place in which it is left is not on a business day or is after 5 p.m. in the afternoon on a business day, when it will be deemed to be given or made on the next following business day in that place;
 - (iii) in the case of service by post, on the second business day following the date of posting; and
 - (iv) in the case of facsimile when despatched, unless the time of dispatch in the place to which it is sent is not a business day or is after 5 p.m. in the afternoon on a business day, when it will be deemed to be given or made on the next following business day in that place; and
- (d) may be signed:
 - (i) if given by an individual, by the person giving the notice;
 - (ii) if given by a corporation, by a director, secretary or manager of that corporation; or
 - (iii) by a solicitor or other agent of the person giving the notice.

48. PROPER LAW

This Deed is governed by, and to be interpreted in accordance with, the laws of Western Australia and where applicable the laws of the Commonwealth of Australia.

49. SEVERANCE

If any part of this Deed is, or becomes void or unenforceable, that part is or will be, severed from this Deed to the intent that all parts that are not, or do not become, void or unenforceable remain in full force and effect and are unaffected by that severance.

50. WAIVERS

50.1 Failure to exercise or delay in exercising any right, power or privilege in this Deed by a party does not operate as a waiver of that right, power or privilege.

50.2 A single or partial exercise of any right, power or privilege does not preclude any other or further exercise of that right, power or privilege, or the exercise of any other right, power or privilege.

51. VARIATION

This Deed may be varied only by deed executed by the parties.

52. EFFECTIVE EXECUTION

This Deed is binding on each party who executes it notwithstanding the failure of any other person named as a party to execute it, and the avoidance or unenforceability of any part of this Deed.

53. FURTHER ASSURANCES

Each party must execute and do all acts and things necessary or desirable to implement and give full effect to the provisions and purpose of this Deed.

54. COUNTERPARTS

This Deed may be executed in any number of counterparts each of which is an original and all of which constitute one and the same instrument.

55. SURVIVAL OF WARRANTIES

A warranty given by a party in this Deed will not merge on the completion of the matters referred to, or contemplated by, this Deed, but will survive that completion even if any party has waived any right under this Deed, or failed to take proceedings for any breach.

56. ENTIRE AGREEMENT

This Deed constitutes the entire agreement between the parties and contains all the representations, warranties, covenants and agreements of the parties in relation to the subject matter of this Deed.

57. PAYMENT OF MONEY

Any sum of money to be paid to the Lessor must be paid to the Lessor at the Address or as otherwise directed by the Lessor by notice from time to time and Money Payable accrues on a daily basis.

58. MORATORIUM NOT TO APPLY

A provision of a statute which would, but for this clause extend or postpone the date of payment of the Money Payable, reduce the Interest or abrogate, nullify, postpone or otherwise affect any provision under this Deed does not apply to limit or affect the terms of this Deed.

59. GOODS AND SERVICES TAX

- 59.1 Words or expressions used in this clause 59 which are defined in the A New Tax System (Goods and Services Tax) Act 1999 (Cth) have the same meaning in this clause.
- 59.2 Any consideration to be paid or provided for a supply made under or in connection with this Deed unless specifically described in this Deed as 'GST inclusive', does not include an amount on account of GST.
- 59.3 Despite any other provision in this Deed if a party ('Supplier') makes a supply under or in connection with this Deed on which GST is imposed (not being a supply the consideration for which is specifically described in this Deed as 'GST inclusive'):
- (a) the consideration payable or to be provided for that supply under this Deed but for the application of this clause ('GST exclusive consideration') is increased by, and the recipient of the supply ('Recipient') must also pay to the Supplier, an amount equal to the GST payable on the supply ('GST Amount'); and

- (b) the GST Amount must be paid to the Supplier by the Recipient without set off, deduction or requirement for demand, at the same time as the GST exclusive consideration is payable or to be provided.

59.4 If a payment to a party under this Deed is a reimbursement or indemnification, calculated by reference to a loss, cost or expense incurred by that party, then the payment will be reduced by the amount of any input tax credit to which that party, or the representative member of a GST group of which that party is a member, is entitled for that loss, cost or expense.

59.5 The Recipient need not make a payment for a taxable supply made under or in connection with this Deed until the Supplier has given the Recipient a tax invoice for the supply to which the payment relates.

59.6 If an adjustment event occurs in relation to a taxable supply made under or in connection with this Deed then the consideration payable in respect of the supply shall also be adjusted as follows:

- (a) if the adjustment event gives rise to an increase in the GST payable by the Supplier in relation to the supply a payment equal to that increase will be made by the Recipient to the Supplier; and
- (b) if the adjustment event gives rise to a decrease in the GST payable by the Supplier in relation to the supply payment equal to that decrease will be made by the Supplier to the Recipient.

Any payment that is required under this clause 59.6 will be made within five days of the issuing of an adjustment note or an amended tax invoice, as the case may be, by the Supplier. If the adjustment event gives rise to an adjustment, the Supplier must issue an adjustment note to the Recipient as soon as it becomes aware of the adjustment event.

60. GUARANTEE AND INDEMNITY

60.1 In consideration of the Lessor, at the request of the Guarantor, agreeing to enter into this Lease with the Lessee, the Guarantor:

- (a) guarantees to the Lessor the due and punctual observance and performance of the Lessee's Obligations; and
- (b) indemnifies and keeps indemnified the Lessor against all losses, expenses, claims, and damages incurred or reasonably expected to be incurred by the Lessor by reason of any breach of the Lessee's Obligations.

60.2 The Guarantor's obligations under this Lease are an irrevocable and continuing guarantee and indemnity, and the Guarantor will not be wholly or partially released from the obligations of this clause 60 by any matter or thing, including without limitation:

- (a) the death, insolvency, bankruptcy, liquidation or mental incapacity of a Guarantor or any of them;
- (b) the death, insolvency, bankruptcy, liquidation or mental incapacity of the Lessee;

- (c) the avoidance of any payment by the Lessee or the Guarantor to the Lessor;
- (d) the payment of money to the Lessor by any person;
- (e) the performance, observance, non-performance or non-observation of any of the Lessee's Obligations;
- (f) the granting of time or other indulgence or consideration by the Lessor to any person;
- (g) the Lessor failing or neglecting to exercise any of the Lessor's rights under this Lease;
- (h) any act, omission, laches or default on the part of the Lessor which would affect the liability of any person to the Lessor but for this provision; or
- (i) any act or omission of the Lessor which results, or might result, in prejudice to a Guarantor or any of them.

60.3 This Lease is enforceable against the Guarantor and the Guarantor is liable under this Lease notwithstanding any claims that the Lessor is estopped from enforcing any term of this Lease, or that the Lessee has any other defence against an action by the Lessor to enforce any term of this Lease, and binds the Guarantor until the Lessee is released from its obligations under this Lease.

60.4 The Guarantor's obligations under this Lease are principal obligations and are not ancillary or collateral to any other obligation or instrument.

60.5 If the Lessor is unable to recover from any person any money owing under this Lease, or to enforce a remedy for any other breach of the Lessee's Obligations, the Guarantor also agrees to pay the Lessor on demand the loss, damage, costs and expenses suffered or incurred by the Lessor in respect of the breach of those covenants and the other provisions of this Lease apply as far as is possible to the indemnity conferred on the Lessor by this clause.

60.6 This guarantee and indemnity:

- (a) continues until the Lessee has performed all the Lessee's Obligations and while the Lessee occupies or is entitled to occupy the Leased Premises in any manner whatever;
- (b) extends to the obligations of any assignee of the Lessee's interest under this Lease and of any sub-Lessee;
- (c) extends to all extensions of this Lease and any new lease of the Leased Premises granted to the Lessee or an assignee of the Lessee's interest under this Lease or any sub-Lessee; and
- (d) extends to claims by the Lessor for any liability arising from the repudiation of this Lease and any default under this Lease by the Lessee, and any action taken by the Lessor as a result of a default including the Lessor re-entering the Leased Premises or terminating this Lease.

- 60.7 The Guarantor may not, without the Lessor's consent:
- (a) raise a set-off or counterclaim available to the Guarantor against the Lessee in reduction of the Guarantor's liability under this clause;
 - (b) prove or claim in any bankruptcy, liquidation, arrangement or assignment of or in relation to the Lessee until the Lessor has received 100 cents in the dollar in respect of the money owing by the Lessee under this Lease and the Guarantor holds in trust for the Lessor any such proof or claim or any dividend received by the Guarantor from such proof or claim; or
 - (c) claim to be entitled to the benefit of any other security held by the Lessor in connection with this Lease, whether because of the rules of contribution, indemnity, subrogation, marshalling or for any other reason.
- 60.8 If a payment to the Lessor in connection with this Lease is void or voidable under laws relating to insolvency or protection of creditors the Lessor remains entitled to the rights against the Guarantor which the Lessor had under this clause before that payment was made.
- 60.9 The Guarantor acknowledges that the parties intend that the Lease may be registered pursuant to the *Transfer of Land Act 1893 (WA)*.
- 60.10 The Guarantor hereby warrants to the Lessor that where the Lessee has executed or shall execute this Lease pursuant to any Memoranda and/or Articles of Association and/or Constitution, trust deed, will, deed of settlement, or other instrument whatsoever ("the Instrument") the Lessee has done or prior to executing this Lease shall do, all acts, matters and things required by the Instrument or otherwise to ensure that each such party has validly executed or shall validly execute this Lease and shall be bound hereby in accordance with the terms of this Lease and the Guarantor hereby agrees unconditionally that he shall indemnify and keep indemnified the Lessor from and against all losses, costs, claims, expenses and damages of any nature whatsoever directly or indirectly incurred or reasonably expected to be incurred by the Lessor from or out of the breach of any of the warranties contained in this clause 60.10.
- 60.11 If the Guarantor comprises more than 1 person, the obligations of each Guarantor are joint and several.
- 60.12 In this clause 60, a reference to:
- (a) "this Lease" includes any tenancy or other right of any kind by which the Lessee occupies or is entitled to occupy the Premises or the Improvements; and
 - (b) "Lessee's Obligations" means each covenant, obligation and duty contained or implied in this Lease or any other instrument by which the Lessee occupies any part of the Land or Improvements or required by law to be performed by the Lessee or any Authorised Person.
- 60.13 The Lessor may assign the rights under, and the benefit of, the obligations of the Guarantor under this Lease.

61. SPECIAL CLAUSES

The special clauses set out in Schedule Two and Schedule Three (the Special Clauses) shall form part of this Lease and if there is any inconsistency between the provisions of this Lease generally and the Special Clauses, the Special Clauses shall prevail to the extent of the inconsistency.

62. SERVICES NOT PROVIDED BY LESSOR

The parties acknowledge that it will be the responsibility of the Lessee to provide its own potable water, waste disposal and telecommunication lines to the Premises.

63. LESSEE TO PROVIDE ACCOUNTS

Upon request by the lessor, the Lessee shall, within 30 days of receiving a written request, produce evidence of ticket sales to verify the Lessee's business operation during the tourist season being from April to October inclusive of any year.

64. ACCESS ROAD

The lot is accessed by a road which is maintained as part of the Shire's budgeted annual rural road maintenance program.

SCHEDULE ONE

1. PREMISES

The whole of the Land, together with all improvements on the land, as outlined indicated on the plan at "Attachment B" to this Lease.

2. LAND

Lot 509 on Deposited Plan 66529 and being the whole of the land comprised in Certificate of Title Volume LR3158 Folio 514 and as marked in red and attached in annexure A.

3. COMMENCEMENT DATE

XX May 2014

4. TERM

FIFTEEN (15) years.

5. FURTHER TERM

Not Applicable.

6. RENT

(a) Until varied, the Rent is \$(TBC) plus GST per annum, payable annually, in advance from and including XX May 2014 and thereafter on each year of that date.

7. RENT REVIEW DATES & METHOD OF REVIEW

(a) Rent Review Date during the Term

The XX day of May 2014 and each anniversary of that date throughout the Term, shall be a CPI Rent Review Date.

8. INTEREST

10% per annum

9. LESSOR'S FIXTURES

Fencing and any other fixture or fitting in the Premises of which at law or by designation by the Lessor under this Deed, the Lessor is the owner, and any replacement of any item mentioned in this Item.

10. AMOUNT OF PUBLIC RISK INSURANCE

\$20,000,000.00

11. MANAGING AGENT

To be advised.

SCHEDULE TWO

Special Clauses

1. Interpretation

- (a) These are the Special Clauses referred to in clause 61 of the Lease.
- (b) All words and expressions not defined in these Special Clauses but which are defined in clause 1 of the main body of the Lease, where used in these Special Conditions, shall have the same meanings respectively assigned to them for the purposes of these Special Conditions as apply in the main body of the Lease.

2. Development of Premises

2.1 Background information

- (a) At the Commencement Date the Premises is vacant land.
- (b) The Lessee wishes to develop the Premises so it can operate the Lessee's Business from the Premises.
- (c) The development may include the construction of sheds, a caretakers residence, a jetty or jetties, boat ramps, a site office, a hardstand, traffic areas, the fencing and securing of the Premises, and general landscaping of the Premises (the **Improvements**).
- (d) The Lessee has not been granted formal development approval and a building licence to carry out any development.
- (e) The Lessor (in its capacity as Lessor and not in its capacity as the relevant local authority or government agency) must first approve in its absolute discretion the Improvements.

2.2 Lessee's Development Covenants

The Lessee must:

- (a) not construct or erect any works including the Improvements on the Premises which have not been previously approved in writing by the Lessor without:
 - (i) the prior written consent of the Lessor which consent may be granted or refused or granted subject to conditions at the absolute discretion of the Lessor EXCEPT THAT the Lessor shall not arbitrarily or unreasonably withhold its approval;
 - (ii) if applicable, the prior approval of any Relevant Authority;
 - (iii) the prior written approval of the Lessor to both an emergency spill (Contamination Event) management plan and erosion management plan;
- (b) carry out and execute the construction, erection and/or installation of the Improvements:
 - (i) at the Lessee's cost;

- (ii) in a safe and proper workmanlike manner and to the satisfaction of the Lessor, acting reasonably;
- (iii) using only good quality materials;
- (iv) in full compliance with:
 - A. the approvals of all Relevant Authorities and the Plans and Specifications;
 - B. any direction, requirement order or requisition of any Relevant Authority in relation to the Improvements; and
 - C. all Laws including Civil Aviation Safety Standards;
- (v) by a qualified and competent contractor engaged by the Lessee (who has a public liability policy of not less than \$20,000,000.00 and appropriate contract construction risk, workers compensation and other usual insurances, which insurance must note the rights and interest of the Lessor and evidence of which must be provided to the Lessor);
- (c) ensure that the Lessee and all its employees, agents, contractors and workmen employed in executing the construction, erection and/or installation of the Improvements:
 - (i) duly and punctually comply with the reasonable directions of the Lessor in relation to their conduct in and access to the Premises and when going to and from the Land and Premises; and
 - (ii) do not do or permit any act or thing to be done which may be a nuisance or cause damage, disturbance or offence to the Lessor or other Occupiers;
- (d) If required by the Lessor, erect and maintain a fence around the Premises during the erection and completion of the Improvements and ensure that such fence is sufficiently sound, high and secure to prevent entry upon the Premises by unauthorised persons and members of the public;
- (e) clean up the Premises progressively during the construction and installation of the Improvements and promptly remove from the Premises all rubbish and waste arising from such works; and
- (f) pay on demand to the Lessor:
 - (i) all the reasonable costs of the Lessor in connection with the Improvements including the Lessor's administrative and other reasonable costs of giving consent and the fees of any architect or other consultant used by the Lessor in connection with the proposed Improvements EXCEPT THAT such costs do not include any costs or expenses incurred by the Lessor or entitled to be recovered by the Lessor in its capacity as the local government charged with the responsibility of approving such Improvements; and

- (ii) all costs and expenses incurred or arising as a consequence of any disruption caused by the Lessee or the Lessee's contractors on the Premises.
- (g) at all times comply with the requirements set out in its emergency spill (Contamination Event) management plan and erosion management plan.

2.3 Non-Approved Works

If the Lessee carries out any works which have not been previously approved in writing by the Lessor or which are not undertaken in accordance with the provisions of this Lease, the Lessor may require the Lessee (but without limiting any other right or remedy available to the Lessor) at the Lessee's cost, to dismantle and remove any such works and to carry out the same in accordance with the Lessor's approval and in compliance with the provisions of this Lease.

2.4 Access to the Premises

- (a) The Lessee is entitled to take possession of the Premises and to enter upon the Premises from and including the Commencement Date PROVIDED:
 - (i) the Lease has been executed by the Lessee, the Lessor and the Guarantor (if applicable);
 - (ii) any conditions precedent have been satisfied; and
- (b) For the avoidance of doubt, the Lessee is obliged to pay full Rent and the Lessee's Proportion of Variable Outgoings and all other money payable under the Lease from the Commencement Date regardless of whether the Lessee has commenced or completed the Improvements or whether the Lessee can operate the Lessee's Business from the Premises.
- (c) Notwithstanding clause 2.4(a), should the Lessee commence construction, erection and/or installation of the Improvements prior to the satisfaction of any conditions precedent, whether with or without the Lessor's prior consent, the Lessee does so at its own risk and shall have no claim against the Lessor in the event that any conditions precedent are not satisfied.

2.5 Facilities for Lessee's Contractors

The Lessee and the Lessee's contractors must provide and, as necessary, negotiate with the Lessor for all temporary services (including, without limitation, electricity, water and telephone services), toilet facilities, hoisting facilities, lunch rooms and other amenities, and the carting away of rubbish which the Lessee or its contractors may require, and must pay to the Lessor on demand any expenses which the Lessor may thereby incur.

2.6 Lessee Responsible for Damage

The Lessee shall, at the option of the Lessor, either repair and make good any damage which may be caused to the Land or Premises or any part thereof as a

result of the construction, erection and/or installation of the Improvements, to the satisfaction of the Lessor or alternatively, shall reimburse on demand the Lessor for all the costs incurred by the Lessor in having such damage made good by the Lessor's own contractors.

2.7 Lessee's Insurance

- (a) Pursuant to clause 26 of the Lease the Lessor requires and the Lessee shall:
 - (i) in the joint names of the Lessor and the Lessee:
 - A. insure the Improvements to their full reinstatement and replacement value against loss or damage by fire, storm, tempest, lightning, earthquake, water damage (including flood, sprinkler leakage and rain water) explosion and concussion from explosion, impact by animals, vehicles, aircraft, spacecraft or other aerial devices, articles dropped from aircraft, spacecraft or other aerial devices, riots strikes, civil commotion, malicious damage, fusion, accident, act of God and any other insurable risk nominated by the Lessor and shall include cover for the costs associated with the removal of debris, consultants' fees and such other losses and liabilities as the Lessor shall consider appropriate; and
 - B. apply all insurance moneys received in reinstating, rebuilding and repairing any damage incurred or suffered to the Improvements;
 - (ii) in the joint names of the Lessor, the Lessee and all contractors employed or engaged by the Lessee in carrying out the construction, erection and/or installation of the Improvements, take out and maintain insurance throughout the Improvements Works Period which shall at all times cover liability to the public (including the Lessor) for an amount not less than Twenty Million Dollars (\$20,000,000) in respect of any one claim for personal injury or death and in respect of any injury, loss or damage whatsoever arising to any real or personal property belonging to any person (including the Lessor); and
 - (iii) insure against and ensure that all of its contractors engaged in carrying out the construction, erection and/or installation of the Improvements, throughout the Improvements Works Period insure against any liability, loss, claim or proceeding whatsoever arising by virtue of any statute relating to workers' compensation or employer's liability, by any person employed in or about the execution of the construction, erection and/or installation of the Improvements and shall also insure for the Lessee's and its contractors' common law liability to all such persons for such amount as shall be nominated by the Lessor.
- (b) For the avoidance of doubt:
 - (i) the insurance policies referred to in this clause 2.5 are in addition to the insurance policies the Lessee is required to hold

and maintain pursuant to clause 26 and Item 10 of Schedule 1 of the Lease; and

- (ii) the Lessee shall otherwise comply with the obligations in clause 26 of the Lease with respect to the insurance policies referred to in this clause 2.5, including but not limited to, supplying to the Lessor current details of all insurance effected in accordance with this clause 2.5.

2.8 Assumption of Risk by Lessee

The Parties expressly acknowledge and agree that:

- (a) the construction, erection and/or installation of all of the Improvements (whether undertaken by the Lessee or the Lessor or any contractor on behalf of or at the direction of either the Lessee or the Lessor) shall be at the risk of the Lessee in all respects;
- (b) the Lessee bears the risk of:
 - (i) the Improvements;
 - (ii) all Plant and Equipment; and
 - (iii) all unfixed goods and materials used or to be used in carrying out the construction, erection and/or installation of the Improvements, including anything provided by the Lessor to the Lessee or brought onto the Premises by any subcontractor; and
- (c) the Lessee releases and discharges the Lessor from all claims for loss of or damage to the Land or Premises, and any plant, equipment, fixtures, fittings, merchandise, good or property of the Lessee contained in or about the Land or Premises for the purpose of the Improvements and from any loss of profits resulting from such loss or damage.

2.9 Property in Works

Despite any rule of law or equity to the contrary, title to and ownership of the Improvements shall vest in the Lessee unless and until a direction is made by the Lessor pursuant to clause 37 of the Lease.

2.10 Default

- (a) For the avoidance of doubt, a failure by the Lessee to perform or comply with any of its obligations under this clause 2 is an Event of Default and a breach of an essential term of the Lease (“the **Development Default**”).
- (b) Without prejudice to any other rights or remedies available to the Lessor, If the Lessor terminates this Lease pursuant to clause 34 on the grounds of a Development Default occurring:
 - (i) the Lessee shall, unless otherwise directed by the Lessor pursuant to the Lessor’s rights under clause 37 of the lease, within fourteen (14) days from the date upon which the Lessor

terminates the Lease remove from the Premises the Improvements and make good the Premises to the satisfaction of the Lessor;

- (ii) the termination of the Lease shall be without prejudice to the obligations of the Lessee to pay the Lessor any moneys which shall be due and owing as at the date on which the Lessor terminates the Lease; and
 - (iii) the Lessee shall pay to the Lessor on demand all costs and expenses incurred by the Lessor as a consequence of the Lessee's Development Default and in the exercise of the rights of the Lessor under this clause 2.10.
- (c) Should the Lessee not comply with its obligation under clause 2.10(b)(i) above the Lessor shall be at liberty to carry out all of the said obligations at the cost of the Lessee, which cost shall be recoverable on demand.

2.11 Indemnity

Without limiting the generality of clause 27 of the Lease, the Lessee indemnifies the Lessor and the Lessor's employees against all claims, demands, loss, damage, costs and expenses of every description which the Lessor may suffer or incur in connection with or arising directly or indirectly from the Lessee's entry upon and occupation of the Premises for the purpose of the Improvements or the construction, erection and/or installation of the Improvements (whether undertaken by the Lessee or the Lessor or any contractor on behalf of or at the direction of either the Lessee or the Lessor).

2.12 Definitions

For the purpose of this clause 2:

- (a) **"Improvements Works Period"** means the period from which the constructions, erection and/or installation of the Improvements commence until to the date they have been completed;
- (b) **"Laws"** means statutes, rules, regulations, proclamations, ordinances or by-laws present or future and includes applicable Australian Standards and Codes of Practice;
- (c) **"Plans and Specifications"** means all plans, specifications and working drawings in relation to the Improvements as prepared by or on behalf of the Lessee and in the form approved by the Lessor and all Relevant Authorities;
- (d) **"Plant and Equipment"** means those things used, or work undertaken by the Lessee or its contractors to construct the Improvements but which will not form part of the Improvements;
- (e) **"Relevant Authority"** means any government, statutory, public or other authority or body having jurisdiction over the Premises or the Improvements or any matter or thing relating to the Premises or the Improvements;

- (f) **Requirements** means any requirements, notices, orders or directions of any Relevant Authority.

3. **Environmental Matters**

3.1 **Lessee's Environmental Covenants**

The Lessee must:

- (a) comply with all Environmental Laws including, without limitation, obtaining all necessary permits, authorisations and approvals required for the Lessee to carry out the Lessee's Business on the Premises;
- (b) take all practicable precautions to ensure that no Contamination of the Premises or the Environment in the vicinity of the Premises occurs;
- (c) not discharge into the environment any trade effluent, Hazardous Material or Waste, other than that which is authorised by the relevant Government Authority;
- (d) immediately notify the Lessor if:
 - (i) a Contamination Event occurs on the Premises; or
 - (ii) an Environmental Notice is served on the Lessee;
- (e) if a Contamination Event occurs and irrespective of whether an Environmental Notice has been served on the Lessee, promptly take all usual and reasonable actions including those actions set out in the Lessee's approved emergency spill (Contamination Event) management plan at the Lessee's own cost and in accordance with best industry practice for the Remediation of the Premises and any land in the vicinity of the Premises to a condition, as far as practicable, as if the Contamination Event had not occurred;
- (f) at the Lessee's own cost, comply with every Environmental Notice issued in respect of, or arising from, the Lessee's occupation or use of the Premises, whether the notice is served on the Lessor or the Lessee;
- (g) allow the Lessor and its employees and contractors:
 - (i) after receiving reasonable notice from the Lessor, access to the Premises to conduct environmental audits or inspections from time to time; and
 - (ii) immediate access to the Premises to conduct an inspection following a Contamination Event; and
- (h) pay the reasonable costs of any reputable environmental consultant appointed by the Lessor to undertake an inspection from time to time of the Premises to verify the Lessee's compliance with this clause 3.

3.2 **Remediate Contamination**

- (a) Without limiting the Lessee's obligation under clause 3.1(e), the Lessee must ensure that at the expiration of the Term it has

Remediated any Contamination of the Premises or any land in the vicinity of the Premises caused by the Lessee, to the absolute satisfaction of the Lessor.

- (b) Subject to clause 3.2(e), not later than six months before the expiration of the Term, the Lessee must arrange for a reputable environment consultant approved by the Lessor (whose approval must not be unreasonably withheld) to:
 - (i) carry out an investigation of Contamination at the Premises;
 - (ii) prepare a report with respect to any (if any) Contamination at the Premises; and
 - (iii) prepare a Remediation Notice (if applicable).
- (c) Subject to clause 3.2(d), the Lessee must promptly carry out all the works specified in the Remediation Notice to the satisfaction of the Lessor, and at the Lessee's sole cost.
- (d) The Lessee is under no obligation to carry out remedial works in respect of Contamination of the Premises shown to exist at the Commencement Date, except to the extent that the Lessee has disturbed the Contamination in a manner which creates a risk of harm to people or the Environment.
- (e) If this Lease is terminated by the Lessor prior to the expiration of the Term, the Lessor may:
 - (i) arrange for the investigation of Contamination referred to in clause 3.2(a) and for the preparation of a Remediation Notice (if applicable); and
 - (ii) carry out the works specified in the Remediation Notice, at the Lessee's expense, and the Lessee will indemnify the Lessor under clause 3.3(a).
- (f) For the avoidance of doubt, this clause 3.2 is for the benefit of the Lessor and can only be waived by the Lessor.

3.3 Environmental Indemnity

- (a) Without limiting clause 27 of the Lease the Lessee indemnifies the Lessor and the Lessor's employees in respect of all claims, judgments, orders, costs (including legal costs on a full indemnity basis) and expenses for which the Lessor is or may become liable in respect of or arising from the Lessee's breach of any of the Lessee's Environmental Covenants.
- (b) Without limiting clause 3.3(a) above, in the event that the Lessee fails to promptly comply with its obligations under clauses 3.1(e), 3.1(f), 3.2(a), 3.2(b) or 3.2(c) the Lessor shall be at liberty to carry out all of the said obligations at the cost of the Lessee, which cost shall be recoverable from the Lessee on demand.

3.4 Event of Default and Essential Term

For the avoidance of doubt, a failure by the Lessee to perform or comply with any of its obligations under this clause 3 is an Event of Default and a breach of an essential term of the Lease.

3.5 Definitions

In this clause 3:

- (a) “Contamination” means the affectation of land (including any surface water, ground water or other waters and airspace) by any matter or substance, including but not limited to a solid, liquid, gas, odour, heat, sound, vibration or radiation which:
 - (i) makes or may make such land or the surrounding Environment:
 - (A) unsafe or unfit for habitation or occupation by persons or animals;
 - (B) environmentally degraded; or
 - (C) not comply with any Environmental Law; or
 - (ii) otherwise gives rise to a risk or possible risk of harm to human health or the Environment;
- (b) “Contamination Event” means any incident originating on the Premises involving:
 - (i) any Contamination or likely Contamination of the Premises, or the Environment in the vicinity of the Premises; or
 - (ii) the unlawful disposal of Waste in a manner which harms or is likely to harm the Environment;
- (c) “Environment” means all components of the earth, including:
 - (i) land, air and water;
 - (ii) any layer of the atmosphere;
 - (iii) any organic or inorganic matter and any living organism including humans;
 - (iv) human made or modified structures and areas;
 - (v) the aesthetic characteristics of the components of the earth, including appearance, sound, odour, taste and texture; and
 - (vi) ecosystems with any combinations of the above;
- (d) “Environmental Law” means any law, whether statute or common law (including the laws of negligence and nuisance), concerning the Environment and includes laws concerning:
 - (i) the carrying out of uses, works or development or the subdivision of land;

- (ii) emissions of substances into the atmosphere, waters and land;
- (iii) pollution and contamination of the atmosphere, waters and land;
- (iv) production, use, handling, storage, transportation and disposal of:
 - (A) Waste;
 - (B) Hazardous Materials; and
 - (C) dangerous goods
- (v) conservation, heritage and natural resources;
- (vi) threatened and endangered and other flora and fauna species;
- (vii) the erection and use of structures; and
- (viii) the health and safety of people,

whether made or in force before or after the date of this Lease;

- (e) “Environmental Notice” means any direction, order demand or other requirement to take any action or refrain from taking any action in respect of the Premises or its use from any Government Authority in connection with any Environmental Law;
- (f) “Government Authority” means any state, federal or local government department or authority, government Minister, governmental, semi-governmental, administrative or judicial person or any other person (whether autonomous or not) charged with the administration of any applicable law;
- (g) “Hazardous Material” means material which, because it is toxic, corrosive, flammable, explosive or infectious or possesses some other dangerous characteristics, is potentially dangerous to the Environment when stored or handled or when any part of the Environment is exposed to it;
- (h) “Lessee’s Environmental Covenants” means the Lessee’s obligations under clause 3.1, together and each of them separately;
- (i) “Remediation” includes the investigation, cleanup, removal, abatement, disposal, control, containment, encapsulation or other treatment of Contamination and includes the monitoring and risk management of any Contamination, and “Remediated” and “remediate” has a corresponding meaning;
- (j) “Remediation Notice” means a statement of the works necessary to remediate any Contamination at the Premises or the surrounding Environment to an appropriate standard;
- (k) “Waste” means any discarded, rejected, unwanted, surplus or abandoned substance whether or not:

- (i) it is intentionally discarded;
- (ii) it has a value or use; or
- (iii) it is intended for sale, recycling, reprocessing, recovery or purification; and

(l) A reference to “Lessee” also includes an Authorised Person.

4. **Conditions Precedent**

This Lease is subject to and expressly conditional upon:

- (a) the Lessor complying with the procedures set out in section 3.58 of the *Local Government Act 1995* relating to disposal of property (“**Local Government Condition**”).
- (b) Approval by the Minister for Lands.

5. **Compliance with Acts**

The Lessor and the Lessee acknowledge that if in granting its consent to any assignment or sublease the Lessor has to first comply with or satisfy any obligations or requirements under any Written Law, the *Local Government Act 1995* or related Acts, including but not limited to section 3.58 of the *Local Government Act 1995* (“**Assignment/Sublease Condition Precedent**”), then the Lessor’s consent is made expressly conditional upon and subject to satisfaction of the Assignment/ Sublease Condition Precedent.

6. **Design Guidelines**

POLICY:

6.1 **Introduction**

These guidelines are in addition to all other statutory requirements pertaining to building development, design and construction. For any instances where these design guidelines are found to conflict with the statutory requirements of the Lessor or other authorities i.e. the Local Planning Scheme or Building Code of Australia, the statutory requirements are to take precedence. These design guidelines apply to the Premises and Foreshore Area where applicable

6.2 **Development Standards**

Building and Works:

- (a) All new buildings must be designed and constructed to the Lessor’s specifications and be inclusive of:
 - All external building materials to be of a muted colour that blends with the surrounding natural environment (non reflective materials must be used).
 - The following setbacks: 3 metres to the front and side boundaries and 5 metres to the licensed Foreshore Area.
 - Baffled lighting to reduce light spill from the premises.
 - Subsoil drainage around the perimeter of buildings (water sensitive urban design).

- (b) All impervious areas including vehicle crossovers and internal car parking, service, manoeuvring and lay down areas must be constructed and suitably drained to the Lessor's specifications.
- (c) All parking (private and customer) to be contained within the site and capable of accommodating coaches.
- (d) The development of a caretakers dwelling (subject to Lessor approval) shall have a total internal floor area of less than 100m², be generally consistent in materials choice to other buildings on the lot and must not be of a fully temporary transportable form (ie caravan, semi trailer, motor home etc).

Landscaping and Private Storage:

- (a) The front setback (minimum 3 metre wide) must be landscaped to the Lessor's satisfaction and must suitably screen all structures to the street.
- (b) All service, storage and bin areas must not be located within the front boundary setback of 3m and must be suitably screened from the public view (street and waterway).
- (c) All areas used for private or personal storage must be screened from the street and waterways to the Lessor's satisfaction.

Boundary Fencing:

- (a) The licensed Foreshore Area must not be fenced.
- (b) All Boundary fencing must be black chain mesh with no barbed or razor wire.

Environmental Protection:

- (a) All wastewater shall be disposed of in accordance with the Health (Treatment of Sewage and disposal of effluent and liquid waste) Regulations 1974, The WA Department of Health's Draft Country Sewerage Policy 2003, and the Department of Water's Water Quality Protection Note 70: Wastewater treatment and disposal – domestic systems. All systems must be approved by Shire's Environmental Health Officer or the WA Department of Health.
- (b) All dangerous goods (including fuel) stored and handled on site are to comply with the Dangerous Goods Safety Act 2004 and associated regulations and are to be stored and managed to the satisfaction of the Lessor. All lessees to have an emergency spill (Contamination Event) management plan in place including the storage of necessary containment equipment.
- (c) A 15 meter buffer from the Lake is to be maintained and stabilised using local native vegetation and grasses to the satisfaction of the Lessor and relevant Government agencies.

Suggested Design Solutions:

- (a) The use of light coloured materials with a solar absorptency of less than 0.35 is encouraged. This includes colourbond colours including Classic Cream, Surf-mist, Paperbark, Evening Haze, Shale Grey, Sandbank and Dune.

- (b) Where practical mechanical ventilation should be incorporated into the building design.
- (c) For advice on appropriate selection of native plants advice should be sought from the Lessor's Environmental Officer.
- (d) It is the Lessee's responsibility to provide safe and defined access for patrons in and around the premises.
- (e) Lighting for the premises to be based on high efficiency systems (ie T5 Triphospor Fluorescent lighting).
- (f) The use of energy efficient building design including solar hot water, shading of buildings, breezeways, landscaping, and photovoltaic cells.

SCHEDULE THREE

Foreshore Licence

1. Definitions

- (a) In this Schedule:

Authorised Person has the same meaning in this Schedule as it has in the balance of the Lease;

Foreshore Area means the area of land situated between:

- (a) the southern boundary of the Premises and Lake Kununurra being Lot 514 on Deposited Plan 66529 and being the whole of the land contained in Certificate of Title Volume LR3158 Folio 519 and as marked in blue and attached in Annexure A.

Licence means the Foreshore Licence created under this Schedule.

2. Operative Part

- (a) In consideration of the Lessee entering into the Lease and observing the Lessee's Covenants, the Lessor grants the Lessee a non-exclusive right to use and occupy the Foreshore Area for the purpose of conducting the Lessee's Business for the Term commencing on the Commencement Date and on the terms and conditions of this Licence.
- (b) The Lessee must at all times allow general public access to the Foreshore Area and accordingly may not install any fence, gate or barricade within or around the Foreshore Area other than a dividing fence along the boundary between the Premises and the Foreshore Area.
- (c) This Licence continues for so long as the Lessee remains the Lessee under the Lease.
- (d) This Licence does not confer upon the Lessee any estate or proprietary interest in any part of the Foreshore Area.
- (e) The legal possession and control of the Foreshore Area remains vested in the Lessor.

3. Incorporation of Lease Clauses

The following clauses and/or schedules contained in the Lease shall be incorporated into this Licence as if they were set out herein in full except that any reference to Premises shall mean and be a reference to the Foreshore Area.

(a)	Clause 11	Lessee to maintain Improvements
(b)	Clause 12	Lessee to maintain Premises and Improvements
(c)	Clause 13	Maintenance of Lessor's fixtures
(d)	Clause 14	Restriction on Alterations

- (e) Clause 15 Use of the Premises
- (f) Clause 16 Miscellaneous Restrictions on Use
- (g) Clause 17 Inflammable Substances
- (h) Clause 18 Advertisements or Notices
- (i) Clause 23 Easements
- (j) Clause 25 Plant and Equipment Fixtures
- (k) Clause 26 Insurance
- (l) Clause 27 Lessee's Indemnities
- (m) Clause 29 Report to Lessee
- (n) Clause 31 Not to impede Exercise of Lessor's Rights
- (o) Clause 32 Compliance with Statutes
- (p) Clause 37 The Improvements on Termination
- (q) Clause 39 Removal of Lessee's Fixtures
- (r) Clause 44 Consents
- (s) Clause 45 Act by Agents
- (t) Clause 46 Lessee Liable for Authorised Persons
- (u) Clause 47 Notice
- (v) Clause 59 Goods and Services Tax
- (w) Clause 60 Guarantee and Indemnity
- (x) Schedule 2 Special Clauses

4. **Termination**

- (a) This Licence terminates when the Lease terminates unless this Licence terminates earlier under clause 4 (b).
- (b) The Lessor is entitled to immediately terminate this Licence by notice to the Lessee if:
 - (i) the Lessee ceases to be the Lessee under the Lease;
 - (ii) the Lessee vacates the Premises it occupies under the Lease;
or
 - (iii) the Lessee fails to observe the Lessee's Covenants or fails to comply in any other way with this Licence.

5. **No Assignment**

The Lessee must not assign, mortgage or charge the Lessee's rights under this Licence nor sub licence, part with possession or dispose of its rights in any way unless it is in conjunction with the assignment or subletting of the Premises leased by the Lease.

EXECUTED BY THE PARTIES AS A DEED

THE COMMON SEAL of the
SHIRE OF WYNDHAM EAST KIMBERLEY
was hereunto affixed in the presence of:

Shire President
Print Name:
Date:

Chief Executive Officer
Print Name:
Date:

EXECUTED for and on behalf of
????
by authority of its Directors
in accordance with section 127 of the *Corporations Act 2001 (Cth)*

Director
Print Name:
Date:

Director
Print Name:
Date:

Director
Print Name:
Date:

Director
Print Name:
Date:

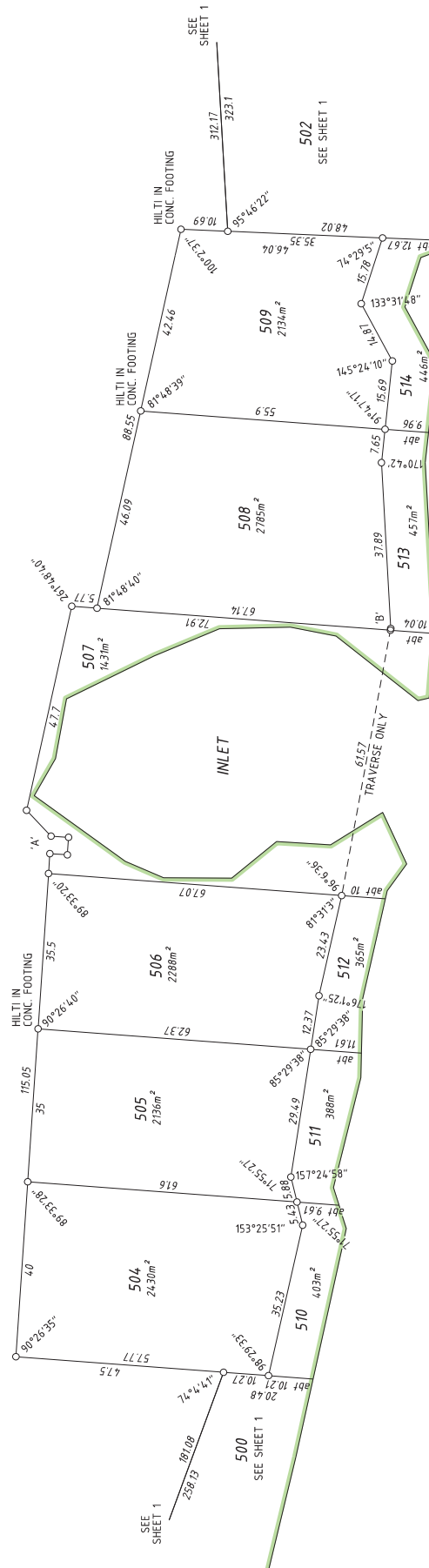
in the presence of:

Witness
Witness Name:
Witness Address:
Witness Occupation:
Date:

Approved by the Minister for Lands:
Date:

FOR HEADING SEE SHEET 1

501
SEE SHEET 1



LAKE KUNUNURRA

ALL MARKS ARE 0.45 LONG
HALL MARKS UNLESS OTHERWISE SHOWN

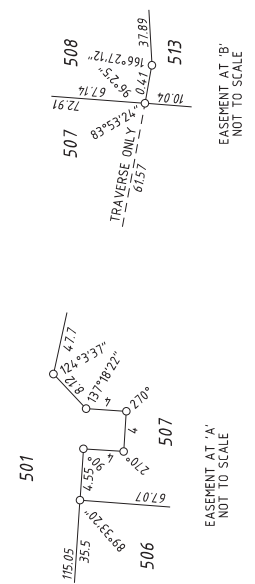


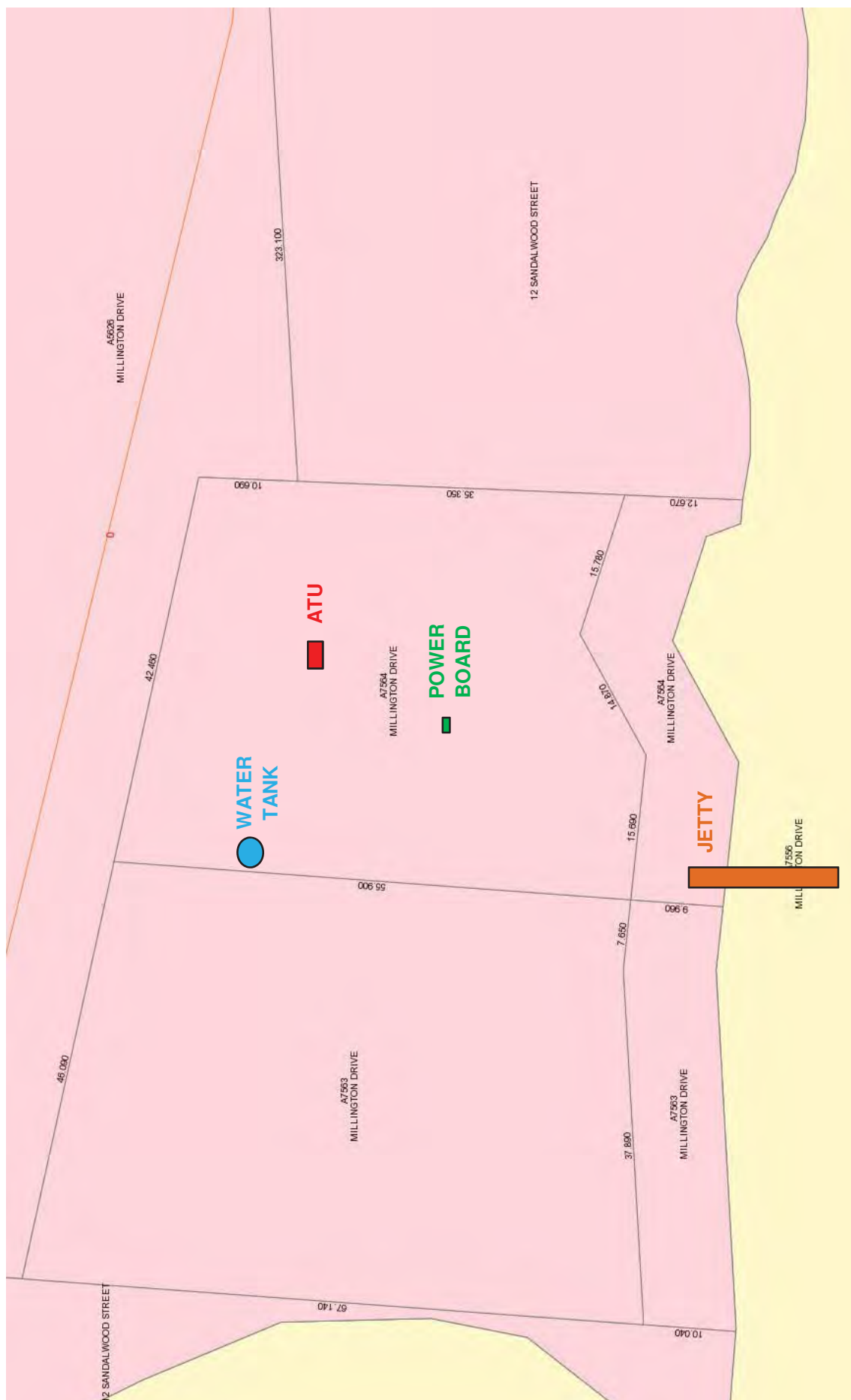
SCALE: 1:150
AT A2 SIZE
ALL DISTANCES ARE IN METRES



Western Australian Land Information Authority

DEPOSITED PLAN	
66529	
APPROVED BY	EXEMPT FROM
WESTERN AUSTRALIAN PLANNING COMMISSION	WAPC APPROVAL
FILE	
DATE	Delegated under s16 P & D ACT 2005
SHEET	2 OF 2
PERSON	2





Attachment 4 – Evaluation of EOI's received for portion of Reserve 50467, Lot 509 of the Commercial Boating Facility, Kununurra

Evaluation Criteria	Ord River Houseboats
Development Proposal	This is an existing business hiring out a luxury houseboat. The development proposal is based around the operation of the business, to moor, refuel, clean, and replenish the houseboat (to be undertaken by an onsite manager), and for the removal of sullage. The applicant is proposing to excavate a shallow inlet (approx 15m wide by 18m deep) and install engineered anchor points to allow for mooring, as well as constructing a storage shed/service point, ablution unit and manager's residence on the site. The company requires a site to continue to operate their business by primarily establishing an approved site for mooring and sullage removal, and allow it to grow.
Development timeframe	Applicant proposes development to be complete within first year, with the following milestones proposed: 2 months – Obtain a bed and banks approval for, and undertake, excavation of the proposed inlet. Installation of moorings and relocation the houseboat to the site. 3 months – Lodgement of development application for proposed buildings. 6 months – Commence construction of buildings (Subject to Building permit also being obtained). The purchase of a second houseboat subject to market availability and demand
Financial Capacity	The business is a relatively new business, which has been steadily growing over the past two years. Significant capital investment will be required to develop the site which the applicant has indicated in their 'Year 4 financial projections', which they are willing to provide private investment for. It is noted that the financial projections have not taken into account for an annual lease rental amount.
Value to the region	Unique water based tourism and holiday experience already providing value to tourism in the region.

**13.9 (PREVIOUSLY ITEM 17.3) CONFIDENTIAL – TENDER T(DP) 02 13/14 –
DISPOSAL OF AIRPORT LAND, PART OF LOT 311/312**

DATE:	27 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Western End of Laine Jones Drive, East Kimberley Regional Airport
AUTHOR:	Peter Friel, Manager East Kimberley Regional Airport
REPORTING OFFICER:	Gary Gaffney, Chief Executive Officer
FILE NO:	CM.16.80
ASSESSMENT NO:	Disposal of land – Lease of part of lot 311/312, situated at the East Kimberley Regional Airport

The business of the meeting is of a confidential nature as it relates to the business affairs of a person. The item will be discussed Behind Closed Doors under Section 5.23 (2) (c) and (e) (ii) as this is a matter that affects:

- c) A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.
- e) A matter that if disclosed, would reveal –
 - (ii) information that has a commercial value to a person.

PURPOSE

To provide Council with details of the Request for Tender T(DP)02 13/14 evaluation. Lease of part of lot 311/312, a 1200m2 parcel of land situated at the western end of Laine Jones Drive, East Kimberley Regional Airport (EKRA).

Provide the results of the Tender assessment and make recommendations regarding the award of a lease relative to the subject parcel of land.

BACKGROUND

The purpose of the Request for Tender was to determine interest from suitable Vehicle hire companies, whom wish to house their vehicle fleet in a secure storage area at the EKRA.

A 1200m2 enclosed parcel of land, situated at the western end of Laine Jones drive (see Attachment 1), was viewed as the most suitable area, as it will require minimum capital improvement by the Council to establish, and is situated within an area deemed as Aviation related commercial business under the Airport 25 year master plan.

It is also situated adjacent to another Vehicle hire company, namely 'Thrifty', whom currently store their fleet of vehicles on their freehold block.

Submissions for the Tender closed on the 15 May 2014, and 1 submission was received. An evaluation of the Tender submission was conducted by the evaluation panel on, Friday the 16 May 2014.

The Tender evaluation panel was made up of Peter Friel (Manager EKRA), Brian Sargeant (EKRA Operations Manager), Todd McKenna (EKRA Operations officer).

Council is under no obligation to accept the tender submission.

STATUTORY IMPLICATIONS

In accordance with Local Government Act 1995 Section 3.58, 'Disposing of property'.

POLICY IMPLICATIONS

East Kimberley Regional Airport Master plan.

In accordance with the Shire Wyndham East Kimberley's Purchasing Policy CP/FIN-3204, in particular the Regulatory Compliance section, 'Guiding statement' on Tenders.

FINANCIAL IMPLICATIONS

Small Capital improvement expenditure to the Lease area of less than \$2,000.

New revenue creation of \$19,746(ex GST) per annum for the EKRA.

STRATEGIC IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

COMMENT

The tender sought to allow suitable vehicle hire companies an opportunity to secure a fenced area for the storage of their subject vehicle fleet at the East Kimberley regional Airport.

The leasable area of 1200m² is situated on the western end of Laine Jones drive, approximately 150 metres from the Airport terminal.

WTH Pty Ltd trading as Avis was the only company whom registered interest, and was subsequently the only respondent whom provided a submission for the request for tender.

The price offered by WTH Pty Ltd for the lease area detailed in section 3.4.1 of the RFT was \$19,746 (ex GST) per annum.

A valuation of the lease area was undertaken by 'Opteon' property Valuers in January 2014. The valuation report valued the subject land area at between \$6 and \$10 per square metre. Based on the square meterage the valuer believes the subject parcel of land should realise between \$7,200 and \$12,000 per year.

The respondents' offer of \$19,746 is 65% above the best valuation price and provides a healthy return to Council for the vacant land.

The subject lease area will require only a limited amount of Capital improvement, namely adding of gravel to improve on the existing hard stand area and herbicide spraying. Estimated Materials and labour cost is less than \$2,000

ATTACHMENTS

Attachment 1 - Photos of Lease Area

Attachment 2 - Opteon Rental Valuation Report (*Confidential attachment provided under separate cover*)

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council accepts the offer made by WTH Pty Ltd of \$19,746 (ex GST) per annum for the lease area stipulated in the tender T(DP) 02 13/14, and that subsequently a lease agreement be entered in to between Shire of Wyndham East Kimberley and WTH Pty Ltd for the provision of a 5 year fixed term lease.

COUNCIL DECISION

Minute No. 10437

Moved: Cr G Taylor

Seconded: Cr B Robinson

That Council accepts the offer made by WTH Pty Ltd of \$19,746 (ex GST) per annum for the lease area stipulated in the tender T(DP) 02 13/14, and that subsequently a lease agreement be entered in to between Shire of Wyndham East Kimberley and WTH Pty Ltd for the provision of a 5 year fixed term lease.

Carried 6/3

For: Cr R Dessert, Cr D Learbuch, Cr J Moulden, Cr S Cooke, Cr B Robinson,
Cr G Taylor

Against: Cr D Spackman, Cr K Wright, Cr G King

Attachment 1 – Photos of Lease Area



Lease area entrance



14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

Nil

COUNCIL DECISION

Minute No. 10438

Moved: Cr B Robinson

Seconded: Cr D Learbuch

That Council moves behind closed door to consider confidential items.

Carried Unanimously 9/0

17. MATTERS BEHIND CLOSED DOORS**17.1 CONFIDENTIAL – CONSTRUCTION OF CROSSOVER**

DATE:	27 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Lot 2320 Cocus Way, Kununurra
AUTHOR:	Peter Kerp, Manager Engineering Services
REPORTING OFFICER:	Kevin Hannagan, Director Infrastructure
FILE NO:	01.5495.02

The business of the meeting is of a confidential nature as it relates to the business affairs of a person. The item will be discussed Behind Closed Doors under Section 5.23 (2) (c) and (e) (ii) as this is a matter that affects:

- c) A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.
- e) A matter that if disclosed, would reveal –
 - (ii) information that has a commercial value to a person.

PURPOSE

For Council to consider a request from property owner Lot 2320 Cocus Way, Kununurra to proceed with construction of an in situ concrete driveway to Lot 2320 Cocus Way along the unmade section of Salacca Loop.

VOTING REQUIREMENT

Simple Majority.

COUNCIL DECISION

Minute No. 10439

Moved: Cr B Robinson

Seconded: Cr D Learbuch

That Council advises the property owner of Lot 2320 Cocus Way, Kununurra the following:

- 1) the Shire letters of 18 June 2009 and 27 October 2009 respectively, were not a formal decision of Council and Council is not obliged to accept the undertaking of a 50% shared cost for the construction of a concrete driveway from rear of Lot 2320 to Cocus Way;**
- 2) as a compromise, Council is prepared to construct an industrial concrete crossover at Council's expense from the property boundary Lot 2320 to the edge of the dirt track in the unmade portion of Salacca Loop; and**
- 3) the dirt formed track in the unmade section of Salacca Loop will remain in its current unformed condition with no Council maintenance as the dirt track is not a 'formal' road.**

Carried Unanimously 9/0

**17.2 (PREVIOUSLY ITEM 17.4) CONFIDENTIAL – AWARD OF TENDER –
KUNUNURRA CIVIC CENTRE AND EAST LILY CREEK BUSINESS CASE
AND STRUCTURE PLANS**

DATE:	27 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Kununurra Civic Centre and East Lily Creek
AUTHOR:	Katya Tripp, Strategic Planner
REPORTING OFFICER:	Gary Gaffney, Chief Executive Officer
FILE NO:	LP.02.49

The business of the meeting is of a confidential nature as it relates to the business affairs of a person. The item will be discussed Behind Closed Doors under Section 5.23 (2) (c) and (e) (ii) as this is a matter that affects:

- c) A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.
- e) A matter that if disclosed, would reveal –
 - (ii) information that has a commercial value to a person.

PURPOSE

To provide Council with details of the Confidential Tenders received for the Kununurra Civic Centre and East Lily Creek Business Case and Structure Plans tender and provide recommendations regarding the award of the Tender.

VOTING REQUIREMENT

Simple Majority

COUNCIL DECISION

Minute No. 10440

**Moved: Cr D Learbuch
Seconded: Cr S Cooke**

That Council endorse GHD as the preferred tender.

Carried Unanimously 9/0

17.3 (PREVIOUSLY ITEM 17.5) CONFIDENTIAL - CHIEF EXECUTIVE OFFICER'S EMPLOYMENT CONTRACT RENEWAL

DATE:	27 May 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Independent Consultant
REPORTING OFFICER:	John Moulden
FILE NO:	N/A

The business of the meeting is of a confidential nature as it relates to the business affairs of a person. The item will be discussed Behind Closed Doors under Section 5.23 (2) (c) and (e) (ii) as this is a matter that affects:

- c) A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.
- e) A matter that if disclosed, would reveal –
 - (ii) information that has a commercial value to a person.

PURPOSE

The employment contract for the incumbent Chief Executive Officer (CEO) of the Shire of Wyndham East Kimberley (SWEK) expires on the 7th November 2014. This report outlines the CEO Performance Review process, performance results for the past six months and the proposed employment contract details for a new Employment Contract for two years commencing November 2014.

VOTING REQUIREMENT

Simple Majority

MOTION

Cr D Spackman moves to suspend Standing Orders.

COUNCIL DECISION

Minute No. 10441

Moved: Cr D Spackman

Seconded: Cr K Wright

Motion to suspend Standing Orders.

Lost 3/6

For: Cr D Spackman, Cr K Wright, Cr G King

Against: Cr J Moulden, Cr R Dessert, Cr D Learbuch, Cr B Robinson, Cr S Cooke, Cr G Taylor

COUNCIL DECISION

Minute No. 10442

Moved: Cr G Taylor

Seconded: Cr D Learbuch

That Council:

- 1) accepts the CEO Performance Review Report May 2014;**
- 2) requests that a copy of the report be placed on the personnel file of the CEO;**
- 3) determines a relevant course of action in relation to ongoing performance reviews for the CEO;**
- 4) proceeds with an offer to extend the existing CEO Employment Contract for two years expiring on 6 November 2016 with the following amendment:**
 - annual increase of 4.0% to the cash component of the remuneration package;**
- 5) requests that new KPIs and a personal development plan be reviewed by the CEO Review Panel and be presented to the December 2014 Ordinary Council Meeting for endorsement; and**
- 6) establishes a Total Remuneration Package for the CEO effective from the date when the current Employment Contract expires on 7 November 2014.**

Carried 6/3

**For: Cr J Moulden, Cr R Dessert, Cr D Learbuch, Cr B Robinson, Cr S Cooke,
Cr G Taylor**

Against: Cr G King, Cr D Spackman, Cr K Wright

17.4 (*PREVIOUSLY ITEM 10.1*) MOTION FROM CR G KING (CONFIDENTIAL ATTACHMENTS PROVIDED UNDER SEPARATE COVER)

As per section 5.23(2)(a) of the Local Government Act 1995 the meeting may be closed as the matter affects an employee.

No decision made on this Motion as it would be contrary to the previous decision made in Item 17.3.

COUNCIL DECISION

Minute No. 10443

Moved: Cr K Wright

Seconded: Cr B Robinson

That Council moves out from behind closed doors.

Carried Unanimously 9/0

18. CLOSURE

The Shire President declares the meeting closed at 6.18pm.